Development Control – Delegated Officer Report

Application Number: AWDM/0623/25 Recommendation: Approve

Site: **33 Christchurch Road, Worthing**

Proposal: **REVISED DESCRIPTION: Application to vary Condition 2 (capacity), to allow for 56 child/baby spaces at the nursery (increase of 6), and removal of Condition 3 (setting down area), of approved application AWDM/1620/14**

Last visited: 17.06.2025

Neighbours checked: Y

Additional neighbour notifications: Y Revised description/supporting information notified 30.10.2025

Site and Surroundings

The site relates to a large detached two storey converted house located on the west side of Christchurch Road in use as a day nursery. Surrounding properties are in residential use. The site is not a listed building and is not within a conservation area. The site is within a controlled parking zone which restricts parking between 10-11am and 2-3pm to residents only.

The premises were first formally established in 1986 when they occupied the ground floor only (WB/86/140/FULL refers) and were limited to 24 children. After a refusal in 2001 (WB/01/00853/FULL), on grounds of disturbance to neighbours, temporary permission to increase the numbers of children to the 36 (including 10 babies) was granted in 2002 (WB/02/00576/FULL refers). This involved incorporating the owners' first floor flat into the nursery. The temporary permission was renewed in 2003 (WB/03/01326/FULL) but converted to a permanent permission in June 2005 (WB/05/0527/FULL refers).

Planning permission was granted in 2009 under application WB/08/1167/FULL to increase the number of children at this established day nursery from 36 to 40 by varying condition 1 of planning permission WB/05/0527/FULL.

Planning permission was subsequently granted in 2011 under application AWDM/0807/11 to vary condition 2 to raise capacity to 46 children and alter the age restriction and a variation of condition 8 to change opening time from 8.00am to 7.30am from permitted application WB/09/0277/FULL (approved as condition 1) on a temporary 3 year trial basis. A further permission was granted under AWDM/1620/14 to vary condition 2 of AWDM/0807/11 to raise the capacity to 50 children and alter the age mix on a permanent basis and with amended opening times as a variation to condition 1 to 7.30am to 6pm Monday to Friday on a permanent basis.

A recent planning permission for a single storey extension at the rear has also been implemented under AWDM/0721/24 which approved a utility/storage area and wc facilities and included remodelling of the ground floor including removal of partition walls to increase floor area.

Proposal

The current application seeks to vary condition 2 of AWDM/1620/14 to allow an increase in the number of child/baby spaces from 50 to 56. Condition 2 of AWDM/1620/14 reads as follows:

02. No more than 50 child/baby spaces shall be provided on the premises.

Reason: In the interests of the amenity of the neighbouring occupiers in accordance with saved Local Plan Policy SC8.

During the course of the application, it has also become apparent that the setting down area required by condition 3 of AWDM/1620/14 is being used as a parking area rather than retained solely for setting down purposes. Therefore the applicant's agent has revised the application and further consultation has been carried out on the basis of seeking the removal of condition 3, which reads as follows:

03. The setting down area and "in" and "out" driveway shall be retained as such hereafter.

Reason: In the interests of highway safety in accordance with saved Local Plan Policy SC8.

A supporting Planning Statement has been provided which includes the applicant's case setting out the need and demand for early years and childcare places as detailed in the extract below, and also includes a letter of support from West Sussex County Council Early Years and Childcare Team. The Planning Statement states that:

'6.8 Hopscotch nursery has been operating from 33 Christchurch Road since September 2023, and over this period there has been a demonstrated increase in demand for places at the nursery, from approximately 50% occupancy in late 2023 to currently over 80% occupancy.

6.9 The nursery also currently receives an average of 10 new enquiries per month from new parents, and it is expected this number of enquiries (and thus occupancy) to rise further following the implementation of the single-storey rear extension (and remodelling of the ground floor level).

6.10 The last increase in children/babies to 50 was granted by WBC 10-years ago in January 2025 (AWDM/1620/14 refers). Over the last 10-years the demographic of Worthing has been re-shaped and the population of the town increased exponentially with an increase of families moving to the town. The changing demographic and population increase has been caused by the Covid pandemic whereby there was a large shift of young families moving from London to the south coast. This is coupled

with the evolution and increase of residential development of the town to satisfy the Worthing Borough's housing requirement.

