

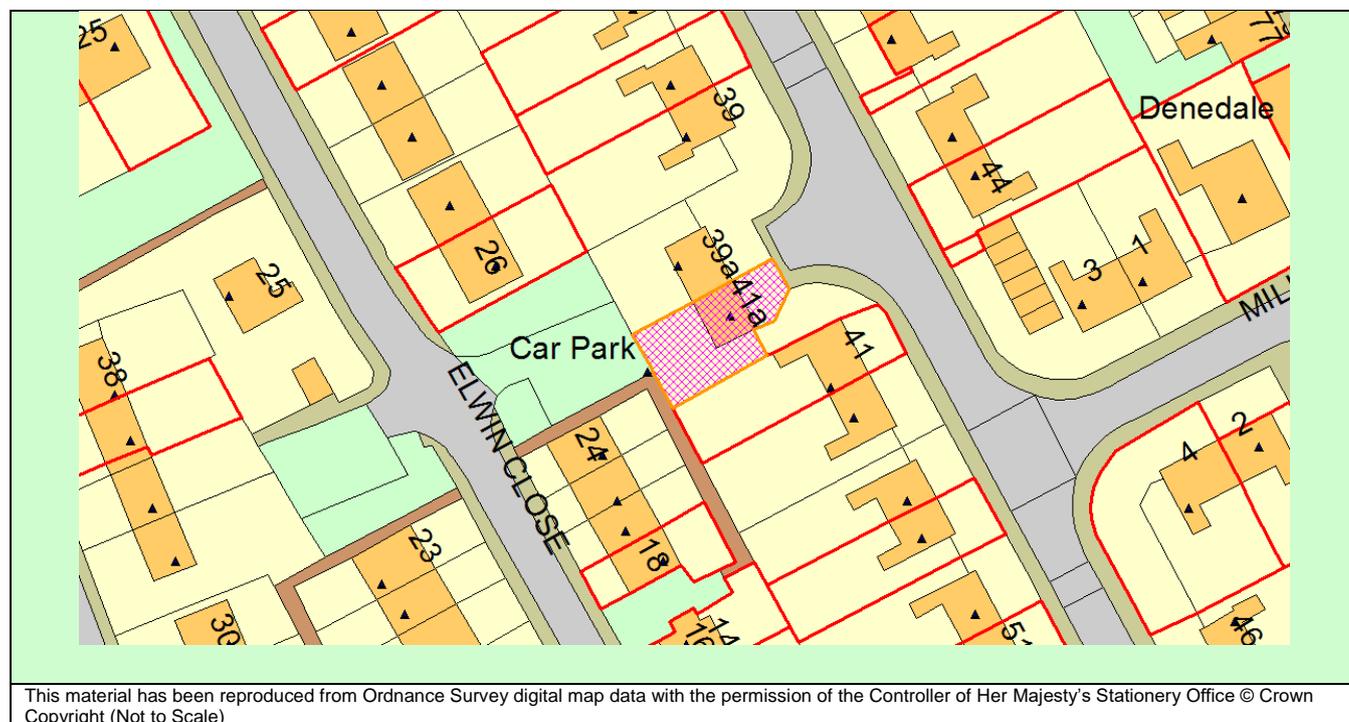


Northumberland County Council

Cramlington, Bedlington and Seaton Valley Local Area Council 21st July 2021

Application No:	20/03225/COU		
Proposal:	Retrospective permission for partial change of use of downstairs of property to childcare in a domestic setting with proposed front driveway (amended 07.06.2021)		
Site Address	41A Southward, Seaton Sluice, Whitley Bay, Northumberland NE26 4DQ		
Applicant:	Mrs Elaine Burt 41A Southward, Seaton Sluice, Whitley Bay, Northumberland NE26 4DQ	Agent:	None
Ward	Hartley	Parish	Seaton Valley
Valid Date:	21 October 2020	Expiry Date:	23 July 2021
Case Officer Details:	Name: Mr Richard Laughton Job Title: Planning Officer Tel No: 01670 622628 Email: richard.laughton@northumberland.gov.uk		

Recommendation: That this application be REFUSED permission



This material has been reproduced from Ordnance Survey digital map data with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright (Not to Scale)

1. Introduction

1.1 As the application generates significant planning issues, the Director of Planning confirmed that it should be determined at Local Area Council Meeting.

