DELEGATED APPLICATIONS ASSESSMENT SHEET

APPLICATION NO./ADDRESS: Reflections Day Nursery, 54 Richmond Road WB/10/0453/FULL and WB/10/0454/LBC

DATE OF SITE VISIT: 1.7.2010 (with applicant)

NEIGHBOURS CHECKED: Y

ADDITIONAL NEIGHBOUR NOTIFICATIONS: N

PROPOSAL, SITE AND SURROUNDINGS:

54 Richmond Road is a Grade II Listed Building in the Richmond Road Conservation Area. Planning permission was granted in October 2003 (WB/03/01051/FULL) for change of use to a child care nursery together with the erection of a conservatory, the widening of the existing vehicular access and laying out of the car park. There is a former coach house in the far north-east corner of the rear garden and a number of preserved trees within the curtilage as a whole.

These applications follow discussions involving the Council's Conservation & Design Architect and Senior Enforcement Officer in response to a complaint in March this year relating to unauthorised works to the coach house building comprising the insertion of uPVC patio doors and timber cladding infilling the opening on the south side, insertion of a uPVC window and door on the west side and works to dry line the interior, install a staircase to the first-floor and exterior lighting. [A service trench to provide electricity to the coach house had also been dug.]

The applicant intends to use the coach house for purposes ancillary to the nursery, namely the use of the first-floor for archive storage and the ground-floor as a summer house in conjunction with outdoor play times and for staff training sessions.

Owing to their materials and unsympathetic detailing the external works as carried out to the coach house were considered unacceptable. These applications involve removing the uPVC doors and windows, timber cladding and flood lamp and seek permission for works to be carried out in a manner more sympathetic to the historic character of the building and its setting. This would involve:-

(i) provision of white-painted, timber, single-glazed inward-opening casement window to current opening in west side elevation;
(ii) provision of part-glazed 'stable' timber personnel door to current door opening in west side elevation;
(iii) Behind existing timber gates (to be retained), infill original opening on south side with a white-painted timber frame with fixed glazing and inward-opening timber glazed french doors;
(iv) Replace exterior light fitting to leading south-east corner of coach house with one of a traditional design.

RELEVANT PLANNING HISTORY

WB/03/01051 Change of use to child care nursery, erection of conservatory, widening of existing vehicular entrance and laying out of car park. Approved conditionally October 2003.

RELEVANT PLANNING POLICIES

Saved Local Plan policies: BE1, H18
Submission Core Strategy: Policy 16
PPS5 Planning for the Historic Environment (2010)

RELEVANT CONSULTATION RESPONSES AND REPRESENTATIONS:

Executive Head of Housing, Health and Community safety: No Comments

Conservation Area Advisory Committee: No objection.

2 letters of objection have been received from the occupiers of the ground and first floor flat at 7 Abbotts Close raising the following concerns:-
(i) Object to the use of this building so close to the boundary, once in regular use the 'quit area' referred to could become as noisy as the play area or used for activities that would further disturb the peaceful enjoyment of home and garden.
(ii) Feel strongly that this is a Conservation Area and character should not be further devalued by intrusion on neighbours. The last 6 years have been blighted by noise levels from Reflections and disregard for the concerns of neighbours;

PLANNING ASSESSMENT:

The main issues for consideration are the effect of the proposals on the historic character and appearance of the coach house and the setting of the primary listed building [the Coach House pre-dates 1948, but is not specifically referred to in the statutory listing], and the affects on the amenities of surrounding properties.

The materials and style of the proposed replacement timber window and stable-opening door in the west side are sympathetic to the traditional character of this historic outbuilding and are considered acceptable. The proportions of the fixed glazing with central French doors behind the timber doors on the south side is respectful of the character of the coach house, by giving reference to the original 'coach' door opening. Moreover, the glazing and French doors would not be visually apparent when the building is not in use and the outer doors are closed. There is no objection the retention of the existing works that have been carried out internally.

