Development Control – Delegated Officer Report

Application Number: AWDM/1457/24 Recommendation – APPROVE

Site: 21 St Botolphs Road Worthing West Sussex BN11 4JS

Proposal: Application to vary condition 3 of planning permission AWDM/0185/19 to increase child capacity from 90 to 120 children in the premises as a whole at any one time [AWDM/0185/19: Application to vary condition 4 of planning permission WB/08/0277/FULL to increase child capacity of day nursery from 65 to 90 children.]

Date of Site Visit: 14/1 and as for AWDM/0396/24 (JA)

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The property comprises a large, double-fronted, detached, Victorian villa occupying a corner plot at the junction of St Botolphs Road and Rugby Road. It has stuccoed elevations under a slate roof and incorporates numerous character features including decorative mouldings, quoins, canted bay windows, and a portico entrance. The building has been enlarged on the south side by 2-storey and single-storey extensions and by a large single-storey extension to the rear.

It has been in use as a day nursery (initially the G/F only) since the early 1990s and has expanded significantly since then, both in terms of additional floor area and the number of children. The current operating hours are 8am to 6pm Monday to Friday. At present the nursery has a maximum capacity of 90 children.

The roadside frontages are enclosed by a traditional, brick-dressed, flint wall. Until recently, there was close-boarded timber fencing (approximately 2 metres high) set behind the wall enclosing the south side garden, with trees and shrubs also interspersed around the perimeter of the garden. The existing wall has recently been adapted, raised in height in brickwork with new c/b fenced panels inserted between newly constructed brick piers; except on the southeast corner where the wall has been built up in solid brickwork to a height of approximately 2 metres. These works are unauthorised and are the subject of a current enforcement investigation under AWEN/0251/24.

There is a hard-surfaced frontage area served by a vehicular access off St Botolphs Road.

St Botolphs Road comprises a primarily residential road consisting of a mix of older buildings, many converted into flats, and purpose-built modern flats.

To the north side is a similar-style Victorian property (No.23), which has been converted into flats with communal frontage parking.

To the west is an end of terrace property facing Rugby Road (No.2).

Proposal

Permission is sought to vary condition 3 of planning permission AWDM/0185/19 to increase child capacity at any one time at the nursery from 90 to 120 children.

It is proposed to increase the number of staff from 18 to 24.

The application is supported by a Supporting Statement, a Transport Report by Reeves Transport Planning, and a Management Plan 2024 (for children in the outside space). An updated Travel Plan 2024 has also been received.

The Supporting Statement states:

"*We wish to increase the number of children able to attend the nursery at any one time to 120.*

We are an 'Outstanding' rated nursery and have the floor space to accommodate the increase and need more child spaces to meet the needs of our customers.

Our existing planning permission limits the number of children in the garden to 44 and we are happy to maintain that limit which will ensure no increase in noise for neighbours. We have provided a Management Plan for the outside space to support our application.

We appreciate that the increase in child spaces and staff will lead to an increase in journeys to and from the nursery, and have commissioned a transport study which assesses the impact as minimal."

Relevant Planning History:

WB/08/0277/FULL: Proposed two storey side extension to existing nursery school. Permitted 07.05.2008.
Condition 4 limits the number of children at the premises to 65 at any one time.

AWDM/0185/19: Application to vary condition 4 of previously approved WB/08/0277/FULL to increase child capacity of day nursery from 65 to 90 children. Permitted 06.08.2019.
Condition 3 limits the number of child spaces provided in the premises as a whole at any one time to 90.
Condition 4 limits the maximum number of children using the garden at the premises at any one time to 44.

AWDM/1034/23 Proposed single-storey classroom extension to rear (West) elevation. Permitted 25.10.2023. Implemented.

AWDM/0396/24 Proposed entrance lobby to rear elevation. Permitted 21.06.2024. Implemented.

Consultations:

WSCC: The Local Highway Authority has raised no objection in principle, commenting:-

"*This application seeks the Variation of Condition 3 of application AWDM/0185/19, to allow for an increase of child capacity from 90 to 120 children in the premises as a whole at any one time.*

For context, AWDM/0185/19 permitted the increase in child capacity to 90 children from 65. WSCC in its role as Local Highway Authority (LHA) were a consultee for application AWDM/0185/19, and no objections were raised from a highway safety point of view.

The current submission is supported by a Transport Report prepared by Reeves Transport Planning. The Transport Report includes expected trip rates for the proposed development, utilising existing trip data for all modes ascertained from surveyed existing travel demand. The LHA are satisfied with the methodology undertaken. The data would suggest an increase of six vehicle trips during the AM peaks, which the LHA would not consider a significant intensification. Weight is given to the fact the site is situated in a sustainable location that is well accessible on foot or by public transport.

I note that a Travel Plan was approved for the Nursery in 2019 as part of the previous application, and the LHA would request that if planning permission is granted, the Travel Plan be updated to reflect the increase in staff and child numbers.

