Exp 4/1

Development Control – Delegated Officer Report

Application Number: ADC/0416/06 Recommendation – APPROVE

Site: **9 The Burrells, Shoreham-by-Sea**

Proposal: **Continued use as day nursery for max 15 children (renewal of SU/207/02)**

The Application

The application seeks renewal of the temporary permission granted on 13 January 2003, expiring 31 December 2006, for a day nursery for up to 15 children.

The permission also included the erection of a long extension to the bungalow, alongside the south boundary with the access drive to the garages at the rear of No.7. This extension was permitted permanently and is now in existence.

The whole front garden has been surfaced with tarmac, with a full width pavement crossover.

Consultations and Representations

County Transport Planning Services: ~~To be reported~~. No obj. subject to conditions

Director of Services: The EHO has no objection, commenting that no complaints have been received.

Third Parties: A letter from the resident of No.7, the house to the south, states that whilst under temporary restriction, everyone is on best behaviour even with regard to the applicant's own son climbing over the mesh fence and damaging it over the years. However, they still have a daily problem of parents who, despite the availability of space along the road or even on the day nursery itelf, choose to park across the entrance to the drive at the side of their property.

Relevant Planning Policies and Guidance

West Sussex Structure Plan 2001-16 (2005): LOC1, NE1-2, NE11, DEV1, DEV4-5
Adur District Local Plan 1993-2006 (1996): AG1, AH6, AT12, ACS1
PPS1 'Delivering Sustainable Development' (ODPM 2005)
PPG13 'Transport' (DTLR 2001)
Government Circular Letter: Pre-school Education (DoE 1996)
Circular 11/95 'The Use of Conditions in Planning Permissions'

Planning Assessment

Policies

Local Plan and Structure Plan policies ACS1 and NE11 seek to provide for appropriate new educational and community facilities within the built-up area in recognition of the importance of these services. ACS1 states that the LPA will support new educational facilities on sites in the built-up area subject to compliance with other Local Plan policies. Policies AH6 and NE2 state that permission will not be granted for development which would lead to the loss of existing dwellings. It was accepted in 2003 that the partial loss of residential accommodation in this bungalow was acceptable but, subsequently, its total loss to increase the size of the day nursery was unacceptable (SU/68/05).

Need for the day nursery use

There is a need for day nursery facilities in the District and the premises in question play a useful role in helping to meet the need (see previous reports on applications SU/207/02 and SU/68/05 where reference is made to a waiting list for places). The limit of 15 children is necessary to ensure that the degree of disturbance to neighbouring dwellings, including the amount of traffic generated, does not become excessive. The time limits on the hours of use are also necessary.

Outcome of trial period

A period of 3 years has now elapsed to provide a trial period enable the situation to be re-assessed in the light of experience. It is evident from the lack of complaints that no significant problems have occurred. The reference by the neighbour at No.7 to inconsiderate parking by parents/callers, whilst regrettable, is not a matter of such seriousness as to warrant refusal.

Taking account of the above, it is considered that there is no justification for not granting a permanent permission. Circular 11/95 (para 111) states that a second temporary permission should not usually be granted as the trial period should enable it to become clear whether permanent permission (or refusal) is the right answer.

Recommendation

APPROVE for the reason:-

2PPii amended
The premises are within the built-up area and the use helps meet the need for pre-school education within the local area without detracting from the local environment. Subject to compliance with the conditions below, it takes place without resulting in unacceptable detriment to the amenities of neighbouring properties and without detraction from highway safety. It consequently does not conflict with the relevant policies of the ADLP (AG1, ACS1, AT12) and the WSSP (LOC1, NE11, DEV1, DEV4-5).

Subject to:-

1. C16Ai (amended)
   Apart from use incidental to the existing dwelling, the extension permitted under reference SU/207/02/TP, shall be used only for a day nursery school and for no other purpose within Class D1 of the Schedule…….. R. ACS1 of ADLP and DEV1 of WSSP

2. Copy 4 of SU/207/02/TP (limit children to 15 max)

3. Copy 5 of SU/207/02/TP (limit hours of use)

4. C8Bi (amended)
   The tarmac area at the front of the premises shall not be used for any purpose other than access and for the parking and turning of cars incidental to the dwelling and the day nursery school.

Case Officer…. [redacted] …… Date…30/11/06……

Head of Planning & Community [redacted] Date…4 December 06

Chairman of Committee….. [redacted] Date…4/12/06……