External lighting is required under Building Regulations to light a means of escape route from the coach house. The revised siting of the replacement traditional lamp on the leading south-east corner of the building is preferred to

the alternative option of a second lamp on the west elevation (adjacent to the personnel door).

The concerns raised by third parties relate specifically to the use of the coach house and the potential for noise and disturbance arising there from. The use for staff training and storage purposes is ancillary to the primary use of the property as a children's day nursery. There are no conditions on the original planning permission for the nursery in 2003 restricting the use of the coach house building, and therefore it is considered its use for these purposes does not strictly require planning permission.

In respect of the proposed use as a summer house by the children in conjunction with outside play times, condition 16 of the original permission WB/03/01051/FULL states:-

"Before the use commences, play space shall be identified, laid out and demarcated in accordance with details to be agreed in writing with the Local Planning Authority. Thereafter, no changes shall be made to the size and position of the play space without reference to the Local Planning authority in an application on that behalf."

There is no evidence that the relevant details were submitted and approved, although permission was subsequently granted in 2006 for re-paving, re-turfing of rear garden area including provision of gazebo, play house, sand pit and bark mulch area (WB/06/00893/FULL). It is therefore debatable under the wording of condition 16 whether planning permission is required to use the coach house in connection with outside play time. In any event, for the avoidance of doubt, the proposed use has been publicised and is included within the consideration of this application.

The coach house is located in the far north-east corner of the site, and adjoins the rear boundary of Four Seasons, a residential dwelling in Abbotts Close, with an unusually shallow rear garden. Adjoining to the west, at the end of the cul-de-sac, is 7 Abbots Close (sub-divided into 2 flats). There is a domestic garage sited in the east corner of the latter plot, sited between the south of No.7 and the Coach House. Planting along the northern boundary of the nursery school garden consists of a mix of cypress and elder trees.

A condition of planning permission restricts the number of children playing in the garden at any one time to 30. As part of the consideration of the above application in 2006, and following complaints from residents regarding noise from children playing in the garden, a noise survey was carried out by the Senior Environmental Health Officer. This identified that WHO guidelines were not being exceeded and the noise arising from the use of the garden in connection with the day nursery did not amount a Statutory Noise Nuisance.

During a site visit carried out on a sunny afternoon when children were playing in the garden (Thurs pm), it was observed that children were not apparently restricted to certain parts of the garden although dense screen planting along the site boundaries deters children from these areas. The application seeks to use the ground floor of the coach house as a summer

house to shelter the children on occasions when it is raining. The use of the coach house as a summer house may encourage children to congregate in this part of the garden, close to the building. However, on the basis, that the original condition limiting the number of children playing in the garden is extended to include the summer house, it is considered the impact on the amenities of neighbouring occupiers would not be materially worse than the existing situation.

RECOMMENDATION

WB/10/0453/FULL

APPROVE subject to:-

1. Within 2 months of the date of this decision a specification of the materials and external finishes, and detailed drawings and sections showing the thickness, proportions and profiles of the of the frames and mouldings of the casement window, stable door, glazed screen and French doors shall be submitted to and agreed in writing with the Local Planning Authority.

   Reason: In order to safeguard the historic character and appearance of the coach house in the grounds of the listed building.

2. Within 1 month of the approval of the details referred to in condition 1, the existing unauthorised upvc window and doors and timber cladding in the south and west elevations of the coach house building shall be removed and the replacement window, stable personnel door, glazed screen and French doors shall be carried out in strict accordance with the approved details.

   Reason: In order to safeguard the historic character and appearance of the coach house in the grounds of the listed building.

3. The outer doors on the south side of the coach house shall be retained as shown on the approved drawing 2381-11 Rev B.

   Reason: In order to safeguard the historic character and appearance of the coach house building in the grounds of the listed building.