I do note written representations referring to illegal parking. Illegal or dangerous parking, including parking on the footway, can be dealt with by Sussex Police. Both roads do benefit from waiting restrictions and any illegal parking could be dealt with as an offence under Section 22 Road Traffic Act 1088 (Leaving vehicles in a dangerous position on the road including verge), and Section 137 Highways Act 1980 (Wilful obstruction of the free passage along a highway). Both of these acts are enforceable by Sussex Police.

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 115), and that there are no transport grounds to resist the proposal."

The following condition is recommended in the event of approval:

Travel Plan Statement (to be approved)
No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and 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.
Reason: To encourage and promote sustainable transport.

An updated Travel Plan has since been provided which the Highways Officer has confirmed is acceptable.

Adur & Worthing Councils

The ***EHO (Public Health)*** has no adverse comments.

Representations: 5 objections to the proposal have been received, raising the following concerns (which have been summarised):-

- Lack of consideration for neighbours by parents dropping off and collecting children, parking behaviours creating havoc in the surrounding area, including blocking in neighbour's driveways. They have no regard for safety. More children can only exacerbate the issue.
- Traffic issues around the nursery are significant and dangerous with multiple accidents and near-misses as a result of parents improper parking or reckless driving in a rush to get to work.
- [The nursery] continually park their long wheel base van on double yellow lines on the corner (with Rugby Road) blocking the view of vehicles trying to pull out. They have a large driveway but choose not to park there. It won't be long before there is an accident.
- Parents constantly park on the double yellow lines and allow their children to run into the road, more children would be a complete safety hazard and could end in disaster. Every single morning they park on the double yellow lines at the corner of Rugby Road making turning out of Rugby Road dangerous as there is no visibility.
- Cutting down existing trees in the gardens has eradicated their noise cancelling effect.
- An unsightly wall has been erected.
- The Transport Statement ignores the fact that since the minibus is parked across the site entrance, there is no on-site parking and the safety issue is pushed along to the junction with Rugby Road.
- There were no noticeable parking or traffic issues when the nursery had 65 children but since the increase in 2019 to 90 it is chaos at drop off and pick up time.
- There is a whole road to park in but many parents park around the junction, trying to park as close to the nursery as they possibly can rather than park further away and take a short walk.
- The case officer should visit the site between 8.00 and 8.30 to witness the traffic and parking issues prior to making a decision.
- The nursery has been undergoing continuous expansion for over a year, upwards and outwards and removing trees. The noise from building works has been highly disruptive.
- Noise from the current 90 children is already excessive, particularly in the Summer months when they are outside for long periods screaming and shouting. This is a residential street not a commercial area.

- Unlike schools which have designated break times, the children are outside throughout the day creating constant noise. This situation can only worsen with more children, disrupting the peace and quiet of the area.
- The extra demand for parking on the street from having additional children will add further inconvenience to residents, particularly those who due to a disability need to park close to home.
- The character of the nursery has already changed.
- Measures should be taken to address the concerns highlighted.

Relevant Planning Policies

Worthing Local Plan policies (WBC 2023): SP1, SP3, DM5, DM8, DM15
National Planning Policy Framework (MHCLG 2024)
National Planning Practice Guidance
Guidance on Parking at New Developments (WSCC 2020)

Planning Assessment

There is no objection in principle to improved community/educational provision which is supported by LP policies SP3 and DM8.

The main issues are the impact of the proposed increased numbers of children (120) on the amenities of nearby residential occupiers and on highway safety.

Residential Amenity

LP Policy DM5 states that all new development (including intensification) should not (amongst other things) have an unacceptable impact on the occupiers of adjacent properties including unacceptable increase in noise giving rise to significant adverse impacts, or vehicular movements resulting in severe cumulative impacts on the road network.

A number of local residents have raised concerns about existing noise of children at the nursery, expressing concerns that noise will be exacerbated by the proposed increased number of children by one-third from 90 to 120. It is pointed out that unlike schools where outside play is limited to break and lunch times, the garden is used by the children throughout the day.

The garden wraps around the property to the south and (rear) west of the building.

A condition of the planning permission AWDM/0185/19 limits the number of children in the garden/outside area to not more than 44 at any one time, and this is not proposed to be altered in connection with the current proposals.

Acoustic fencing is in situ along the northern and western garden boundaries. The recently completed rear extension has infilled the garden area adjacent to the northern site boundary, and extends part way along the western boundary, providing an additional ‘buffer’ between these neighbours and the outdoor play area. The submitted Management Plan identifies the remaining outside area directly adjoining 2 Rugby Road as used for ‘quiet’ activities, including an existing structure used as a ‘Garden

Art Space' and a 'Baby Garden/Quiet Area'. A review comment within the submitted Management Plan (2024) explains that the introduction of a 'baby garden' has removed older children gathering in this area.

The Management Plan explains that children spend the majority of their time indoors with regular access to the outdoor area made available. Outdoor activities are organised and supervised with dedicated outdoor leaders. The outdoor provision is led and maintained by an Outdoor Pedagogical Leader and organised to engage children using their interests in the natural environment.

A 'free flow' system to the outdoor area is operated where staff support the children to move between the inside and outside areas according to the number of children. At busy times a wristband system is operated where children wishing to go outside are given a wristband in order to effectively manage the number of children in the garden at any one time.

