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Planning Services
Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
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Our ref 345
Your ref R/202/13

6 September 2014

Dear Sirs,

Application for removal or variations of conditions following planning permission for change of use of existing residential dwelling to form children's day nursery and construction of conservatory at 31 Albert Road, Rustington – R/202/13

Please find attached an application to remove or vary the conditions of this planning consent, which was granted approval on 13 November 2013. The change of use has now been implemented by Kiddie Kare Ltd, who are operating a popular and successful business within the premises.

We fully accept conditions 1, 2 and 3. However, we consider some of the restrictions contained within condition 4 are unreasonable and unnecessarily limit the operation of the business. Accordingly we are seeking consent for the relevant conditions to be removed or varied. Specifically, the details are as follows:

- *Condition 4 (i) - The premises shall not be used for children's day nursery purposes except between the hours of 7:00 and 19:00 on Mondays to Fridays inclusive.*

We accept this condition and are not requesting that it is altered or removed.

- *Condition 4 (ii) - Between the hours of 8:30 and 15:30 the premises shall only be used by children aged between 0 and 5 years old.*

It is unreasonable for children over the age of 5 to be prevented from using the premises between the hours of 8:30 and 15:30. The premises are open for the provision of childcare throughout the year for children of a wide range of both pre-school and school ages. Kiddie Kare provide childcare facilities on an after-school basis and also throughout school holiday periods, and it is unreasonable to expect parents to arrange for alternative childcare during holiday periods. Accordingly, we are seeking this condition to be removed.

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- *Condition 4 (iii) - That not more than thirteen children shall be accommodated at the premises at any one time, in connection with the use hereby approved.*

The premises are capable of accommodating more than thirteen children at any one time (up to twenty five), and these is clear demand for additional spaces to be provided. Additional spaces will help to support and sustain the current business (which is already popular), and the provision of up to twenty five spaces would comply with Ofsted measurement guidelines based on the size of the premises. There is adequate parking available in Albert Road for drop-off and pick-up of additional children, and these times are staggered to prevent a surge in traffic movements. There have not been any recorded accidents in the vicinity from vehicular movements since the premises opened for childcare, and the operator has not received any complaints regarding parking matters. Accordingly, we are seeking for this condition to be varied from '....not more than thirteen children....' to '.....not more than twenty five children...'

- *Condition 4 (iv) - That not more than six children shall be accommodated in the garden area of the premises at any one time, in connection with the use hereby approved. Use of the outdoor space must not exceed 1.5 hours in the morning or 1.5 hours in the afternoon.*

There is only one adjacent residential garden affected by the outdoor play area, and this is a front garden (primarily used for parking) rather than a rear garden. The garden to 31 Albert Road is bordered on two sides by pavement and public roads. One of these roads is a busy road which generates significant background noise levels. Gardens to other properties directly on the opposite sides of both Albert Road and Mill Lane are also front gardens. These front gardens are not generally used for sitting out or quiet enjoyment, and are primarily used for vehicular parking. Therefore, the use of the garden for children of any age for extended periods of time would not adversely affect the enjoyment of any neighbour's gardens. No complaints have been received regarding noise of children since the premises opened for childcare. Accordingly, we are seeking for this condition to altered by removing the restrictions relating to times that the outdoor space may be used, and by increasing the number of children to be accommodated in the garden area to fifteen at any one time.

We look forward to receiving your response in due course.

Yours faithfully,

[redacted]

Phil Brown
Director
Phil Brown (Architectural Services) Ltd

Encs.