4. The use of the ground-floor of the coach house as a summer house by children shall only take place in conjunction with the outside play times inclusive to the restrictions imposed under Condition 18 of planning permission WB/03/01051/FULL and the limit on the number of children at play in the garden (and coach house) at any one time to no more than 30.

   Reason: To safeguard the amenities of the occupiers of neighbouring properties.

5. The use of the ground-floor of the coach house for training purposes ancillary to the approved day nursery use shall only take place between the hours of 7.30am and 9.00pm on Mondays to Fridays and between 8.00 am and 6.00 pm on Saturdays and not at all on Sundays or Bank Holidays.

6. Within 2 months of the date of this decision a specification and/or manufacturers brochure providing details of the materials, finishes and detailed design and appearance of the proposed external lantern shall be submitted to and agreed in writing with the Local Planning Authority.

   Reason: In order to safeguard the historic character and appearance of the coach house in the grounds of the listed building.

7. Within 1 month of the approval of the details referred to in condition 6, the existing unauthorised floodlight shall be removed and the replacement lantern shall be carried out in strict accordance with the approved details.

   Reason: In order to safeguard the historic character and appearance of the coach house in the grounds of the listed building.

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

   Reason: For the avoidance of doubt and in the interests of proper planning.

WB/10/0454/LBC

GRANT CONSENT subject to:-

1. Within 2 months of the date of this decision a specification of the materials and external finishes, and detailed drawings and sections showing the thickness, proportions and profiles of the of the frames and mouldings of the casement window, stable door, glazed screen and French doors shall be submitted to and agreed in writing with the Local Planning Authority.

   Reason: In order to safeguard the historic character and appearance of the coach house in the grounds of the listed building.

2. Within 1 month of the approval of the details referred to in condition 1, the existing unauthorised upvc window and doors and timber cladding in the south and west elevations of the coach house building shall be removed and the replacement window, stable personnel door, glazed screen and French doors shall be carried out in strict accordance with the approved details.

   Reason: In order to safeguard the historic character and appearance of the coach house in the grounds of the listed building.

3. The outer doors on the south side of the coach house shall be retained as shown on the approved drawing 2381-11 Rev B.

Reason: In order to safeguard the historic character and appearance of the coach house building in the grounds of the listed building.

4. Within 2 months of the date of this decision a specification and/or manufacturers brochure providing details of the materials, finishes and detailed design and appearance of the proposed external lantern shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: In order to safeguard the historic character and appearance of the coach house in the grounds of the listed building.

5. Within 1 month of the approval of the details referred to in condition 4, the existing unauthorised floodlight shall be removed and the replacement lantern shall be carried out in strict accordance with the approved details.

Reason: In order to safeguard the historic character and appearance of the coach house in the grounds of the listed building.

REASON FOR RECOMMENDATION:

The proposed alterations to the coach house within the grounds of this Grade II listed building would not detract from its historic interest or character or the character or appearance of the Richmond Road Conservation Area. Subject to the controls imposed by the conditions of planning permission, the use of the first-floor for storage ancillary to the nursery and the use of the ground floor as a summer house in conjunction with outside play times and as a staff training ancillary to the nursery would not be detrimental to the amenities of neighbouring residential occupiers. It would not therefore conflict with saved policies BE1 and H18 of the Worthing Local Plan, or national planning policy guidance contained in PPS5.

HUMAN RIGHTS:

Article 8 (Right to Respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application. It is accepted that the proposal, if approved, would have some impact on the neighbouring properties. However, it is considered that on balance, existing residential quality of life would not be significantly adversely affected as a result of the proposal. Accordingly it is considered that it is acceptable with regard to Article 8 and Article 1.

IS RECOMMENDATION CONTRARY TO LETTER (S) OF REPRESENTATION?

Yes

Delegated Decision

Case Officer
Sign..... [redacted] .....Date..... 23.7.10 .....

Authorising Officer
Sign..... [redacted] ...Date..... 23.7.10 .....