



**CYNGOR**  
**Sir Ddinbych**  
**Denbighshire**  
**COUNTY COUNCIL**

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Heading:  
 01/2013/0783  
 16 Y Maes  
 Denbigh

 Application Site



Date 29/8/2013 Scale 1/2500  
 Centre = 306177 E 366523 N

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



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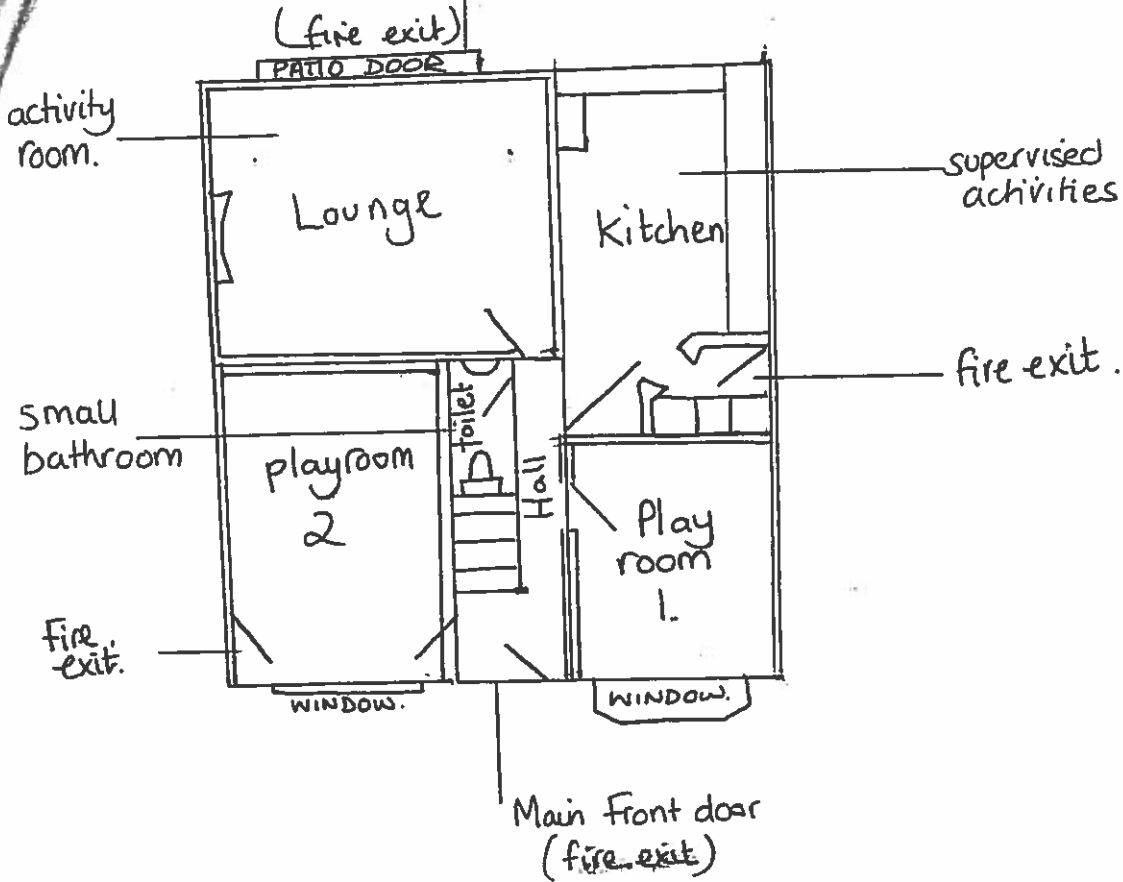


# FLOOR PLAN

01 / 2013 / 0783 / P F

Scale.

# 16 Y Maes. Garden access



Lounge - 4.68 x 3.89M

Kitchen - 3.86m x 2.67M

Playroom one - 3.32M x 2.67M

Playroom two - 4.65 x 2.71M.