2. Description of the Proposals

2.1 Planning permission is sought for retrospective permission for partial change of use of downstairs of a residential property to childcare in a domestic setting with proposed front driveway at 41A Southward, Seaton Sluice.

2.2 The property is a semi-detached dwelling within a residential area of Seaton Sluice with currently no on-site parking. The application includes a new driveway to the front of the property for one space and a public parking area is available directly to the rear of the site. The property has been extended in order to provide additional space for the business however, this is subject to another retrospective application under 20/03863/VARYCO for the variation of conditions 2 (materials) and 3 (approved plans) pursuant to planning permission 18/00515/FUL in order to install a flat roof rather than a pitched roof.

2.3 The business caters for a maximum of 22 children at any one time. This is based on the available floor space regulated by Ofsted. Due to parent shift patterns the number of visitors per day can vary from 16 but up to 28-30. At present, some children only attend during the day whilst others only attend before or after school.

2.4 The application has been supported by a statement to clarify the arrangements in place for the business and drop off/pick up times. In summary this states:

- It has been arranged for all families to drop off their children at separate times with no more than 2 families arriving at the same time;
- Drop off times start between 7am and 7:30 am. At present, a maximum of 12 children are dropped off between 7:30am and 9:00am;
- All drop offs are staggered so that no more than 1 or 2 cars arrive at the same time and all parents who live local walk their children to the setting;
- Most of the children who attend are siblings which means that there is a maximum of 6 vehicles dropping off during this time;
- During the hours of 9am – 3pm there could only be up to 4 families dropping off and picking up. These times are staggered and spread throughout the day.
- School runs are at 8:45am, 11:45am and 3:00pm.
- Children are collected from school on foot and taken to school and brought back from school using the rear entrance, thus causing less foot traffic at the front of the property.
- Pick ups start from 4pm and times are staggered to ensure that no more than 2 vehicles arrive at the same time to collect the children. Local families arrive on foot to collect.

- Some families use the rear entrance for pick up and drop offs. This reduces congestion at the front of the property. All children are away from the setting between 18:00 and 18:30.
- Pick up and drop off times at the busiest times are within 5-10 minute intervals but are mainly within 15 minutes to half an hour apart.
- A new policy being considered by the applicant is for parents to notify the applicant 5 minutes before arrival to ensure that children are collected as swiftly as possible and that no vehicles are parked up for any longer than a couple of minutes.
- While working during the day, the garden is used by a maximum of 6 children at any one time with 2 staff members. This reduces any excess noise levels and ensures the safety of all children.

The applicant considers this to provide a vital service for the local community and a vital feed for the local first school which does not offer an afterschool club.

3. Planning History

Reference Number: 18/00515/FUL

Description: Proposed two storey rear extension as amended by drawings received 13/03/18

Status: Approved

Reference Number: 20/03863/VARYCO

Description: Variation of conditions 2 (materials) and 3 (approved plans) pursuant to planning permission 18/00515/FUL in order to install a flat roof rather than a pitched roof

Status: Pending decision

Reference Number: 21/00164/FUL

Description: Create a drive for 2 cars.

Status: Application returned

4. Consultee Responses

Public Protection	No objections
Forestry Commission	No comments
Strategic Estates	No response received
Seaton Valley Parish Council	No response received
Highways	Insufficient parking provision

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	34
Number of Objections	4
Number of Support	51
Number of General Comments	1

Notices

General site notice not required
No Press Notice Required.

