

Recommendation Report for Planning Permission

REF NO: BR/224/18/PL

LOCATION: School House
Bersted Street
Bognor Regis
PO22 9QE

PROPOSAL: Change of use from a residential dwelling (C3 dwelling house) to childcare day nursery (D1 non-residential institution)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above. The proposal will not involve any external alterations to the existing building. The proposed use as a nursery will operate between 8am to 6pm Monday - Friday only. The proposal does not seek any external alterations.

RESIDENTIAL DEVELOPMENT N/A

DENSITY (NET)

TOPOGRAPHY Predominantly flat.

TREES None affected by the proposed development.

BOUNDARY TREATMENT The rear of the site is enclosed by approximately 2 metre high close boarded timber fencing.

SITE CHARACTERISTICS The current School House property is a 2 bedroomed semi-detached house and is attached to The Old School located in Bersted Street.

CHARACTER OF LOCALITY The School House site occupies the corner of the land at the eastern side of the access road and junction off Bersted Street leading to South Bersted Church Hall.

Bersted Street is a predominately a residential street with mixed use along the road, ranging from St Mary Magdalene's Church & graveyard, The Old School, commercial garage premises and an entrance to Bognor Regis War Memorial Hospital.

The street scene comprises of a mixture of detached and semi-detached houses and bungalows of varying ages that occupy plots of varying sizes including the Church, The Old School and Church house.

RELEVANT SITE HISTORY

BR/497/89 Partial demolition of three stone chimneys and rebuilding to reduced heights using existing materials ApproveConditionally 30-10-89

BR/261/89	Partial demolition of three stone chimney stacks which are structurally unsafe. One to be capped off and two to be partially replaced by stainless steel chimneys.	Refused 07-08-89
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BR/86/52/A	Alts & Adds	Approve 17-11-61
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Planning history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Bognor Regis Town Council: No objection.

No letters of neighbour comment have been received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Environmental Health

Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

Highways:

Follow-up Comments: Does not object, subject to imposition of a condition requiring the submission of a travel plan survey.

The proposal will only result in a minor vehicular intensification of use at the site.

Local Highway Authority does not consider that the proposal would have and an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

Existing parking arrangements seem adequate for the existing use. Given the pick-up and drop-off nature of vehicular movements it is not anticipated that the proposed will generate any significant increase in parking demand.

Advise a condition securing a Travel Plan Statement on any grant.

Initial Comments:

Proposed use will be an extension to the existing adjacent nursery and not a 'new' nursery?

The space will accommodate 12 babies, the potential worst case scenario ins trip generation would be 12 drop-off and 12 pick-up trips by vehicle (48 total vehicle movements).

Proposed trip movements could push the application over a threshold where we would ask for a Stage 1 Road Safety Audit.

No set parking standard for nursery use so would initially expect the applicant to outline the existing levels of parking and provide evidence or statement if this currently meets their needs.

Environmental Health: No objection, recommend the imposition of an informative upon any grant of planning Permission.

Economic Development: Do not object to this application.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Within the Built-up Area Boundary
WSCC Minerals Consultation Area - Alderton's Yard
Locally Listed Building
Pagham Harbour Zone B
2KM Buffer for SSSI Bognor Reef and Felpham

DEVELOPMENT PLAN POLICES

SDSP2	SD SP2 Built-up Area Boundary
ENVDM2	ENV DM2 Pagham Harbour
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
DDM1	D DM1 Aspects of form and design quality
TSP1	T SP1 Transport and Development
QEDM1	QE DM1 Noise Pollution

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

The relevant Neighbourhood Development Plan is the Bognor Regis Neighbourhood Plan . There are no relevant policies that apply.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

BACKGROUND/PRINCIPLE:

Permission is sought to change of use from a residential dwelling (C3 dwelling house) to childcare day nursery (D1 non-residential institution). The proposed nursery will provide the accommodation for children in two age ranges. The first is for children aged between 6 & 12 months old and second range is for children aged between 1 and 2 years old. These will be separated across the two floors.