# 16 Y Maes - No changes proposed.





**ITEM NO:** 1

**WARD NO:** Denbigh Lower

**APPLICATION NO:** Councillors Ray Bartley and Richard Davies  
01/2013/0783/ PF

**PROPOSAL:** Use of dwelling for childminding of 10 children maximum (including childminders' 2 children under the age of 8 years)

**LOCATION:** 16 Y Maes Denbigh

**APPLICANT:** Mrs Elizabeth Green

**CONSTRAINTS:**

**PUBLICITY UNDERTAKEN:** Site Notice - No  
Press Notice - No  
Neighbour letters - Yes

**REASON(S) APPLICATION REPORTED TO COMMITTEE:**  
Scheme of Delegation Part 2

- Referral by Head of Planning / Development Control Manager

**CONSULTATION RESPONSES:**  
DENBIGH TOWN COUNCIL

- Comments on original submission (12 children):  
".....the Council would wish to object to the application. The objection is based on the following concerns:-
  - (1) The increased noise and traffic impact on neighbouring properties.
  - (2) The capacity within the building
  - (3) Taking into account the ages of the children the sleeping facilities that may be required.
  - (4) The toilet facilities required".
- "The Council would wish to object to the application.

I would refer you to the response in respect of the original application (e-mail dated 25<sup>th</sup> June) when the town council objected on four grounds. The town council accepts that the original objections 2, 3 & 4 have been addressed and the concerns of the council allayed. However the council would still wish to object on the basis of the increased noise and traffic impact on neighbouring properties".

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**

Head of Transport and Infrastructure (in relation to original submission and revised proposals)

No objection to the proposals.

Given that Y Maes and surrounding streets have available on street parking facilities and the likelihood that drop off and pick up times will be staggered, does not consider the proposals will cause any significant parking/traffic problems.

Pollution Control Officer

Unable to support as it is likely that there will be an unreasonable intensification of use of the back garden by the children and so a noise issue is very likely to occur. Do not see how this could be effectively mitigated against: even considering the proposals to

curtail the hours of use for individual groups of children, this would not address the cumulative situation as all the separate groups will create a level of noise. The sustained level throughout the proposed operational day would in the Officer opinion, be a nuisance.

#### CARE AND SOCIAL SERVICES INSPECTORATE WALES (CSSIW)

Have visited the property to check room sizes and usage, and to talk to the 2 applicants about intended practices. CSSIW indicate that the rooms as they are would allow for a total of 10 children (registration being for 8 as the minders have one child each under the age of 8 years) to be cared for with two childminders. Working alone, they would be allowed 6 each, with a registration of 5, as they have one child each under 8 years.

#### RESPONSE TO PUBLICITY:

Representations in objection:

Mr. & Mrs. C. Roberts, 14 Y Maes, Denbigh (also on behalf of A. Hughes, occupant of 1, Lon Ceiriog).

Mr. & Mrs. H. Smith, 18, Y Maes, Denbigh

G. Kehoe, 12, Y Maes, Denbigh

Summary of planning based representations in objection:

##### Highway issues

Use would be reliant on on-street parking/increased movement of traffic at busy times of day/would restrict free movement of vehicles on road/safety concerns for pedestrians, children and other road users/only space for applicant's own vehicles within the site/not clear as to staff parking facilities/already on street parking problems in the area, with road junctions nearby.

##### Residential amenity

Unacceptable impact on neighbours from noise and disturbance/intensification of use of a family home in a residential area/early morning opening/layout of garden does not lend itself to use by the number of children proposed/potential noise from use of garden unacceptable/detrimental impact on character of locality/can be no assurance that disruption will be kept to a minimum, as the applicant can not realistically control visiting adults or expect children to play quietly outside/reference to operating hours becoming more flexible would only increase extent of impact.