Summary of Responses:

There has been 51 representations received and a petition of support and consider the application:

- Provides a valuable service for the local community
- No issues with parking or increased traffic
- No disturbance from visitors

4 Letters of objections have been received which include the Seaton Sluice and Old Hartley Residents Association:

- This is a residential area and it should remain so. If the planners approve this application then they are setting a precedent for future business developments in residential areas.
- This area already suffers from excessive traffic from the school run, cars parking from Millway Garage and overspill from the Co-op, along with vehicles using the turning circle as the street is not wide enough to turn easily.
- The turning circle outside the property is for all road users to use, not just for the applicant
- Dropping off and picking up children is disruptive to neighbours.
- There is no parking for users of the nursery and it isn't good enough to keep removing green spaces for concrete parking areas. The owner's car and van already park partially on the pavement outside their property.
- Neighbours have been shown no consideration at all.
- The window advertising is not acceptable in a residential area.
- An objection from the adjacent neighbour to the west has concerns with the new side extension due to its position near the shared boundary; no guttering in place and the doorway obstructs access to neighbouring side access and bin storage. – The side extension is permitted development and no action can be taken. The works to the brickwork and guttering have not been implemented until the planning permission has been determined under 20/03863/VARYCO. These issues will also be covered under building control regulation and the Party Wall Act that are separate to the planning system.

The above is a summary of the comments. The full written text is available on our website at: <http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=QHH200QS0LK00>

6. Planning Policy

Blyth Valley Local Plan (1999):

Policy G5 Settlement Policy: The Villages
Policy C10 Educational Facilities
Policy W8 Mixed Uses Involving Work Activity

Blyth Valley Local Development Framework Development Control Policies
Development Plan Document (2007):
DC1 - General development
DC9 Mixed Uses
DC11 - Planning for sustainable travel
DC12 Provision of Community Facilities

Blyth Valley Core Strategy (2007):
Policy SS1 – Regeneration and Renaissance of Blyth Valley 2021: Integrated
Regeneration and Spatial Strategy
Policy SS2 – The Sequential Approach and Phasing
Policy SS3 – Sustainability Criteria
Policy C1 – Educational Facilities
ENV2 - Historic and Built Environment

4.3 Emerging Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021)

STP 1 - Spatial strategy (Strategic Policy);
STP 2 - Presumption in favour of sustainable development;
STP 3 - Sustainable development;
QOP 1 - Design principles (Strategic Policy);
QOP 2 - Good design and amenity;
TRA 2 - The effects of development on the transport network
TRA 4 - Parking provision in new development
Policy ECN 11 - Employment uses in built-up areas and home working

Seaton Valley Neighbourhood Plan

The independent examination of the Seaton Valley Neighbourhood Plan has been completed. The report of the Independent Examiner was published on 5 May 2021. The County Council has considered each of the recommendations made by the independent examiner and has agreed to accept these. This action has been agreed with Seaton Valley Parish Council. The Seaton Valley Neighbourhood Plan, as modified, will now proceed to a local referendum on Thursday 29 July 2021. The Plan will now be given significant weight in decision making.

7. Appraisal

7.1 The main issues for consideration in the determination of this application are:

- principle of the development
- impact on amenity
- highway issues.

Principle of Development

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development

comprises policies in the Blyth Valley District Local Plan, adopted in 1999, Blyth Valley Core Strategy 2007 and Blyth Valley Development Control Policies DPD. The National Planning Policy Framework (NPPF) (February 2019) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.2 Paragraph 48 of the NPPF states that weight can be given to policies contained in emerging plans dependent upon three criteria: the stage of preparation of the plan; the extent to which there are unresolved objections to policies within the plan; and the degree of consistency with the NPPF. The Northumberland Local Plan - Publication Draft Plan (Regulation 19) (NLP) was submitted to the Secretary of State for Ministry of Housing, Communities and Local Government on 29 May 2019, and is currently going through the examination process.

