Recommendation Report for Planning Permission

REF NO: LU/298/17/PL

LOCATION: 5 Selborne Place
Selborne Road
Littlehampton
BN17 5NH

PROPOSAL: Change of use from a dwelling (C3 Dwellinghouse) to a Day Nursery & Beach School (D1 Non-residential Institutions) with off-street parking. This application affects the character & appearance of the Littlehampton Seafront Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. It is proposed to cater for children between the ages of 0-8 years of age, having a separate space for babies, toddlers and pre schoolers. The nursery will be open Monday to Friday only between the hours of 8am - 6pm. The nursery will have a maximum of 65 children at any one time comprising 11 babies, 24 toddlers and 30 pre schoolers. It is also proposed to offer after school care and holiday club outside of term time.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front of site comprises 2m high wooden fencing either side. To front boundary - a gate with 2m high pillars either side and a low flint wall. To the rear largely 2 metre high fencing on both sides with open concrete lattice effect walling to very rear.
SITE CHARACTERISTICS	A large semi detached 4 storey dwelling comprising 7 bedrooms.
CHARACTER OF LOCALITY	Residential. Neighboured by The Vardar restaurant and VIP club to the east and a residential property to the west.

RELEVANT SITE HISTORY

LU/517/85	Renewal To Temporary Planning Permission Lu/434/82 Dated 241182	ApproveConditionally 18-11-85
LU/125/85	Single Storey Extension To Be Used As Playroom Extension In Association With Playgroup 9.00am/4.00pm Mon-Fri 20 Child	Refused 22-05-85

LU/504/81	Renewal Change Of Use Playgroup Using Two G/F Rooms	ApproveConditionally 07-10-81
LU/434/82	Renewal Of App Lu/504/81 - Nursery School Using 2 Ground Floor Rooms 9am - 4pm Mon-Fri Max 20 Children	ApproveConditionally 24-11-82
LU/468/80	Change Of Use Playgroup	ApproveConditionally 15-10-80
LU/165/63	Construction Of Vehicle Drive	ApproveConditionally 19-08-63

There is a history of the property being used as a play group.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

No objection

5 letters of objection on the grounds of:
- will harm the Conservation area and the tranquil residential character of the area largely respected by the Vardar restaurant
- will harm the historical character of the property, a property that should have been listed. Concerned that the gutting of the property has already taken place
- the proposed use will result in significant noise and disturbance. It will add to the nuisance caused by The Vardar restaurant
- the assertions made by the applicants concerning high fence barriers and tree provision are untrue

1 no objection stating that no site notice present.

COMMENTS ON REPRESENTATIONS RECEIVED:

Whilst neighbours comments regarding tree provision are noted the site has been visited and the relevant description of boundaries to the application site are considered to be accurate. Works to the interior of the house do not require planning permission.

There is dated photographic record of the fixing of site notices.

All other issues raised are addressed in the Conclusions section of this report.

CONSULTATIONS

Conservation Officer

Environment Agency

Economic Regeneration

Environmental Health

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

County Highways - No objections subject to conditions
Environmental Health - No objections subject to conditions requiring the submission of an acoustic report and limiting opening hours.
CAAC - No objection
Economic Development - No objection

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The conditions recommended by Environmental Health are designed to protect the area and neighbouring residents from unacceptable levels of noise and disturbance.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary
Littlehampton Sea Front Conservation Area
Building of Character

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

AREA2	Conservation Areas
GEN12	Parking in New Development
GEN2	Built-up Area Boundary
GEN22	Buildings or Structures of Character
GEN32	Noise Pollution
GEN7	The Form of New Development

Publication Version of the Local Plan (October 2014):

D DM1 Aspects of Form and Design Quality

HER DM2 Locally Listed Buildings or Structures of Character

HER DM3 Conservation Areas

QE DM1 Noise Pollution

SD SP2 Built -Up Area Boundary

T SP1 Transport and Development

Littlehampton Neighbourhood Plan 2014 Policy 1	The Presumption in Favour of Sustainable Development
Littlehampton Neighbourhood Plan 2014 Policy 17	Buildings and Structures of Character

Littlehampton Neighbourhood Plan 2014 Policy 2 A Spatial Plan for the Town

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD2	Conservation Areas
SPD9	Buildings or Structures of Character

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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

The Main Modifications to the Arun Local Plan (2011-2031) are presently out for Public Consultation over a six week period starting on Friday 12 January 2018 until 5pm on Friday 23 February 2018.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

The relevant policies of the Littlehampton Town Neighbourhood Plan have been taken into account in the determination of this application.

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.

Where the building is located in a Conservation Area, Section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:
In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that it serves to preserve the character of the Conservation 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

PRINCIPLE
The proposed nursery is to be located within a residential environment where development is acceptable subject to development control policies. In this case the key considerations will be the impact on:
* the area, a designated Conservation Area, by way of noise and disturbance
*the existing character and appearance of the area
*the building of character and
*highway safety and parking arrangements/requirements.

RESIDENTIAL AMENITY
It is considered that the use is compatible with its surroundings provided certain restrictions are adhered to as proposed by the Council's Environmental Health department. The requirement is that details be submitted and agreed with the Council before the use commences to ensure that the noise emanating from the application property does not unacceptably harm the use of the inside and outside of neighbouring residential properties.

Similarly comings and goings by customers will need to be controlled so that it takes place within social/working hours.

All of the above can be dealt with by way of conditions.