##### Other matters

Need for numbers should be justified/use has already started/questions over staffing levels, child to adult ratios, space standards for the use, conformity with CSSIW and relevant regulations/adequacy of external play space/questionable need for another facility in the area/ use is akin to a day nursery/covenants suggest dwellings can not be used for business purposes/questions over experience of applicant and assistant/no consultation with neighbours by applicants/how can management proposals be enforced.

**EXPIRY DATE OF APPLICATION: 15/08/2013**

**REASONS FOR DELAY IN DECISION (where applicable):**

- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee

## **PLANNING ASSESSMENT:**

### **1. THE PROPOSAL:**

#### **1.1 Summary of proposals**

- 1.1.1 The application seeks permission to allow use of a dwellinghouse and rear garden for a childminding facility for 10 children. The application has been amended since submission in June 2013 when it proposed a facility for 12 children.
- 1.1.2 The property is a 4 bedroom detached dwelling with a vehicle hardstanding at the front off the road serving Y Maes, and a private rear garden measuring some 15m x 10m.
- 1.1.3 As noted above, the application has been revised since it was originally submitted. The relevant documents advise as follows:-
- No. 16 Y Maes is a detached property in a large residential estate which accommodates many families, and is within walking distance of 4 local junior schools.
  - CSSIW have confirmed the proposals do not come under the criteria of a nursery hence it is a childminding proposal.
  - The maximum number of children would be 10 including 2 children of the partners running the business, under 8 years of age. The intended breakdown would be 6 children under 5 years (no more than 4 under the age of 18 months; and 4 children over 5 years).
  - The facility would be open initially Monday to Friday between 8.15am and 5.15pm, but would be flexible dependent on clients' requirements. It would be closed on bank holidays, Christmas week, and twice a year for annual leave.
  - There is a double drive used for the applicants' own vehicles, and space for three cars on the road in front of the property.
  - Pick up and drop off times would be short, and staggered through the day, the busiest time being between 8.15 – 9.15am and 4.00 -5.15pm. Parents would be given a document offering advice on drop off and pick up procedures to limit disturbance and interference with other road users and neighbours.
  - The use would relate to the whole ground floor area of the house and the rear garden. The original garage has been converted to a playroom.
  - The garden is close to 3 other gardens. The height of the fences enables the neighbouring gardens to remain private. The garden has an area of decking, paving, a vegetable plot, 2 sheds and trees; and play equipment for children. Access to the rear garden is solely from the house.
  - The proposal is to manage use of the garden as an outside play area, ensuring no use earlier than 10am, operating through a timetable so it is not in continuous use and is supervised with a maximum of 6 children outside at any one time. Local play areas and amenities would be accessed during school holidays.
  - It would be intended to work with neighbours to gain feedback to find solutions to any issues which may arise.

1.1.4 The plans at the front of the report show the basic features referred to.

**1.2 Description of site and surroundings**

- 1.2.1 No. 16 Y Maes is a detached private dwelling located within a housing development to the north of Ysgol y Parc in Denbigh.
- 1.2.2 Vehicular access to the site is obtained via the road networks serving both the Ffordd Colomendy development to the north, and the Mytton Park/Trewen development to the south east.
- 1.2.3 The dwelling lies on the north side of Y Maes close to the junction with the culs-de-sac of Tan y Bryniau and Lon Ceiriog.
- 1.2.4 The dwelling has a hard surfaced parking area fronting onto Y Maes, and a fenced rear garden area forming boundaries with 14 and 16 Y Maes and 2 Tan y Bryniau.

**1.3 Relevant planning constraints/considerations**

- 1.3.1 The site is within the development boundary of Denbigh as defined on the proposals map in the Local Development Plan. There are no specific use designations for this area in the plan.

**1.4 Relevant planning history**

- 1.4.1 None.

**1.5 Developments/changes since the original submission**

- 1.5.1 The application was originally submitted in June 2013 and sought permission for use by 12 children. Following exchanges with the CSSIW, the applicant revised the application in August 2013 and submitted additional information in support of the proposal for use by 10 children (2 of which are children of the applicant and her business partner who would run the facility).

