PLANNING SUPPORTING STATEMENT

location	42 Birmingham Lane, Meltham, Holmfirth, HD9 5LH
application	Retrospective Planning Application for Child Minders (mixed use dwelling and Child Minders)
client/applicant	Mrs M Taylor (T/A Sticks & Stones)
job number	24/1106
date	December 2024

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Introduction

This application is a retrospective planning application for the use of the dwelling as a childminding business.

It is important to note the child minding business only operates during the hours of 07:30am – 5:30pm Monday to Friday. Outside these hours, and also within these hours, the property's main function is as a private family dwelling.

The applicant purchased the property back in 2015. It has since become apparent that the previous owner also had issues with the immediately adjoining neighbour, these disputes were not declared by the vendor during the property transaction, legal advice is being sought in relation to this.

The partial use of the property for child minding commenced in 2022 and has been in continuous use since then.

The property is located on a street of other similar semi-detached properties. The village school, Meltham Moor Primary School, is located directly opposite the subject property.

This application follows a series of complaints from only one property/individual. Not only has this been raised to Kirklees Planning but also Kirklees Environmental Health (Pollution and Noise control team – Mr S North). We understand at least one acoustic survey have been carried out and have been found to demonstrate that a statutory nuisance is not being caused by the partial use of the subject property.

Existing Site & Context

The existing site, No. 42 Brimingham Lane, Meltham, is a 3-bed semi-detached property. The primary use of the property is as a private family dwelling alongside the use of specific internal areas to provide childcare during the hours of 7:30am – 5:30pm Monday to Friday.

The childcare business, Sticks & Stones was established in 2022 by the current owners of the property following their purchase of the property in 2015.

The business was previously registered with Rutland Agency and registered with OFSTED. It is now registered with the Local Authority (KMC) to which the business has undergone the required audits.

Sticks & Stones currently provides 4 No. full-time employment roles within the business and provides a childcare service to 27 families in an area where childcare is severely lacking, especially in the area of Meltham.

The number of children under care at the property can vary depending on the requirement of the service users, however ratios must be adhered to (staff to children) and as such the business caters for an average of 8 children per day. An example week of the current arrangements is as follows:

Monday – 8 Children

Tuesday – 7 Children

Wednesday – 9 Children

Thursday – 8 Children

Friday – 8 Children

At the time of PMA property survey/meeting there were 7 children present with 3 members of staff.

Two of the members of staff (Mother and Daughter) reside at the subject property. The two other members of staff (another daughter and a niece) also live locally, one within a short walk of the subject property. The niece stays at her boyfriends for half the week in Meltham and on these occasions also walks to the property.

The property is extremely well located for such a business, being directly adjacent to a local primary school. The no parking zones at the entrance to the school on the opposite side of the road ensure that no congestion is created during drop-off of the children at the property, indeed many parents are so local they walk their children to the subject property. The school has also been very supportive of the business as it provides them with close points of contact for childcare.

The front of the property provides safe parking for 3 vehicles which is currently used by the applicant and sometimes one member of staff during the day. This ensures a parking space is free for a drop and go arrangement and also allows the curb side of the road to remain clear for drop off and pick up.

All drops-offs and pick-ups are by prior appointment and managed/staggered to ensure no overlaps are created which could cause excess traffic or movements. All of these details are logged by the business and can be provided by the applicant if required.

All appointments are taken within the hours of 7:30am – 5:30pm with no exceptions.

The majority of the clients walk to the property, details of which can be provided, and with timed appointments for the customers, this ensures that there is no detriment to highway safety.

Enhancement Measures Taken

The applicants have suffered numerous complaints from the immediate neighbour even prior to the setting up of the current business. This has led to the omission of the previous disputes (between the previous property owner and immediate neighbour) being investigated further (NB Legally this should have been declared through the property transaction stage by the vendor).

Complaints, prior to the Sticks & Stone business being set up included, but not limited to, parking, noise, the PD extension to the rear, general refurbishment of the property and the garage to the rear of the property (complained to OFSTEAD reporting it as a dangerous structure). Naturally this was investigated by OFSTEAD and found to be perfectly safe and pose no danger to the children.

Prior to continued noise complaints by the neighbour, relating to the partial use of the property, many options have been explored, with some implements, by the applicant to try and ensure that no nuisance or substantial impact is placed upon the immediate locality of the business.

The ground floor party wall and floors directly adjacent to the complainant have been acoustically insulated entirely at the applicants' free will, in a bid to ensure the neighbours continued comfort.

Sliding doors have been incorporated to the doorway between the dining room to living room along with the dining room to the sun room to prevent doors being banged/slammed.

The substance of the continued complaints surrounding noise pollution specifically has been shown to be non-existent through third party (KMC) testing providing factual evidence to the contrary. The approximate level off party wall acoustic insulation can be seen within the floor plans of this application.