6.11 Furthermore, in September 2021 the government introduced updated permitted development rights via the amended Town & Country Planning (General Permitted Development) Order (GPDO) (England). Class MA was introduced within the updated GPDO which allows for the change of use of commercial uses (under Class E of the Use Classes Order) to residential use without planning permission (and subject to the relevant criteria within the GPDO being met).

6.12 Under the Use Classes Order, children's nurseries constitute commercial uses, and given there are no Article 4 Directions within Worthing Borough (that would otherwise restrict the use of Class MA under the GPDO), means that there is a risk that other nurseries within Worthing are lost, converted to residential use and without being controlled by WBC. As such, since 2021 the unfettered loss of nurseries has put further pressure on the local nursery and early years education sector to meet the demand and need of the local community.

6.13 The proposed increase of 6 children/baby spaces to 56 at Hopscotch nursery represents a 12% increase when compared to the existing spaces on offer at 50. Given it has been 10-years since the last increase of spaces was granted planning permission by WBC, it is considered a 12% increase (that equates to less than 1% increase per annum) is modest.

6.14 Coupled with the demonstrated increase in demand and need for nursery spaces within Worthing, and the improved internal layout of 33 Christchurch Road means that this proposed increase in spaces at Hopscotch nursery is demonstrated to represent an acceptable form of development in principle, and in accordance with the provisions of the NPPF and the local Development Plan.'

The following extract from the applicant's Transport Technical Note states that:

'7.2 Hopscotch Nursery has sustainably grown over the recent past. There have been numerous applications slowly expanding the number of children attending the site since 1986, when the building was originally approved to be converted to a nursery.

7.3 Hopscotch Nursery is in a sustainable location with good access to local amenities and an excellent level of accessibility to public transport modes with bus stops and a rail station giving staff and parents realistic, sustainable travel options.

7.4 The site specific analysis of the transport impacts note that the vast majority of journeys undertaken by parents and staff is by foot, with circa 85% and 95% of all journeys, respectively, by this mode. The minimal increase in children will not materially change the current volume of vehicle traffic or trips generated by the successful business.

7.5 The site includes on-site parking provision for staff and there are existing cycle, scooter and buggy storage spaces that currently meet the demands generated by the nursery. There are no changes proposed for the parking allocation as part of this proposal.

7.6 On this basis, taking all relevant information into consideration it is evident that the proposal to increase the number of children attending Hopscotch Nursery from 50 to 56 will not have a severe impact on highway capacity or an unacceptable impact on highway safety.'

An additional Supporting Statement has been provided to address the removal of condition 3. It states that '*The current situation is that the in/out driveway is not being used for such purposes, with this area historically been used for vehicle parking'* and goes on to make the following points in support of the application:

- *'Hopscotch Nursery is in a predominantly residential location and is set amongst the residential area that is directly to the north-west of Worthing centre. As such the nursery serves the residential population that is in proximity to the nursery itself. This means that the vast majority of parents and children travel to the nursery by foot (or bicycle) from these surrounding residential roads, and which greatly minimises the traffic impact due to the loss of the setting down area and in/out driveway.*

- *The small number of parents that may choose to drive to the nursery to drop off and pick up their children on the surrounding streets are restricted by the local parking controls (i.e. the surrounding streets are all protected by specific parking zones and/or single yellow lines.) This means parents are unable to park for any length of time and thus discourages this practice. The local parking controls also restrict parking for any nursery staff that may choose to drive to work.*

- *The highly sustainable location of the nursery is supported by the excellent public transport options that are in the vicinity and within easy walking distance. This includes several bus stops that are located on Teville Road and North Street. Worthing Train Station is also within easy walking distance directly to the north of the site.*

- *Due to the local parking controls (referred to above) parents who require to travel to the nursery other than by foot (due to distance) would choose to use the different public transport options, rather than driving. This is also the case for the nursery staff whereby the majority travel to the nursery either by bus, train or by foot in any event.'*

Relevant Planning History:

00/00059/FULL - Variation of conditions 1 and 2 of Planning Consent WB/140/86 (as amended by Planning Consent WB/92/0200) to allow an extension of business hours (to between 8am and 6pm) and increase the number of children from 24 to 26 (20 children and 6 babies)
STATUS: CCN 14th March 2000.