7.3 On 9 June 2021, the Council published for consultation, a Schedule of proposed Main Modifications to the draft Local Plan which the independent Inspectors examining the plan consider are necessary to make the plan 'sound'. As such the plan is at an advanced stage of preparation, and the policies in the NLP - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021), are considered to be consistent with the NPPF. The NLP is a material consideration in determining this application, with the amount of weight that can be given to specific policies (and parts thereof) is dependent upon whether Main Modifications are proposed, and the extent and significance of unresolved objections.

7.4 Policy DC1 of the Blyth Valley Development Plan Document (DPD) states that development proposals shall be situated within settlement boundaries as shown on the Local Plan proposals map. The application site is located within the defined settlement boundary of Seaton Sluice, and as such is considered an appropriate location for development, in accordance with Policy DC1. Policy SS1 of the Blyth Valley Core Strategy states that the villages of East Hartford, East Cramlington, Seghill, Holywell, New Hartley and Seaton Sluice/Old Hartley will accommodate small-scale development within settlement limits in order to maintain sustainable communities. Policy SS2 further expands stating new development should be directed towards larger towns but also suitable sites in villages, particularly those that involve the use of previously developed land and buildings. Policy SS3 states that new development would help to build communities by sustaining community services and facilities.

7.5 There are no relevant policies that relate to the conversion of existing buildings into child care facilities however, the proposal is re-using a previously developed site with a settlement and is an efficient use of land in a sustainable location. It also provides a community facility and service. Policy C1 of the Blyth Valley Core Strategy does highlight that the Council will encourage further the dual use of education facilities and buildings for community purposes where appropriate.

7.6 The NPPF states that the Local Planning authority should support economic growth in order to create jobs and prosperity by taking a positive approach to sustainable new development and should support the sustainable growth and expansion of all types of business and enterprise, both through conversion of existing buildings and well-designed new buildings. The proposed change of use would provide employment opportunities for a business wishing to develop in the area, as such the application would accord with the provisions of the NPPF in this respect.

7.7 Whilst the location is acceptable in principle and accords with the sustainability principles in the identified national and local planning policies, the proposed use and its scale should not be detrimental to visual and residential amenity and highway safety which need to be considered in the round to ensure the scheme is appropriate in its location.

Residential amenity and impact to character of the site

7.8 There must be consideration given to the impact a commercial facility may have on nearby properties when introduced into a residential area. There are some facilities that may intensify the use of the site and cause high volumes of disturbance due to a significant amount of additional visitors. In this instance, it is the regular occurrence of visitors at the site and inevitable noise levels from children within the building. The proposal can also alter the character of the residential area from the original use as a domestic property to accommodate a small household to a working facility catering for larger number of people. Policy C10 of the Blyth Valley Local Plan supports this view that proposals for a nursery need to apply the criteria in Policy W8 (Mixed Uses Involving Work Activity) and that this would not significantly reduce the residential character of the area remain ancillary to the principal use of the property and is acceptable in terms of amenity and parking. It is considered that the objective of these policies is compromised by the scale of this business in having up to 22 children in the dwelling being cared for at any one time.

7.9 Policy ENV 2 – Historic and Built Environment The historic and built environment of the borough will be protected from inappropriate development. High quality design will be expected in all new developments, re-use, and conversion of existing buildings. Developments which in visual terms would cause significant harm to the character or quality of the surrounding environment will be refused.

7.10 Policy DC1 Blyth Valley Development Control Policies DPD Be of a high standard of design and landscaping which takes account of existing natural and built features, the surrounding area and adjacent land uses; have no adverse impact on the amenities of residents of nearby residential properties and provide or contribute to the provision or enhancement of community facilities to meet local need where it is development which generates a significant demand for community facilities.

7.11 Policy DC9 Blyth Valley Development Control Policies DPD is of particular relevance as mixed use developments involving an element of work activity, including the operation of small businesses from dwellings, will be supported provided that:

- A) The proposal does not adversely impact on the amenity of neighbouring residential properties.
- B) Satisfactory access and parking arrangements are provided.
- C) Where the proposal involves the operation of a business from a dwelling, the proposal remains ancillary to the main use of the property as a dwelling house.