Figure 1: Living Room Party Wall Insulated

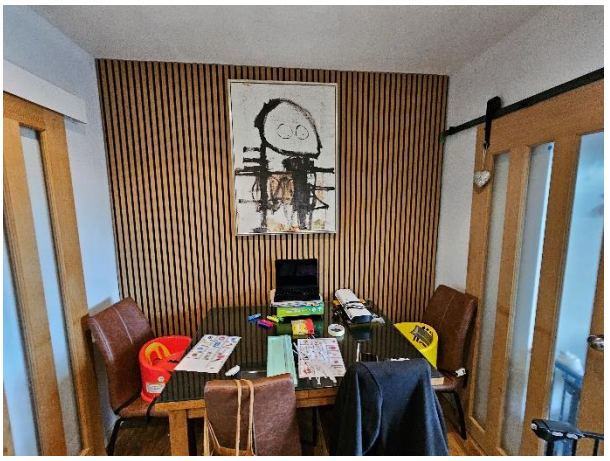


Figure 2: Dining Room Acoustic Insulation with specific acoustic boarding

At some point in December 2024, unknown to the applicants for obvious reasons, following the aforementioned noise complaints, a noise investigation was carried out by S. North, of KMC Pollution and Noise Control. The conclusion of this investigation was that the noises levels created by the actions of childcare within the dwelling were found to '*not constitute a statutory nuisance*'. With this in light, it is factually evident that no disproportionate noise levels are present during working hours. The findings of the investigation can naturally be corroborated by the LPA through liaising with internal colleagues.

There are 4 rooms within the dwelling that are used for childcare purposes. The living room, dining room, sunroom and bedroom 2 of the first floor, which can be seen on the existing floor plans of this application, are currently used. These spaces are separated by child gates to ensure safety, stop running and contain. The prevention of running is a further example of how the applicants have gone to measures to try and mitigate noise. It's important to note these are only used for childcare during the hours of operation. Outside the childminding hours the spaces are used by the family as part of the home, the principle use of the property.

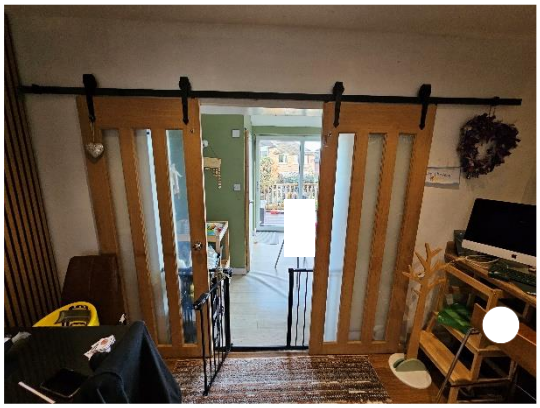


Figure 3: Safety Gate Dining to Play Room

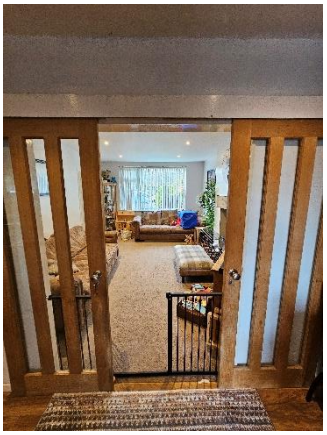


Figure 42: Safety Gate Dining to Living

The existing bedroom 2 is used only for children under care to sleep with multiple beds/cots. This, given its use, does not require any internal alterations to become sufficient for purpose.

As seen on the floor plans, the majority of the dwelling footprint is retained for use as a dwelling with significantly less than half used for childcare purposes.

The application site;



The site context shows the dwelling highlighted in blue and its proximity to the school. The area highlighted in red shows a safe area for vehicular drop-offs and collection where no parking restrictions are present.

We consider the most relevant planning considerations as follows;

- Whether the proposed use is suitable for its location

  The property is sited in a built-up area with good access for customers. The property is sited across the road from the local Primary School.

- Whether it would cause disturbance from noise and traffic

  Two of the four employees reside at the premises, one walks to work and the other one mixes driving and walking to work.

  Most customers, live very local and walk their children to the premises

  A staggered drop and go arrangement is adopted by the business to reduce purge of attendees.

- Whether there is suitable access

The property is easily accessed.

There are two types of domestic childcare registrations;

1. Childminder (up to and including 4 people providing care)
2. Childcare on domestic premises (5 or more people providing care)

Childminders can work alone or with other childminders and assistants. A separate childcare on domestic premises registration is required when the number of people providing or assisting with care exceeds 4.

'Domestic premises' is somewhere used wholly or mainly as a private home. The premises include any area and any vehicle where childcare is provided.

There does not appear to be a specific regulation/planning policy/local planning policy that refers to childminding. Having researched this subject extensively we found the following reference overleaf;

As a general rule, as long as your LA follows this guidance and you keep to the '6 children under the age of 8' rule stated in the Early Years register (EYFS) you do not need to apply for planning permission from your LA.

However, remember that these documents are guidance rather than law and all Local Authorities are able to make up their own rules. If you are in doubt then you should ring your LA and ask their advice. If you are concerned about 'flagging yourself up' - especially if you think you might be operating illegally at the moment - you can usually ask advice without giving your name.

https://www.childmindinghelp.co.uk/freeresources/Free%20downloads/Resources/Planning%20permission%20rules%20-%20England.pdf

Conclusion

We contend the primary function of the property still remains as a private family dwelling and that the partial use as a child minders has no negative impact on the locality. In fact the creation (and retention) of local jobs and service to the local community is valuable in its own right and that this application should be supported by KMC Planning.

I would be grateful if you could contact Paul Matthews Architectural Ltd prior to drafting your recommendation for determination.