Expiry Date - 28/05/2025

Development Control – Delegated Officer Report

Application Number: AWDM/0339/25 **Recommendation – APPROVE**

Site: **28 Lupin Spinney Worthing West Sussex BN13 3WX**

Proposal: **Part change of use for childminding a maximum of 8 children, employing one member of staff, opening times between 7.30am and 6pm Monday to Friday with parking on driveway.**

Date of site visit: 06.05.2025

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The application property comprises a modern brick-built semi-detached house on the east side of Lupin Spinney within the recently completed West Durrington Urban Extension. It fronts onto a privately maintained (unadopted) road behind a shallow frontage and grassed verge. A rear garden backs onto a narrow 'buffer strip' and beyond that the established gardens of chalet houses in Adur Avenue to the East. A large outbuilding has been constructed in the garden, apparently used as a home office/den and not used in connection with the childminding business.

A driveway to the south side of the house provides on-site parking provision for 2 vehicles. Visitor parking is available within laybys interspersed along Lupin Spinney.

Adjoining on either side are similar style 2-storey houses with driveways to the side and rear gardens.

Proposal

In addition to its current domestic residential use, permission is sought by the householder to use the property for childminding up to 8 children between the hours of 7.30am and 6pm on Monday to Friday (closed Bank Holidays). The householder employs one member of staff at the property in connection with the childminding business. The application is retrospective.

A Noise Management Plan has been submitted by the Applicant outlining the following measures to minimise noise: -

- Children to be supervised in the garden at all times;
- Children not outside before 9.00am;
- Children not to use the outbuilding in the garden;

- Distressed children to be comforted and moved inside to reduce noise impact;
- Childminder and Assistant to model the behaviour they wish to see i.e. when an adult talks quietly it encourages the children to do the same;
- Have regular 'quiet times' including story time.
- Activities set up to engage children and to encourage focused play.

Relevant Planning History: None

Consultations:

WSCC: The LHA has raised no objection, commenting as follows: -

"This application seeks the part change of use for childminding a maximum of eight children, employing one member of staff. The site is located on Lupin Spinney, an unadopted road – as such, these comments should be considered as advice only.

The proposed operation appears relatively small in scale, hosting up to eight children and one member of staff. The proposals are not anticipated to give rise to a significant material intensification of movements to or from the site, nor adversely impact the operation of the local highway network.

The site currently benefits from two off-street car parking spaces, but given the nature of the proposed use, visitors could also park on-street temporarily for drop-off and pick-up. Given visitors will only park at the site for a short amount of time, the LHA does not anticipate that this would give rise to a significant parking capacity concern.

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal."

Adur and Worthing Councils

The **EHO** requested a Noise Management Plan be provided to outline how the Applicant will manage/limit noise from children under their control with specific reference to the outside areas.

The Noise Management Plan (described above) was submitted to the EHO for comment. However, the EHO considers the plan not to be sufficiently comprehensive in demonstrating that the noise issues would be adequately addressed. [An alternative Noise Management Plan agreed for a day nursery elsewhere in the Borough has been provided by the EHO as a model example.]

Representations: None received.

Relevant Planning Policies

Worthing Local Plan policies (WBC 2023): SP1, DM8, DM10, DM22
National Planning Policy Framework (MHCLG 2024)
National Planning Practice Guidance

Planning Assessment

Planning permission is not required for a householder to childmind up to 6 children at their home. Permission is required in this case owing to the number of children to be minded at the property (up to 8) and because the childminding business includes an employee based at the property (who is not part of the household).

Local Plan policy DM8 supports improvements to education, social and community facilities to meet the needs of local communities and where there would be no unacceptable impact on the amenities of adjacent properties. Policy DM10 seeks to support, promote and enable the development of a strong, sustainable and diverse local economy.

Most of the larger children's daycare nurseries in the Borough are based in and around the town centre. The current use (Ducklins Tiney Home Nursery) provides a small-scale children's daycare service within a newly established residential estate where some of the planned local community facilities have not yet been provided.

It is considered the proposed use can be supported subject to the impact on neighbouring residential properties and highway safety considerations.

Residential Amenity

The most affected properties are those adjoining the site on all sides.

The key concern relates to the noise of children at play both inside and in the garden.

A Noise Management Plan (NMP) has been provided to mitigate the impacts which includes behaviour management strategies as well as specific controls such as not allowing use of the rear garden by children before 09.00am. This, along with controls to limit the number of childminded children at the property, the number of employees, and opening hours could be the subject of planning conditions.

However, the EHO considers the submitted NMP is not sufficiently comprehensive in demonstrating noise issues would be adequately addressed and has provided an example of a similar NMP accepted elsewhere in the Borough. However, the example of the NMP provided clearly relates to a much larger pre-school facility since it limits the number of children in the garden to 20 at any one time, with outdoor play mainly

restricted to between specified hours and with areas of the garden reserved for different types of play.

Bearing in mind that up to 6 children could be childminded at this property without planning permission, the requirement for a more comprehensive NMP than that currently provided is not considered proportionate to the risk of harm from the noise of 8 minded children inside the property or in the garden. It is worth pointing out that the proposed use is already taking place at the property and no objections have been received.

Highway safety

The property is located on a quiet (unadopted) residential road just off the main (adopted) distributor road through the estate.

It is understood that most of the childminded children are walked to the property in prams/pushchairs. However, there is space on the road for cars to park temporarily to drop off and collect children. Given the limited number of minded children at the property, and associated limited number of vehicle trips, the proposal has no adverse implications for highway safety.

Recommendation

APPROVE subject to Conditions: -

1. Drawing Numbers
2. No more than 8 children to be childminded at the property.
3. Childminding use limited to between 0730 and 1800 hours Monday to Friday (excluding Bank and Public Holidays).
4. No use of the garden by children in connection with the childminding use before 0900 hours.
5. Number of employees based at the property limited to 1.
6. Submitted Noise Management Plan to be adhered to at all times.

Informative

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Is recommendation contrary to letter(s) of representation? N

Case Officer:	Jo Morin	Date: 12.06.2025
Authorised by:	Louise Prew	Date: 12/06/2025