7.12 Policy DC12 of Blyth Valley Development Control Policies DPD states that development which enhances the network of community facilities will be permitted within settlements provided that the development is well located to the community which it will serve.

7.13 Policy ECN 11 of the emerging NLP expands upon the aim of Policy DC9 and refers to employment uses in built-up areas and home working. It relates to businesses

operating from within built-up areas, including residential areas and people's homes which will be supported, subject to highways, access and amenity considerations, by permitting business proposals seeking to occupy small sites or buildings within residential or other built-up areas, provided that they are not allocated for other uses or are otherwise protected; Allowing for the creation of workspace for home-run businesses involving the conversion of part of a dwelling, its outbuildings, or the development of appropriately scaled new buildings within the dwelling curtilage.

7.14 Policy QOP1 and QOP2 of the emerging NLP seeks to support development which respects its surroundings and to ensure that development would not result in unacceptable adverse impacts on the amenity of neighbouring land uses.

7.15 Paragraph 127 of the NPPF seeks to ensure that developments will create places with a high standard of amenity for existing and future users. Paragraph 58 states in relation to 'Requiring good design' that "Planning policies and decisions should aim to ensure that developments:

- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;"

7.16 Paragraph 124 of the NPPF attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

7.17 There is case law that indicates a childminding business does not require planning permission to care for up to 6 children due to being similar to that of a large household and would remain an ancillary use to the dwelling. Those businesses that cater beyond six children require a judgement on the increased intensification of the use and if this is appropriate within its setting.

7.18 An appeal for a childminding business for 10 children was dismissed at 86 Crookes Broom Lane, Hatfield, Doncaster, South Yorkshire, DN7 6LD (Ref: Ref: APP/F4410/W/17/3186851) as it was considered the impact would lead to noise and disturbance to existing occupants. The main issues in this case were:

- The effect of the proposal on the living conditions of nearby occupiers with particular reference to noise and disturbance;
- The effect of the proposal on the character and appearance of the surrounding area.

7.19 The appeal site was a similar situation in that the property is a semi-detached in a residential area and was applying retrospectively.

7.20 The appeal however was for a smaller number of children using part of the dwelling for a childminding business for up to 10 children at any time. The business employed one part time and two full time members of staff with the opening hours from 07.30 to 18.00 hours Monday to Friday.

7.21 The difficulty with the nature of this type of use is that the of visitors may differ on a daily basis. The Inspector also confirmed that this in itself causes difficulty in assessing such applications as circumstances can change over time stating that:

“I am also conscious that the current circumstances of the appellant and her business they may alter in the future. Planning permission runs with the land and it cannot be assumed that employees will always live nearby or that they will not seek to park on the driveway. Nor have I seen anything to demonstrate how the possibility of multiple customers visiting the site at the same time can be precluded”.

7.22 The current application clarifies current working arrangements however, this may change over time which could result to increased disturbances. The property within the appeal site also used the rear garden as a play area which led to the Inspector observing this and the scheme overall highlighting that:

“noise arising from up to 10 children playing in what is a relatively small outdoor area is in my view likely to cause undue noise and disturbance to nearby occupiers. Additionally, noise and disturbance is generated by the comings and goings of additional vehicles and people to the appeal property. This includes the banging of car doors, revving of engines and general noise arising from parents and children entering and leaving the appeal property. These activities take place in relatively close proximity to nearby houses and are likely to be noisy and intrusive, particularly early in the morning at drop-off times when background noise would be generally diminished.”

7.23 The Inspector concluded that the childminding business for 10 children was harmful to the living conditions of nearby occupiers with particular reference to noise and disturbance undermining the core planning principle of the NPPF that seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.