The application property is site adjacent to the site known as the old school, which already provides existing nursery (day care) provision. This proposal will connect with the existing nursery provision through a rear external gate that will link the external play grounds (proposed and existing) and will utilise the existing accommodation in The Old School (operated by the Old School Nursery Ltd).

The Old School Nursery Ltd is privately owned and has been located in the Old School since 2004. The current adjoining nursery is open Monday to Friday from 9am to 3.30pm during school term times and cover an age range of children from two to four years old. This proposed change of use for the School House will extend this current provision and provide day care for children ranging from 6 months old to 2 years for a total of 12 children. This will complement the existing provision located in The Old School.

The site lies within the built up area boundary and in principle such a use would be acceptable subject to there being no adverse impact on highway safety or residential amenity. The commercial use of the application site is accepted.

The site is located within the built-up area where the principle of development is deemed to be acceptable, subject to compliance with relevant planning policies. In this instance, the main criteria against which the application will be assessed are contained within Arun District Local Plan Policies D DM1, T SP1, ENV DM2 and HER DM2 which aims prohibit development that would have an adverse impact upon the character and appearance of the surrounding area or the amenities of neighbouring residents.

VISUAL AMENITY:

No external alterations are proposed. Therefore Officers consider that the proposal would not have a detrimental impact upon the streetscene and wider area,

IMPACT ON A LOCALLY LISTED BUILDING:

From an assesment of the plans and the Officer's site visit it is noted that the proposal does not proposed any external changes to the building known as the School House and is unlikely to make any internal changes above that of the existing residential use. Therefore, it is considered that the proposal would not have detrimental impact on the Locally Listed Building, the School House.

As such, Officers consider that the proposal would comply with policy HER DM2 of the Arun Local Plan

RESIDENTIAL AMENITY

The proposal would only result in internal changes to the existing dwelling and as such no extensions or external alterations.

The dwelling that is to be come a nursery is sited adjacent to The Old School Nursery, with Magdalene's Church to the East and South Berstead Church Hall to the rear. From an assesment of the plans and the Officers site visit it was noted that there is screening in the form of trees which limits overlooking toward Magdalene's Church. Any overlooking to the rear of the existing Old School Nursery would occur by staff from the proposed sleep and changing rooms at first floor. Additionally it is likely that the Nursery would not want people looking into the changing room. Any Views out toward the Church hall to the rear would be over a distance of over 15 metres and even though there are windows in the church hall facing the proposed nursery, they are fairly small and one was noted to feature a blind. Officers also one that one of the rooms at first floor was a bedroom and would have had an outlook toward the church hall. Therefore it is considered that no detrimental levels of overlooking would occur to the church hall to the rear of the site

Officers consider that no detrimental overlooking would occur to the occupiers of neighbouring properties.

Officers are aware that children of the ages to 6 months old to 2 years would lead to an increase in noise especially when making use of the outdoor area to the rear of the proposed nursery. Officers note that the proposed nursery is sited adjacent to the adjacent to the site known as the old school, which already provides existing nursery (day care) provision. Therefore, there is the potential for the combined use of the outdoor areas at the existing and proposed nursery to create a detrimental level of noise that could

affect the Occupiers of the many neighbouring properties.

The council's Environmental Health Officer has commented on this application and considers that having evaluated the proposed development and formulated their conclusions, they would state that based on the requirements of the NPPF and NPPG, this development falls into category 1: No comments. They do not object to the proposal and recommend the imposition of the following informative:

1. The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Department on 01903 737755

Officers consider that while the addition of 12 children between the ages of 6 months to 2 years of age could lead to the creation of noise, e.g. crying when using the outside area to the rear, they could be brought inside the nursery in order to minimise any noise e.g. crying.

Given that the outside area of the adjacent nursery is already utilised for Children to play in Officers do not consider, as part of this assessment, that noise levels would be such that the addition of 12 children would lead to noise levels such that the application should be refused. Officers note the above informative and should the nursery create a nuisance such that complaints are received, statutory nuisance action (Environmental Health legislation) could be taken that could have an impact on the operation of the proposed nursery.