Use of the outside area is restricted to between 09.00 and 17.00hrs.

There will be 9 supervising adults in the outside area at those times during the day where the number of children outside is at the maximum (44).

Measures are in place to ensure that outdoor play equipment is suitable and well-maintained.

The Environmental Health Officer has raised no objection to the proposed increased number of children and has confirmed that no noise complaints have been received in connection with the current operation of the nursery.

Concerns of neighbouring occupiers regarding noise disturbance from children in the garden are acknowledged. However, the overall maximum number of the children in the garden at any one time will be no greater than previously permitted under AWDM/0185/19. It is appreciated that use of the outdoor area will likely be at maximum numbers for a greater proportion of any day (between 09.00 and 17.00hrs) than at present. Even so, with the Applicant's commitment to organise and manage outdoor activities, to monitor noise levels and be responsive to issues arising, making interventions as necessary, it is not considered that noise from garden use would be materially worse than at present so as to be considered significantly harmful to the residential amenity.

Highway Safety

Although there is a small frontage parking area on the site, the submitted Transport Report confirms that the access is often blocked by the nursery's minibus during peak times to prevent parents from trying to use the access for drop off and pick up.

There is on-street parking available on St Botolphs Road and Rugby Road with parking restricted by double yellow lines around the junction.

A site specific analysis of the likely traffic impacts of the proposal has been carried out.

<u>Trip Generation</u>

It is anticipated that the anticipated 6 additional staff members will result in up to six additional vehicle movements with 3 additional cars parking on the local road network. Staff are instructed to park not too close to the nursery and typically park further away in Belsize Road, Rugby Road or Downview Road.

Based on a survey of existing parents with children attending the nursery the Transport report concludes that the proposed additional 30 children would add under 6 additional vehicles to the local highway network during the AM peak hour. Of these, based on survey information of the proportion of car journeys that are linked trips (i.e. where the journey was linked with another activity such as dropping another child to school or going to work/shopping), the report concludes that just 2 vehicles would be new to the highway network. The projected increase in vehicle movement is therefore minimal.

It is not anticipated the additional 30 children would generate an additional number of deliveries/collections, with the quantity of consumables delivered or waste collected increased as part of existing vehicle movements.

Parking

There is no additional on-site parking provision proposed.

The existing Travel Plan in place encourages staff to walk to work, or use sustainable transport modes. No on-site parking is available for those staff that choose to drive. They are encouraged to park away from the nursery premises.

The Travel Plan also encourages parents to walk or use public transport, providing a secure buggy/bike store, promoting car pooling and events such as 'National Walk to School Week'. Those parents that drive are also requested to park away from the site and this is included in the Travel Plan. The submitted Transport report concludes that there is ample space on local streets to accommodate the small increase in parking demand.

It is expected that existing cycle, scooter and buggy storage space on the site will meet extra demand.

The LHA accepts the conclusions of the site-specific transport assessment and has raised no objection to the proposed increase in the number of children attending the nursery up to 120 subject to the existing Travel Plan being updated. An updated Travel Plan has since been received, with which the LHA is satisfied.

A number of third parties have pointed out that irrespective of the conclusions of the Transport report, it does not take into account the unneighbourly behaviour and poor parking practices of parents when dropping off and collecting children, which is considered dangerous. The LHA has acknowledged these concerns, but has not raised any objection on highway safety grounds.

The Council's Parking Services Manager has confirmed that Sussex Police are responsible for dealing with vehicles causing an unnecessary obstruction (such as parking on the pavement), whilst councils are responsible for enforcing vehicles contravening single or double yellow line parking restrictions. Whilst Council Parking

Officers do currently patrol St Botolphs Road it has been pointed out that the Traffic Regulation Order allows anyone to stop on a double yellow line for the purposes of 'boarding and alighting'. Officers currently allow a 5 minute observation period and if thereafter the vehicle is still parked on the yellow lines a penalty charge notice is issued. In the event of approval the Parking Services Manager has indicated that additional ad hoc visits to the locality can be made.

Notwithstanding the concerns raised by local residents, in the absence of any objection from the LHA and having regard to the sustainable location of this site which is accessible by walking and public transport, and with measures in place to enforce existing parking restrictions in the vicinity of the site, it is considered there are insufficient highway safety grounds on which to resist the proposal.

Recommendation

APPROVE subject to Conditions:-

1. Drawing Numbers
2. [Standard time limit]
3. No more than 120 child places shall be provided in the premises as a whole at any one time.
4. The maximum number of children using the garden/outside space at the premises at any one time shall not exceed 44.
5. The nursery shall not be open for trade or business except between the hours of 8 am to 6 pm Monday to Friday and shall be closed at all other times including Public Holidays.
6. The nursery shall implement and adhere to the provisions and procedures set out in the Pumpkin Patch Nursery Management Plan for Children in Outside Space 2024.
7. The nursery shall implement and adhere to the provisions and procedures set out in the Pumpkin Patch Nursery Travel Plan (2024)

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? Y

Case Officer: Jo Morin Date: 12.02.2025

Authorised by: Louise Prew Date: 12/02/2025