## DELEGATED APPLICATIONS

## ASSESSMENT SHEET

APPLICATION NO./ADDRESS

10/1074/FULL

CBabiesafe
12 Manor Road
Worthing
West Sussex

DESCRIPTION OF DEVELOPMENT

Variation of condition 1 of Planning Permission WB/08/0624/FULL to allow an increase in the number of children that can be accommodated in the day nursery at any one time from 32 to 36 children.

No external works or net increase in floorspace is involved, simply a revision to the use of the rooms.

The application is supported by an OfStED license and Travel Plan.

DATE OF SITE VISIT: 15.3.11 & 15.9.10

SITE AND SURROUNDINGS AND RELEVANT PLANNING HISTORY:

The nursery was established in 1995, initially on the ground floor only, for a maximum of 19 children following grant of planning permission (WB95/0536/FULL refers). Prior to that the building was in use as bedsits and a flat. The maximum number of children allowed at the nursery was increased to 29 in 1999 following incorporation of the upper floor flat by grant of planning permission WB/99/00772/FULL.

Two proposals (WB/02/00375/FULL and WB/03/00325/FULL refer) to increase the numbers children were refused in 2002 (35 children) and 2003 (34 children) on grounds of parking; noise disturbance to neighbours and lack of outdoor play space.

The premises were acquired by the current owners *cbabiesafe* in June 2006 and the applicant reports making a number of improvements to parking and access, play and facilities as well as to the operation of the nursery.

Planning permission was granted on 30.9.08 to raise the maximum number of children accommodated at the nursery from 29 to 32 by varying a limiting condition in a relatively recently granted permission (WB/0300325/FULL refers).

The premises are sited on the corner of Manor and Rowlands Roads in a pleasant residential inner suburb, just west of the town centre. The area is characterised by

generally large Edwardian houses set in reasonably sized mature gardens to the east of Manor Rd and this is a Conservation Area. In contrast, newer 3 -6 storey blocks flats prevail to the west of Manor Rd and north of Boundary Rd.

Flanking the site to the south is No 10 Manor Rd, a similar detached two storey Edwardian house now converted to flats, with few windows looking out on to the nursery and substantial close boarded wooden fence marking the common boundary. On the nursery's eastern flank is No 139 Boundary Rd. This is part of a pair of large Edwardian semi detached houses now converted to flats, set back by the width of a drive. The common boundary is marked here by a tall hedge and fence and is also partly screened by an outbuilding belonging to the nursery, though there are windows looking over to the nursery. Opposite (west) the nursery is Shrewsbury Court, a three storey block of purpose built flats well set back from the road and partly screened by trees. Reportedly, it is occupied by mainly elderly people.

The nursery premises are a detached two storey Edwardian house, very similar to No 10, whose principal frontage is onto Manor Road, where the main pedestrian entrance is located. The premises are well set back, benefiting from a deep front garden (7 metres) onto Manor Rd and deeper still wrap around side garden onto its Rowlands Rd frontage (11 metres). The front garden is hard landscaped and divided into between an area reserved for the youngest children adjacent to No 10 and three other areas, dedicated to older children, with play equipment. The far eastern part of the curtilage by Rowlands Rd is laid out as a tarmacked open car parking for some 5 cars and turning area and also provides cycle and buggy storage. Vehicular access to this parking area is off Rowlands Rd adjacent to No 139.

The whole front /side curtilage area is screened from the street by a tall dense hedge and low brick/flint wall. The rear garden is laid out as an all weather play area, protected by a low monopitched glazed canopy but partly open at the sides above the tall boundary wall with No 10. It connects to an outbuilding (play barn) used for quiet activities and small groups. Both floors of the house are used as a nursery, with baby and toddler rooms ,located on the Rowlands Rd frontage.

Approved hours were recently (September 2010) increased on a temporary basis from 8am to 6pm Monday Friday to allow an earlier start at 7.30am (WB/10/0683/FULL refers) and currently there are between 15 and 32 children at any session. The OfSTED license restricts the numbers of under twos to no more than 16 and overall numbers to 36. Typically the numbers are between 4 and 10 at any one session. Between Eleven staff are *employed*; (10 full time, one part time and work staggered hours).

REPRESENTATIONS AND RELEVANT CONSULTATION RESPONSES :

The Executive Head of Health and Community Safety offers no comments (in view of the location and the absence of any history of noise complaints).