00/00303/FULL - Erection of railings above wall fronting Christchurch Road and provision of storage bunkers at side
STATUS: CCN 8th May 2000.

01/00853/FULL - Change of use of first floor to nursery for 16 baby spaces
STATUS: REF 3rd October 2001.

02/00084/FULL - Variation of condition 2 of planning consent WB/140/86 to increase the number of children by 8 from 26 to 34 (25 children and 9 babies).
STATUS: REF 13th March 2002.

02/00576/FULL - Variation of condition 2 of planning consent WB/140/86 to increase the number of children by 10 from 26 to 36 (26 children and 10 babies) together with formation of an additional vehicular access to provide an in-out driveway.
STATUS: CCN 25th July 2002.

03/01326/FULL - The deletion of Condition 3 of Planning Permission WB/140/86 (added by virtue of application WB/02/00576) to allow the permanent use of the Nursery to accommodate an additional 10 babies with the addition of 'in' and 'out' driveway, total of 36 children on a permanent basis.
STATUS: CON 18th December 2003.

05/0527/FULL - The deletion of condition 3 of Planning Permission WB/140/86 (added by virtue of WB/03/01326/FULL) to allow the permanent use of the ground and upper floors of the nursery for 36 children, including 10 babies, with "in" and "out" driveway.
STATUS: CCN 29th June 2005.

08/1167/FULL - Application to vary condition 1 of planning permission WB/05/0527/FULL to increase the number of Child Day Care places from 36 to 40 (20 children and 20 babies).
STATUS: CCN 29th January 2009.

09/0277/FULL - Amendment to condition 2 of planning permission WB/08/1167/FULL to amend within the 40 child places allowed, the balance between children of 2-5 years and babies under 2 years shall not result in more than 32 children aged 2-5 years on the premises at any one time.
STATUS: CCN 3rd June 2009.

AWDM/0807/11 - Application to vary condition (2) to raise occupancy capacity to 46 children and alter age restriction and a variation of condition (8) to change opening time from 8.00am to 7.30am. from permitted application WB/09/0277/FULL
STATUS: APP 12th December 2011.

AWDM/1620/14 - Application to vary condition 2 of AWDM/0807/11 to increase capacity to 50 children and alter age mix on permanent basis. Vary condition 1 to amended opening times from 8am to 6pm Monday to Friday to 7.30am to 6pm Monday to Friday on a permanent basis.
STATUS: APP 28th January 2015.

AWDM/0721/24 - Proposed single storey rear extension
STATUS: APP 30th July 2024.

Consultations:

The **Highway Authority** has raised no objection to the application as originally submitted and has commented on the original proposals as follows:

WSCC as the County Highway Authority (CHA) has considered the proposal to increase the number of child spaces at Hopscotch Nursery by six spaces. WSCC raise no objection to this increase as it will not create any significant transport impacts.

The site is located in a highly sustainable location and data from the nursery show that 85% of parents travel on foot to the nursery. Based on this level of sustainable travel it would therefore be expected from any new children joining the nursery. If this was represented in the additional spaces at least one additional child being driven to the nursery.

No changes will need to be made to car parking provision and the increase in six child places will not generate any additional trip impacts in terms of delivery or staff requirements.

As such WSCC do not consider the proposal to create and highway safety or capacity impacts and no objection is raised.

Following receipt of the applicant's supporting statement and revised description to include the removal of condition 3 of AWDM/1620/14 the Highway Authority has re-confirmed their comments with no objections.

The Council's **Environmental Health** Officer has raised no objection to the application.

The Council's **Drainage Consultant** has made the following comments:

Thank you for your consultation on the above site. We have reviewed the application as the drainage consultant acting on behalf of the Council and wish to make the following comments.

The applicant is applying to vary Condition 2 (capacity) of approved application AWDM/1620/14 to allow for 56 child/baby spaces at the nursery (increase of 6). The application is to Worthing Borough Council.

Following a review of the submitted information, we have no objection on surface water grounds. Due to the site, size, location, and type of development we would recommend the approval of the application.

