

Recommendation Report for Planning Permission

REF NO: LU/79/18/PL

LOCATION: 40 Norfolk Road
Littlehampton
BN17 5HE

PROPOSAL: Application for variation of a condition no.1 following grant of planning permission LU/414/06 relating to an increase in numbers from 33 children to 45 children, same days & time

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TOPOGRAPHY	Predominantly flat.
TREES	N/A
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	Three story semi-detached property.
CHARACTER OF LOCALITY	Residential mix of flats and houses.

RELEVANT SITE HISTORY

LU/45/10/	Single storey extension to rear of property providing additional nursery accommodation	ApproveConditionally 06-05-10
LU/414/06/	Permission for continuance of use without compliance with a condition no. 2 imposed under planning ref no. LU/455/04 relating to the increase to 33 children	ApproveConditionally 23-03-07
LU/187/06/	Erection of a conservatory.	ApproveConditionally 14-07-06
LU/455/04/	Change of use from residential dwelling to residential dwelling and day nursery 24 places & internal alterations.	ApproveConditionally 23-12-04
LU/333/04/	Change of use from residential dwelling to residential dwelling and day nursery plus internal alterations.	Withdrawn 27-09-04

Previously granted increases in the number of children allowed to attend nursery, to which the application applies, noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

The Littlehampton Town Council: Do not object to this application.

8 letters of objection and 2 letters of Support (including 1 by applicant) have been received and are summarised as follows:

Busy street concerns of safety of young children.

Proposal would increase congestion along the length of Norfolk Road.

Vehicles visiting nursery already prevent residents entering and exiting drives.

Should be a reintroduction of yellow lines that were removed.

Level of accidents has increased and will increase further.

Expansion too big for site.

The saleability and value of flats will be will be effected as a result.

Parking issues along road will increase.

Churning up of grass verges will be made worse.

Concern regarding noise.

Fantastic nursery and an increase in child places (numbers) will mean that more children will benefit.

Nursery is an asset.

I hope this increase is approved so that this excellent nursery can continue to provide jobs and support for the local community along with enabling our next generation to have the very best care and education in preparation for school.

COMMENTS ON REPRESENTATIONS RECEIVED:

See conclusion section for comments on reps.

CONSULTATIONS

Environmental Health
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Highway Authority: Do not object:

The proposed increase in numbers will have a minimal impact on traffic levels and there are no recorded local road accidents attributable to nursery traffic. There is limited parking available on-site, though this is not unusual for children's nurseries. There appears to be adequate space outside the property to allow for drop-off and pick-up.

Council's Environmental Health Officer: 'No Comments.'

COMMENTS ON CONSULTATION RESPONSES:

Following further discussion with the Council's Environmental Health Officer it has been reiterated via an email, received on the 18/07/18, that no comment' means that it is considered that that there would not be a significant increase in noise by an increase in 12 children at the nursery.

POLICY CONTEXT

Designation applicable to site:

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
QEDM1	QE DM1 Noise Pollution
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
TSP1	T SP1 Transport and Development

[Littlehampton Neighbourhood Plan 2014 Policy 1](#) The Presumption in Favour of Sustainable Development

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

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 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 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 Littlehampton Neighbourhood Plan 2014 - 2029 would apply:

Policy 1: The Presumption in Favour of Sustainable Development.

Policy 2: A Spatial Plan for the Town

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 not make any external alterations and therefore there would not be any detrimental impact 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

THE PROPOSAL:

The application seeks to vary a condition imposed on an earlier approval in order to allow use of the nursery by an additional 12 children.

PRINCIPLE:

The principle of the nursery use is not in doubt. It already benefits from a permanent permission, previously granted change of use ref: LU/455/04/PL, that allows for it to operate between 8am and 6pm Monday to Friday for up to 24 children. An increase in the number of children, from 24 to 33 has since been granted under application ref: LU/414/06.

The application is to be determined on whether the increase in the number of children at the nursery will have a material impact on the living conditions of neighbouring properties by reason of parking congestion, pedestrian/highway safety, noise and general disturbance.

HIGHWAY IMPACTS:

Objections have been raised whereby there is concern with regards to highway safety, increase in traffic, increase in accidents, driveways being blocked and parking issues amongst others.

It should be noted that the proposal does not propose an increase in the size of the premises but solely an increase in the number of children attending the nursery.

Turning first to highway impacts, it is clear from the above that WSCC Highways consider that the proposed additional 12 children would have an acceptable impact on traffic levels. They consider that even though there is limited parking on site there appears to be adequate space outside the property to allow for safe drop-off and pick -up. Additionally they note that no local road accidents attributable to nursery traffic have been recorded.

On the basis of the above proposals and the response of WSCC Highways, it is considered that the additional 12 children will not result in a materially adverse impact on the safety or convenience of the local highway.

NOISE & AMENITY IMPACTS:

It is clear from reading through the objections that another area of concern is noise. Officers note that an increase in the number of children by 12 (from 33 to 45) would lead to an increase in the level of noise. It is noted that the rear of the nursery is used at times for the children to play. However, having regard to the Council's Environmental Health Officer's comment of 'no comment' officers consider that any increase in noise would not be considered to be detrimental to the amenity of the occupiers of neighbouring properties such as to warrant refusal of this application.

Following further discussion with the Council's Environmental Health Officer it has been reiterated via an email, received on the 18/07/18, that 'no comment' means that it is considered that there would not be a significant increase in noise by an increase in 12 children at the nursery.

It is considered that the proposal would not have an unacceptable detrimental impact on the residential impact of the occupiers of neighbouring properties with particular regard to noise.

However, it is considered appropriate that the condition restricting opening times be imposed as not doing so would bring the use into the weekend when neighbours would expect the quiet enjoyment of their gardens through daytime hours.

As such, it is considered that the proposal would comply with policy D DM1, in particular criterion 3, and QE DM1 of the Arun local Plan 2011-2031.

OTHER:

Objection has been raised whereby it is considered that any increase in child numbers at the nursery would have a material affect on the saleability of properties, in this case nearby flats, and their value.

Officers must stress that property value is not a material; planning consideration and will not be taken into account in the determination of this application.

CONCLUSION

It is considered that, following the above assessment the increase in the number of children would not have a detrimental impact with regard to highway safety and parking and noise and amenity impacts on the occupiers of neighbouring properties and the wider area.

It is therefore recommended that permission be granted 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 neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE

- 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: site location Plan.

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

accordance with policy D DM1 of the Arun District Local Plan.

- 3 The use hereby approved shall only be permitted between the hours of 8.00am and 6.00pm Monday to Friday inclusively. No more than 45 children shall be accommodated at the premises in association of the use hereby approved.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers in accordance with policy QE DM1 of the Arun District Local Plan.

- 4 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.