**1.6 Other relevant background information**

- 1.6.1 The forms note that the applicant is employed by Denbighshire County Council at the time of submitting the application.
- 1.6.2 Supplementary Planning Guidance Note 3 provides useful background to the subject of childcare and basic considerations to be taken into account when dealing with applications. It refers to the two main types of childcare provided, i.e. day nurseries (offering care to children of all ages, for more than 4 hours a day), and childminding (offering a minding service for under 8's, normally in a private house).
- 1.6.3 A childminding use requires separate Registration with the Care and Social Services Inspectorate Wales (CSSIW) which oversees legislation outside planning control. This is essentially a separate Welsh Government regulation over childcare, applying national minimum standards to registered child minders and the facilities to be provided within premises. Scrutiny of the suitability of individuals as child minders and application of space standards internally or externally are not therefore matters which need to be addressed in relation to the land use planning merits of the application.
- 1.6.4 The CSSIW have advised that on the basis of the information with the application, they would deal with the Registration as one for a childminding use.



## 2. DETAILS OF PLANNING HISTORY:

2.1 None.

## 3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

### 3.1 Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)

- Policy RD1 - Sustainable development and good standard design
- Policy BSC 12 - Community facilities
- Policy ASA 3 - Parking standards

### 3.2 Supplementary Planning Guidance

(all SPG's drafted in conjunction with the former Unitary Development Plan have been carried over for use as general guidance until they are formally reviewed)

- SPG 3 - Children's day care
- SPG 21 - Parking requirements in new developments

### 3.3 GOVERNMENT POLICY / GUIDANCE

Planning Policy Wales Edition 5 November 2012

## 4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 5, 2012 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned, and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

### 4.1 The main land use planning issues are considered to be:

- 4.1.1 Principle
- 4.1.2 Impact on residential amenity
- 4.1.3 Highways, access and parking

### 4.2 In relation to the main planning considerations:

#### 4.2.1 Principle

Policy BSC12 of the Local Development Plan relates to the provision of community facilities and offers support for the principle of such development provided it is located within development boundaries.

Policy RD1 is the LDP's 'catch all' development control considerations policy and indicates that development proposals will be supported provided they are acceptable in terms of other plan policies and meet a range of site specific tests including respecting the site and surroundings, landscape and historic environment, the amenities of residents, assessment of impact on access and highways, flooding and drainage, community safety and waste disposal.

The Local Development Plan policies reflect the general framework set in Planning Policy Wales for assessment of applications against material planning considerations.

SPG3 refers to children's day care facilities normally being located to serve the local population, being accessible by a choice of means of transport, and within development boundaries. It indicates that proposals should not be situated in such a location as to cause disturbance to surrounding uses, particularly within residential areas, and should not pose any danger to highway safety. The SPG notes that the use of a property for no more than 6 children – including the owner's own children, under the age of 8 – would not normally require an application for change of use.

In terms of principle, a childminding use would therefore appear an acceptable development within one of the County's towns. The localised impacts are the key considerations and are reviewed in the following sections.

#### 4.2.2 Impact on residential amenity

Test vi of Policy RD1 of the LDP requires consideration of the impact of development on the amenity of local residents, including by way of increased activity, disturbance and noise.

There are objections raised on the potential for adverse impacts on residential amenity from the childminding use including from the Town Council. The concerns are over the generation of additional noise and disturbance from a more intense use of a private dwelling within a housing development, and in particular, use of the private rear garden as a play area for the number of children involved.

The proposals are for a childminding facility for up to 10 children. This would be a material increase in the number of children above the 6 indicated in SPG 3 as a 'rule of thumb' limit where a use of a private dwelling may be acceptable without the need for planning permission. This suggests a potential for an intensification of use which needs careful scrutiny given the immediate proximity of private dwellings on all sides of No. 16 Y Maes, and the substance of objections expressed originally by the Town Council, Pollution Control Officer and private individuals. The Public Protection Officer considers there will be an unreasonable intensification of use of the rear garden and that a noise issue is very likely to occur.