Representations:

One representation has been received from the occupier of the neighbouring dwelling at No.35 objecting to the proposal as originally submitted on the following grounds:

- An increase of more than 10% will lead to greater traffic problems as parents park to drop off/pick up their children

- The driveway is used for staff parking and not used as a setting down area as previously approved – if this was used for parent's cars it would help reduce congestion
- Hazards caused by parking along Christchurch Walk which is a fast road, and blocking driveways causing congestion and blocking rights of way for footway users when parking on the pavement
- Parents and children at risk of accidents from fast traffic whilst loading and unloading
- Work on the extension with extensive scaffolding has dominated that area and caused a considerable reduction in children's play space, part of which has been fenced off to facilitate the works.

Relevant Planning Policies

Worthing Local Plan 2020-2036 (WBC 2023): Policies:
SP1 (Presumption in Favour of Sustainable Development)
SP3 (Healthy Communities)
SS1 (Spatial Strategy)
DM5 (Quality of the Built Environment)
DM8 (Planning for Sustainable Communities/Community Facilities)
DM15 (Sustainable Transport and Active Travel)
DM20 (Flood Risk and Sustainable Drainage)
DM22 (Pollution)

National Planning Policy Framework (MHCLG 2023)
National Planning Practice Guidance

Planning Assessment

Paragraph 11 identifies at the heart of the NPPF a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole.

Paragraph 100 of the NPPF states that 'It is important that a sufficient choice of early years, school and post-16 places are available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

a) give great weight to the need to create, expand or alter early years, schools and post-16 facilities through the preparation of plans and decisions on applications; and
b) work with early years, school and post-16 promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.'

Communities need a range of education, health, social, community and cultural facilities and services to support their health and mental well-being. These are provided by a variety of service providers. It is important that these are accessible to all and respond to the needs of different ages and groups, particularly those with disabilities, those with limited mobility and more deprived members of the community. Locating these services close to the communities they serve, helps reduce the need to travel as well as creating strong inclusive neighbourhoods.

The use of the application site as a nursery is well established and the premises are well suited to a nursery use, occupying a large detached house with a reasonable rear garden area in a sustainable location close to the town centre.

In relation to condition 2, the proposals to increase the capacity of the nursery by a further 6 spaces would support the continued use as a day nursery with increased capacity which would provide benefits to the local community in providing choice and access to nursery places.

The supporting letter from West Sussex County Council Early Years and Childcare Team states that '*the UK Government's expansion of childcare, announced in the Spring Budget 2023, aims to improve accessibility and affordability for families by increasing funded early years and childcare places. The proposed extension would enable Hopscotch to offer additional spaces, directly supporting this national initiative and ensuring that more local families can benefit from high-quality early years education and care. As part of this planning application we would be in support of the restriction of 50 child/baby spaces on the premises to be increased to help enhance local childcare capacity..' '..Local Authorities have a statutory duty to secure sufficient childcare places, so far as is reasonably practicable, for working parents, or parents who are studying or training for employment. The demand for childcare places in the borough is increasing, and high-quality early years provision is essential for supporting working families, reducing inequalities and supporting child's learning and development. It also helps equip children with the essential skills for when they go to school, setting them up for long-term academic and personal success.'*

The applicant's supporting statement has described how the recent implementation of planning permission AWDM/0721/24 has included the reconfiguration of the ground floor layout with the removal of partition walls increasing the GIA from 20.9 sqm to 32.7sqm. There are further changes proposed as part of this application and the play space remains as existing. The overall space and provision quality standards are governed separately by OFSTED.

Local plan policy DM8 supports improvements to education and community facilities to ensure they meet the needs of local communities where it is demonstrated that there would be no unacceptable impact on the occupiers of adjacent properties.

Previous planning permissions have incrementally allowed the number of nursery places to be raised from 24 originally to the 50 places currently and did not attract controversy. Set against this background, the proposed increase of 6 places would be marginal. The Environmental Health Officer has raised no objections to the application and has confirmed that there are no records of noise complaints since the previous increase in numbers.