7.24 It should be noted that each application must be assessed on their own merits however, the appeal case recognises the issues and concerns of a similar situation of a child-minding business within a semi-detached property and dense residential area. It must also be acknowledged that the appeal site was providing care for only 10 children with the appeal being dismissed due to the impact to amenity. In comparison, the number of children being cared for in the current application site is accommodating more than double the amount with a maximum of 22 children at any one time and this could increase up to a total of 30 on certain days. The Council, therefore, has concerns with the scale of the business and the resulting intensification of the site leading to a more dominant use than the residential property. This results in the generation of increased levels of noise and disturbance based on the high volume of children and parents visiting the site. It would also appear to conflict with Policy DC9 and DC12 as the proposed use would not remain ancillary to the main use of the property as a dwelling and adversely impact on the amenity of neighbouring residential properties.

7.25 There is advertising in the front windows of the property and whilst this does detract from the residential character of the property, the signs are not overly dominating or visually intrusive.

7.26 The business offers a valuable community facility and is suitably located in terms of serving local residents and nearby school however, this should not also be at the expense of those occupants in the surrounding area therefore the issues raised within this report of operating a business catering for up to 22 children at any one time, and up to 30 in general from a semi-detached residential dwelling needs very careful consideration. Whilst the principle of the use is acceptable, a smaller childminding

business would still offer a valuable use but more sympathetic to the character of the area and reduce disturbance.

7.27 The scale of the childminding business is not ancillary to the main house and will adversely impact on the amenity of neighbouring residential properties and alter the character of the site in a residential area. As such the application is not in accordance with Policy DCP1, DCP9 of Blyth Valley Development Control Policies DPD, Policy ECN 11 and QOP2 of the emerging NLP and the NPPF.

Highways

7.28 Policy DC9 of the Blyth valley Development Control Policies DPD states that for mixed use developments involving an element of work activity, including the operation of small businesses from dwellings, will be supported provided that:

- A) The proposal does not adversely impact on the amenity of neighbouring residential properties.
- B) Satisfactory access and parking arrangements are provided.
- C) Where the proposal involves the operation of a business from a dwelling, the proposal remains ancillary to the main use of the property as a dwelling house.

7.29 Policies TRA2 and TRA4 of the emerging NLP seek to ensure that development does not have a negative impact upon the transport network and allocates sufficient parking. It is considered that the proposal is in accordance with this, however little weight can currently be given to this policy.

7.30 When assessing this application, the Highway Authority checks that the proposal will not result in an adverse impact on the safety of all users of the highway, the highway network or highway assets. The information submitted has been checked against the context outlined above, it is considered that the following further information is required:

7.31 The applicant has submitted an initial supporting statement confirming that there are currently 4 members of staff however, there is normally only 3 members of staff in at any one time. There are usually no more than 12 children during the day and this increases to no more than 18 children after school hours, the children are dropped off at staggered times from 7 am to 3pm.

7.32 Due to the nature of the use of the site, the pick-up and drop off of children is likely to be spread more than a traditional educational establishment with fixed operating times and on the basis that there is no policy requirement to provide parking for these fixed timed educational uses. As such, it would not be possible to request that specific drop off and pick up parking is required. The surrounding residential streets experience on-street parking and the site does benefit from a former turning head where additional parking could occur although this cannot be for the sole use of the site as it is within the public highway.

7.33 The current situation is not ideal with no on-site parking serving the existing dwelling. The replacement of on-street parking demand created by the dwelling is not possible as the remainder of the property is to be retained as a residential dwelling. The building, therefore needs to provide parking for both a dwelling and a business. As such the applicant is required to provide 3 parking spaces to accommodate staff

parking and a revised block plan was requested to address potential road safety issues with longer stay staff parking associated with the development.

7.34 The dwelling currently has no on-site parking with vehicles parking on the highway. The applicant has submitted a revised block plan demonstrating that a new driveway will be able to accommodate one vehicle on site with the additional available parking area directly to the rear of the property to provide the remaining two spaces. The land is owned by NCC and there is permission to use this for parking however, it is also available to other residents in the estate.

7.35 The submitted block plan shows this car parking to the rear of the site along Elwin Close although this is not within the applicants control and therefore, cannot be included within the applicants redline boundary. There are no restrictions to ensure this would be retained for staff parking.