IMPACT ON THE CONSERVATION AREA AND THE BUILDING OF CHARACTER
There are no external changes proposed to the external physical fabric of the building which will mean

that in visual terms the Conservation Area will not be harmed nor its designation as a building of special character.

In terms of the use it will be compatible to that of its neighbour The Vardar restaurant and VIP club meaning that the proposed use will not be out of character with its immediate Conservation Area environment.

HIGHWAY SAFETY
The comments made by County Highways are applicable to the determination of this application. These are:

Traffic generation
The Highway Authority would not object to the principle of a Children's Nursery in this location in terms of traffic generation. The site is located in a residential area with good transport and pedestrian links. No information has been provided on transport modal share, however a large proportion of parents are likely to drive to the site with a lower proportion of parents choosing to walk or use public transport. In addition a significant number of trips to the site are likely to be shared trips ie vehicles already on the local road network - parents on the way to work, shopping etc.

Parking
The area to the front of the building has been reserved for parking with 6 spaces shown on the plan. It is not clear how easy it would be for vehicles to manoeuvre out of these spaces as 6m is required behind each space. In addition, the space closest to the footway boundary may obstruct the access. The access will not allow for 2 cars to pass clear of the highway and given the concentrated arrival and departure of parents the demand for parking will out strip supply and result in conflict which is a highway safety concern. Given the limited number of parking spaces, the single lane access and the on -site space constraints for manoeuvring it is recommended that the on-site parking is restricted to staff/visitors only and it is made clear to parents that no parking on site is available.

Surrounding road network
The immediate surrounding road network is laid out in a grid formation with crossroad junctions protected from parking with double yellow lines. A number of roads between junctions have single yellow lines including the section of road bounding the site and some sections of road are free from restrictions.

So, hypothetically a parent can leave the car outside the nursery unoccupied enter with child and come out 5 mins later. However, there is a risk that a CEO would see the unattended vehicle during that time and issue a PCN (takes about 5 mins to issue). The parent would then need to appeal and justify that they were taking that child in. This period is there to allow the activity to take place but is not a guarantee that no action will be taken - a CEO will not necessarily be able to distinguish a parent from another parker, especially if further away from the school.

Additional information in relation to on-street parking
It would be helpful to establish how many car parking spaces are available in the surrounding road network and would request the applicant undertakes a car parking survey. The applicant will also need to provide information on how many parents are likely to drive, proportion of car share (siblings) and further information on session times, plans to stagger start finish times. A plan showing a redesigned staff parking area is also required.

In conclusion regarding highway matters all the matters raised by County Highways above can be addressed by way of condition.

CONCLUSION

The proposed use is considered to be in keeping with the immediate character of the Conservation Area as well as the visual amenity of the area and the building itself.

With regard to residential amenity the imposition of conditions requested by the Council's Environmental Health team will ensure that these are protected to acceptable levels.

In terms of highway safety/issues the concerns by County Highways can be addressed by way of condition.

The application is therefore recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

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 positive effect on children of pre and school age and a neutral impact on other 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: PR/FP/02, PR/FP/03.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in

accordance with policy GEN7 of the Arun District Local Plan.

3 Prior to use of the property hereby approved an acoustic report is to be submitted and agreed with the Local Planning Authority to predict the effect of this business on noise levels at the nearest residential facade. This will include the effect of the use of the south facing garden as a children's play area. The report will detail whatever suitable mitigation measures as may be necessary. The submitted details will also calculate the required level of sound attenuation to be provided between the application property and the adjoining residential property (Selbourne House) and the method of achieving this to accord with the requirements of BS8233:2014, Guidance on Sound Insulation and Noise Reduction for Buildings. The mitigation measure so approved shall be implemented prior to first use and retained in perpetuity unless otherwise agreed.

Reason: To safeguard the amenities of nearby residents in accordance with Arun District Local Plan policies GEN7 and GEN32.

4 Details for the storage of waste on the premises shall be submitted to and approved in writing by the Local Planning Authority prior to the use of the property first taking place. The details approved shall be provided prior to first use and retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of nearby residents in accordance with Arun District Local Plan policy GEN7.

5 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 District Local Plan policies GEN7 and GEN32.

6 The use hereby approved shall not commence until traffic and parking management details have been submitted and approved in writing with the Local Planning Authority. These details should establish how many car parking spaces are available in the surrounding road network and include results of a car parking survey. Information will also need to be submitted on how many parents are likely to drive, proportion of car share (siblings) and further information on session times, plans to stagger start finish times. A plan showing a redesigned staff parking area is also required. The details so approved shall be implemented at all times.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan.

7 INFORMATIVE: The premises will require registration under the Food safety Act 1990 and will need to comply with the standards contained in the relevant Food Hygiene Regulations prior to becoming operational. The applicant is advised to contact Environmental health for further information.

The workplace (Health, Safety and Welfare) Regulations1992 and Health and Safety at Work Act 1974 requires there to be:
*suitable provision of Staff sanitary Accommodation. It will be necessary to provide 2 water closets and 2 wash hand basins together with a suitable supply of hot and cold water and suitable drainage for up to and including 25 members of staff. such units to be segregated for male and female staff members and to be provided with proper ventilation.
*proper provision for changing of babies nappies is to be made on the ground floor so as to prevent the necessity up and downstairs to the only such changing area currently provided on the first floor. Such a changing facility to have a proper supply of hot and cold water and

proper drainage to allow for hand washing
*suitable and sufficient accommodation is to be provided for storage of staff outdoor clothing
*there is no provision of an area, provided with potable water supply, where staff might be able to make drinks, eat and rest. Such an area is to be provided.

8 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.