Highway Authority:

*This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals which include up to 5 residential units or extensions to single units accessed from roads that do not form part of the Strategic Road Network (SRN). As such the comments provided by Local Development should be considered to be advice only, with respect to this planning application.*

*This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.*

*I refer to your consultation in respect of the above planning application and would provide the following comments.*

*West Sussex County Council was consulted previously on Highway Matters for this location under planning application no. WB/624/08 to which no objections were raised to the increase of 29 children to 32 children at the nursery.*

*I am not aware of any highway related issues to this site and its current use therefore it is not considered that the addition of 4 children to the nursery would generate a significant increase in traffic generation nor be of detriment to the surrounding road network.*

5 Shrewsbury Court Manor Road ; Object son following grounds:

- This is a large increase
- Thin end of the wedge and part of a long pattern of incremental growth.
- Fear growth will continue.
- Byisness ahd already increased.
- Cars park in Rowlands Road on pavement and block Shrewsbury Court.
- Children cause nuisance.
- Most residents nearby are elderly and parking cause problems.

Early Years Children's Unit West Sussex County Council: As this development will not have a significant impact on other childcare businesses in the Worthing area we have no objections to this application.

As per requested a summary of our phone conversation earlier today. Section 6 of the Childcare Act 2006 sets out that the Local Authority, so far as is reasonably practicable, should ensure that the provision of childcare is sufficient to meet the requirements of parents in their area. This is to enable them to work or undertake education or training which could reasonably be expected to assist them to obtain work. We know from consultation with parents that some prefer to have childcare close to home, whilst others choose childcare nearer to their work. Across Worthing we have a mixture of nursery provision offering 7:30am and 8:00am opening. They are likely to restrict the number of children starting at these times due to the required staffing levels necessary under early years Ofsted legislation. Parental demand and business costs must be weighed up to make the service viable as part of the whole business. Therefore we would support the childcare market to be diverse to meet parents individual needs and offer flexibility in the services they provide.

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 the level of development proposed would not cause undue harm in terms of additional noise, disturbance and loss of privacy and that, on balance, existing residential quality of life would not be adversely affected as a result of the proposal. Accordingly it is considered that it is acceptable with regard to Article 8 and Article 1.

RELEVANT PLANNING POLICIES:
Saved Worthing Local Plan Polices BE1, SC8, H18 and TR9.
Planning Policy Statement: 1 Delivering Sustainable Development
PPG13: Transport
PPS4: Planning for Sustainable Economic Growth
PPG 24: Planning and Noise

PLANNING ASSESSMENT: (Include any impact on Crime & Disorder and Issues identified above)

The principle of a nursery use on the site is well established. The main issues raised by this proposal are the need for increased numbers and the suitability of the premises and location for such an intensification of use in terms of potential noise and disturbance to nearby dwellings and traffic and parking impacts.

Need for increased numbers

Saved Policy SC8 of the Local Plan supports the general principle of day nursery provision to enable carers to gain and maintain employment.

Whilst the Early Years Unit at the County Council has previously advised the town centre is generally numerically well served by nursery places, it has also recognised that there is a need for choice and diversity, generally. Certainly, OfSTED Inspection reports and reported growing demand for nursery places at the premises as evidenced by waiting lists indicates the nursery offers a good standard of care and is popular with carers. The early start times recently approved, the central location and the service offered to parents allows them to view their child via a web cam whilst away seem to be strong selling points. The Early Years Unit does not envisage any harmful impact on any other provider and raise no objections to the current application.

The proposal would assist carers in gaining and maintaining employment and training and allied Government and County Council social and economic objectives.

The suitability of the premises and location for intensification and potential noise and disturbance to nearby dwellings and traffic and parking impacts

Overall, the nursery is well placed and served. It operates from large detached Edwardian villa with substantial front and side garden and large off street parking/turning area. The premises are close to the town centre and buses, and, therefore, convenient for local residents and workers in the town centre. Whilst in a residential area, it enjoys generally advantageous circumstances. First and foremost, it is located on a corner of a wide crossroads. Secondly, it benefits from largely good separation distances to neighbouring dwellings (principally the blocks of flats at Waverley Court, Shrewsbury Court and Manor Lea) and good boundary screening. Finally, it enjoys good facilities.