Having regard to this background, the comments of the Pollution Control Officer, and the location of the property within an established residential estate, Officers would respectfully consider there may be a legitimate basis for concern. The scale of use proposed seems likely to generate a potential level of activity, noise and disturbance in excess of that associated with the normal domestic/residential use of a single dwelling, even taking account of the restrictions and management proposals mentioned by the applicants. This activity would consist of parents dropping off and picking up children at the front of the property, and the use of the rear garden as a play area for the children. In Officers' opinion, the latter seems of particular concern as the potential noise and disturbance from the children playing outdoors in a confined space immediately adjacent to the private rear gardens of adjoining dwellings throughout the day could have a significant adverse impact on the level of enjoyment of those rear gardens by residents. Whilst use on the scale proposed may occur in a housing estate situation on an occasional basis with parties, etc., the potential for such use on a daily basis appears likely to go well beyond a reasonable limit for such disturbance.

#### 4.2.3 Highways, access and parking

Tests vii and viii of Policy RD1 of the LDP require proposals to provide safe and convenient access, including adequate parking and manoeuvring space and that development does not have an unacceptable effect on the local

highway network. Policy ASA3 requires provision of appropriate parking spaces with development proposals, having regard to the nature of the locality, access to public transport or alternative means of transport, and availability of parking in the area.

There are objections to the proposals on traffic impact grounds from private individuals. The Town Council have confirmed their concerns remain relevant to the revised proposal for 10 children. The concerns are over the generation of additional traffic, on street parking and associated dangers in a relatively quiet residential housing area. The applicants have noted there are two off road parking spaces in front of the dwelling, and indicate there is on street space for car based patrons. The Highway Officer has no objections having regard to the availability of on street parking spaces and the likely staggering of drop off and pick up times.

The planning issue to address in relation to the application is whether the additional traffic likely to be generated by car based patrons would lead to unacceptable movement of vehicles and demand for on street parking in the area around the site. As the Highways Officer takes the view that the proposals would not cause any significant parking/traffic problems, Officers would not consider these are reasonable grounds to oppose the application.

#### 4.3 Other matters

There are a number of comments received on the application which question the need for the childminding use, space standards and the acceptability of staff : children ratios.

With respect to these matters, there is no planning policy requirement to establish the need for additional childminding places. Play Space standards, the adequacy of internal facilities, and staffing ratios are matters for consideration as part of the quite separate Registration process with CSSIW and should not influence the assessment of the basic land use planning merits of the application as outlined in Sections 4.2.1 – 4.2.3 of the report. The existence of restrictions on the use of dwellings in covenants is not a matter for consideration by the Local Planning Authority.

#### 5. SUMMARY AND CONCLUSIONS:

5.1 The proposal to use the dwelling for a childminding business raises issues over impacts on residential amenity from the intensification of use, and highways/access and parking.

5.2 In Officers' opinion there are legitimate concerns over the potential for additional noise and disturbance from the activity associated with the use, in part from the pick up and delivery of children, but mainly from the intensity of the use of the rear garden as a play area, immediately adjacent to the private gardens of adjoining houses. The use seems likely to have an adverse impact on the neighbours' enjoyment of their properties.

#### **RECOMMENDATION: - REFUSE** for the following reason:-

1. In the opinion of the Local Planning Authority, the childminding use is likely to give rise to an intensification of activity at the property, in particular through use of the rear garden as a play area, leading to unacceptable levels of noise and disturbance to occupiers of nearby dwellings, contrary to test vi of Policy RD1 of the Denbighshire Local Development Plan which seeks to ensure new development does not unacceptably affect the amenity of local residents.

**NOTES TO APPLICANT:**

None