The previous permission limited the use of the garden area to a maximum of 26 children at any one time and within prescribed hours. Whilst WSCC Early Years and Childcare Team have indicated support for a review on the restrictions on garden access to increase opportunities to access outdoor space, this does not form part of the application under consideration and if approved these conditions would remain in the interests of protecting the amenity neighbouring occupiers.

The applicant's transport statement notes that there would no increase in deliveries, collections or staffing numbers and, of those, the applicant estimates that approximately 95% of staff commuting journeys are on foot and approximately 85% of parents walk their children to the nursery with others arriving by car.

Having regard to the factors outlined above it is considered that the intensification of use by increasing the number of childcare spaces by six would not pose any significant threat to residential amenity, and the Highway Authority does not consider that there would be any significant transport impact as a result of the increase by six places and has raised no objections in this respect.

In relation to flooding, parts of the site are susceptible to surface water flooding and increased risk of tidal/fluvial flooding in the future. No physical alterations are proposed and it is noted that the vulnerability classification would not alter as a result of the proposals. No objection has been raised by the Drainage Consultant in relation to surface water flooding. However, in relation to future tidal/fluvial flood risk, the ability for users to safely evacuate and whether adequate flood warnings would be available to users should be considered and so the preparation of a flood warning and evacuation plan is recommended to ensure safe access and egress for the site in the event of a flood.

In relation to the removal of condition 3, it is understood that the front driveway area has not been used solely as a setting down area for some time and instead regularly provides up to four parking spaces primarily used for staff. The points raised in the representation concerning congestion and safety issues are noted. Prior to re-consultation with the Highway Authority the LHA officer has clarified that from a highway perspective if the area is used for staff parking this would reduce the number of moving vehicles which would have benefits for pedestrians. Any displaced parking would need to be accommodated in the road, which if this is already occurring it would suggest that there is enough parking on the highway to accommodate demand. Restrictions are already in place to control parking in Christchurch Road and the surrounding streets, and no objection has been raised by the Highway Authority in relation to parking, highway safety or transport grounds. Cycle parking and buggy storage can be accommodated within the existing garage and remains unchanged. In the absence of any objection from the Highway Authority it is considered that there would be no significant impact arising from the removal of condition 3 which would allow the use of this area for parking purposes to continue on site.

Recommendation

APPROVE the variation of condition 2 (capacity) and removal of condition 3 (setting down area) as follows and subject to conditions:

1. The nursery shall not operate outside of the hours 7.30 am to 6 pm Monday to Friday and shall be closed on Saturdays, Sundays and Public Holidays.

Reason: In the interests of the amenity of the neighbouring occupiers in accordance with policies DM5 and DM8 of the Worthing Local Plan.

2. No more than 56 child/baby spaces shall be provided on the premises.

Reason: In the interests of the amenity of the neighbouring occupiers in accordance with policies DM5 and DM8 of the Worthing Local Plan.

3. The forecourt planting area shall be retained as such hereafter.

Reason: In the interests of amenity in accordance with policy DM5 of the Worthing Local Plan.

4. The amenity space available for children shall be retained hereafter.

Reason: To ensure that adequate amenity space is provided in accordance with policies DM5 and DM8 of the Worthing Local Plan.

5. No child or baby shall be in any part of the rear garden between 12 noon and 3 pm or before 9am.

Reason: To provide neighbouring occupiers with a predictable quiet time and to avoid disturbance at unsocial hours in accordance with policies DM5 and DM8 of the Worthing Local Plan.

6. No more than 26 children shall be in the rear garden at any one time.

Reason: In the interests of neighbour amenity and to ensure adequate space per child in accordance with policies DM5 and DM8 of the Worthing Local Plan.

7. A Flood Warning and Evacuation Plan shall be fully implemented throughout the lifetime of the development to ensure safe access and egress during a flood event. This shall include registering the business with the Environment Agency's free flood warning service: https://www.gov.uk/sign-up-for-flood-warnings and identifying and displaying on the premises the actions and evacuation route in the event of a flood.

Reason: To minimise risk from flooding in accordance with policy DM20 of the Worthing Local Plan and the NPPF.

8. Approved Plans

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: Rebekah Hincke Date: 16.12.2025

Authorised by: Louise Prew Date: 17/12/2025