Although the nursery has incrementally expanded from 19 to 32 child places over the years, the latest proposed increase is small and the nursery would remain relatively modest in scale and still appreciably smaller than many others around the town centre (eg Reflections and Dolphins).

OfSTED has already licensed the premises to accommodate 36 children (with no more than 10 under two) and so the capacity of the premises to acceptably provide a odd standard of care is not in doubt. The license anticipates only internal changes to the layout of the premises to achieve this, chiefly a first floor sleeping room being brought into use as a play room and the sleeping functions redistributed to ground floor play room and baby room. No external works or net increase in floor space is involved.

Turning to nuisance, no complaints have been received by the Environmental Health Manager for many years and certainly not since the new owners took over in 2006. Only one objection has been received to the current application.

It is difficult to see how, given the room layouts and window arrangements, boundary treatments, and separation distances, together with the management of operations, any material harm would arise with safeguards discussed below. In particular, the play area adjacent to No 10 Manor Rd - the nearest dwelling- is largely enclosed and the baby rooms located on the Rowlands Rd frontage.

Concerns have been raised by residents in Shrewsbury Court in the past and in the current application over the intensification of the nursery, citing incremental cumulative growth, noise form children and inconsiderate parents parking across drives and blocking access. These merit particular attention. However, these flats are well separated from the nursery and the outdoor play areas in the front garden. The out door play areas are, in any event, only used for limited periods at worst and use prevented before 8am by condition. Carer access is also restricted by condition to the Rowlands Road entrance before 8am which is even more remote from Shrewsbury Court and also helpfully, the nearest dwelling at No 10 Manor Road. Other conditions restrict the nursery places available before 8am to no more than six at any one time with the same aim of limiting the impact of activity at this earlier time.

Looking at outdoor child space, Saved Worthing Local Plan Policy SC8 requires nurseries to provide 6 sq metres per child over 2 years of age. Taking account of the upgrades made and recalculating requirements, the outdoor amenity space now available is some 260 sq metres, including 21 metres roofed all weather play area. This is more than enough to meet the 216 sq ms required under the standards, even

if all children were 2 or over. The new application therefore satisfies this requirement.

Finally, in terms of parking and access, the premises are very sustainably located and the 5 car spaces is generous compared to many nurseries which have only a set down and pick up bay in a narrow forecourt. The submitted Travel Plan (2006) commits the business to sustainable travel and reveals that most clients (82%) lived within 1 kilometre of the site and only 32 % travelled by car. A survey of the waiting list in 2010 contained in a supplement to the Plan indicated 62% lived within a similar distance and only 12% would travel to the nursery by car. Many staff live locally and walk to work also. This suggests a strong local base and only limited reliance on use of the car. The travel plan may be secured by condition and, this, along with the cycle and buggy store, will encourage sustainable travel, minimising the potential for car travel and attendant noise and disturbance from early morning carers.

In any event, the access and parking area are well screened and functionally satisfactory and the access to the premises from this point is restricted by condition before 8am. No objections have been received from the Highway Authority for such a small increase. Although, the site is outside any Controlled Parking Zone, double yellow lines prevent parking on the crossroads of Manor and Rowlands Roads and the new blocks of flats on the west side of Manor Rd feature extensive off-street parking, including an large layby (maximum stay 2 hours). Impacts in the evening and at weekends would be entirely absent.

**Conclusion**

The nursery is well established and enjoys good accommodation and facilities and is in a sustainable location. The proposal would intensify the use marginally and help meet a recognised demand and wider economic and social objectives. The site is generally well screened and separated from neighbouring dwellings at a crossroads with access and use of outdoor areas restricted by condition and numbers generally and early morning places in particular capped to minimise potential for disturbance. Access and parking are satisfactory but may be regularized by a travel plan. As such, the proposal should be allowed.

RECOMMENDATION

**Grant** Planning Permission subject to conditions; 31.10.13 open 7.30am to 6pm;; no access to premises other than from Rowlands Road access by staff or carers before 8am; no use of any outside play areas before 8am; no more than six nursery places to be available before 8am at any one time; retain parking and access and travel plan.

**DELEGATE**

Case Officer sign..... .....Date.....16.3.11.....

Authorising Officer sign..... ...Date.....21-3-11.....