Officers consider that the proposal would not have a detrimental impact on the occupiers of adjoining and neighbouring properties with regard to, overlooking, overshadowing, overbearing effect, loss of light/sunlight.

As such it is considered that the proposal would comply with policies D DM1 and QE DM1. of the Arun Local Plan 2011 - 2031.

PARKING AND HIGHWAY SAFETY:

The proposal would accommodate 12 children. The existing, adjacent, nursery at the Old School has occupied its current site since 2004 and there is an area of off road parking within the applicant's ownership that is currently utilised.

The number of children who arrive and depart from the School House will be staggered. The operational times for this proposed provision will be outside of the local schools peak traffic times as the operating period for the day care nursery located in the School House will be from 8am to 6pm. It is likely that there will be two sessions the first from 8am to 1pm and the second from 1pm to 6pm. This will reduce traffic due to a staggered pick up and drop off arrangement, which are both outside the primary collection and drop off times for both the existing nursery provision in The Old School and South Bersted Primary School.

The County Council Highways Officer has commented on this application and considers that given the sustainable location of the site, existing uses and scale of development the proposal will only result in a minor vehicular intensification of use at the site. The Local Highways Authority does not consider that the 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 109), and that there are no transport grounds to resist the proposal. They also consider that the Existing parking arrangements seem adequate for the existing use. Given the pick-up and drop-off nature of vehicular movements it is not anticipated that the proposed will generate any

significant increase in parking demand. They recommend the imposition of a condition requiring the submission of a Travel Plan Statement. Therefore Should planning permission be granted an appropriate and reasonable condition would be imposed.

Therefore it is considered that the proposal would not have a detrimental impact on parking and highway safety.

As such, it is considered that the proposal would comply with Policy T SP1 of the Arun Local Plan 2003.

OTHER:

The nursery would have operate Monday to Friday between the hours of 8:00am - 6:00pm (term time only). The nursery would likely offer 2 session in a day the first being 8:00am - 1:00pm and the second being 1:00pm - 6:00pm. It is noted that the adjacent nursery operates between the hours of 9:00am - 3.30pm. While the new nursery would operate longer hours, having regard to the residential nature of the area, Officers do not consider that these hours would have a detrimental impact on the occupiers of neighbouring residential properties or users of the church/church hall. Additionally This will reduce traffic due to a staggered pick up and drop off arrangement and would reduce the traffic impact of children attending both the proposed and existing nurseries all at once.

The application site is within the 2km SSSI buffer zone and as such would not have a detrimental impact on the Felpham and Bognor Reef SSSIs.

PAGHAM HARBOUR ACCESS ZONE B:

Officers do not consider that the proposed change of use to D1 (nursery) would not have a detrimental impact on the Pagam Harbour area.

As such, Officers consider that the proposal would comply with policy ENV DM2 of the Arun Local Plan.

SUMMARY:

It has been demosntrated within this report that the proposed use would be compatible with the residential area and would not adversely impact upon the amenities of neighbouring residents.It is therefore recommeneded that the application is approved, subject to the following conditions.

HUMAN RIGHTS ACT

FOR APPROVAL

Human Rights Act:

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to

be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

TB1SP
TB1BP
TB001

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 A Travel Plan Statement shall be submitted to the Local Planning Authority within a month of the determination date of this approval. Should the Travel Plan not be approved an amended version shall be submitted within the month of any refusal. If no Travel Plan is agreed within 6 months of the date of the original planning permission the use of the building shall cease until such a time as a Travel Plan has been approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority. The Applicant shall implement the measures incorporated within the approved Travel Plan, within one month from the date the Travel Plan was agreed by the Local Planning Authority and shall thereafter monitor, report and subsequently revise the travel plan as specified within the approved document.

Reason: To encourage and promote sustainable transport in accordance with Policy T SP1 of the Arun Local Plan.

- 4 The use hereby permitted shall not be operated on Saturdays, Sundays or Public Holidays or at any time otherwise than between the hours of 8am and 6pm.

Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun Local Plan Policies D DM1 and QE DM1.

5 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. 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.

6 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory noise nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received.

For further information please contact the Environmental Health Department on 01903 737755

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