7.36 The current plans do not show the required 3 parking spaces to be within the applicants red line boundary. Whilst the resubmitted details demonstrate that the front parking bay is deliverable through third party land licensed to them, the two spaces identified to the rear of the property are not within the red line boundary and there is no legal information supplied to back up the statements within the submitted Management Policy that they can be used during working hours.

7.37 The proposed front parking area would normally remove potential on-street parking whereby a vehicle parked on-street would be prevented from doing so by the dropped kerb. In this situation, however, the parking bay could be used by the residential element of the site and the drive be blocked by on-street parking of staff resulting in a nil-detriment to on-street parking. Until such time as the remaining two spaces can be shown to be available for the use as stated in the supporting information, then the development continues to have a short fall of off-street parking for staff use.

7.38 Unfortunately, as the proposal is utilising a dwelling, there is no on-site parking for customers and as a minimum, has only 1 allocated space. The semi-detached property is restricted for space in terms of accommodating the level of visitors and staff. Concerns from some residents has been raised on the impact to congestion whilst other comments state the impacts are not as severe as claimed.

7.39 The applicant indicates that current staff arrangements do not warrant 3 parking spaces and despite the rear parking area not being within the red line boundary, it is still available to use.

7.40 Referring back to the appeal case highlighted in the previous section of the report, the inspector also assessed the effect of the proposal on highway safety with particular reference to car parking. To reiterate the Inspector's point when stating "*I am also conscious that the current circumstances of the appellant and her business they may alter in the future. Planning permission runs with the land and it cannot be assumed that employees will always live nearby or that they will not seek to park on the driveway*"

7.41 It was further acknowledged that "*in the absence of any further information to show how adequate staff and customer parking could be satisfactorily accommodated*"

on the site, it seems to me that some car parking off site is likely and cannot be ruled out”.

7.42 Whilst off-site parking was considered, the Inspector was aware that this was not within the appellants ownership and there was no guarantee the busy car park would provide parking space and be convenient. Again, to reiterate that site circumstances and locations are different however, the appeal highlights that the Councils request for on-site parking is not unreasonable and that the permission has to be considered for the lifetime of the development and not current staff arrangements, especially in a surrounding residential environment.

7.43 The application is assessed against the Parking Standards in Appendix D of the emerging NLP and Policy DC11 and Appendix A of the Blyth Valley Development Control DPD. The provision of one allocated parking space for a business catering for 22 children and 4 members of staff is not considered to be adequate provision and conflicts with the identified parking standards. It would also not accord with Policy DC9 of the Blyth Valley Development Control Policies DPD as there would be no satisfactory parking arrangements for the operation of small businesses from a dwelling. As such, the application should be refused on insufficient parking and highway safety grounds.

Equality Duty

The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

These proposals have no implications in relation to crime and disorder.

Human Rights Act Implications

The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights

legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

8.1 The business is at a size that caters for 22 children which is not deemed to be an ancillary use to the existing dwelling and would intensify the current site and number of visitors. Caselaw also demonstrates that much smaller schemes have been deemed unacceptable due to the impact upon amenity and highways.

8.2 The scheme is unable to provide 3 on-site staff parking spaces consistently requested from the Highways Authority and as such cannot adequately address highway safety for the lifetime of the development.

9. Recommendation

That this application be REFUSED permission subject to the following:

01. The scale of the change of use leads to a significant rise in visitors and intensification of the site resulting to an adverse impact to the amenity of existing residents and is harmful to the residential character of the area. As such the application is not in accordance with Policy DCP1, DCP9 of Blyth Valley Development Control Policies DPD and the NPPF.
02. The scheme fails to address highway safety matters in relation to appropriate parking provision for the operation of small businesses from a dwelling. As such, the childminding/nursery would not accord with Policy DC9 and DC11 of the Blyth valley Development Control Policies DPD and the NPPF.

Date of Report: 06.07.2021

Background Papers: Planning application file(s) 20/03225/COU