

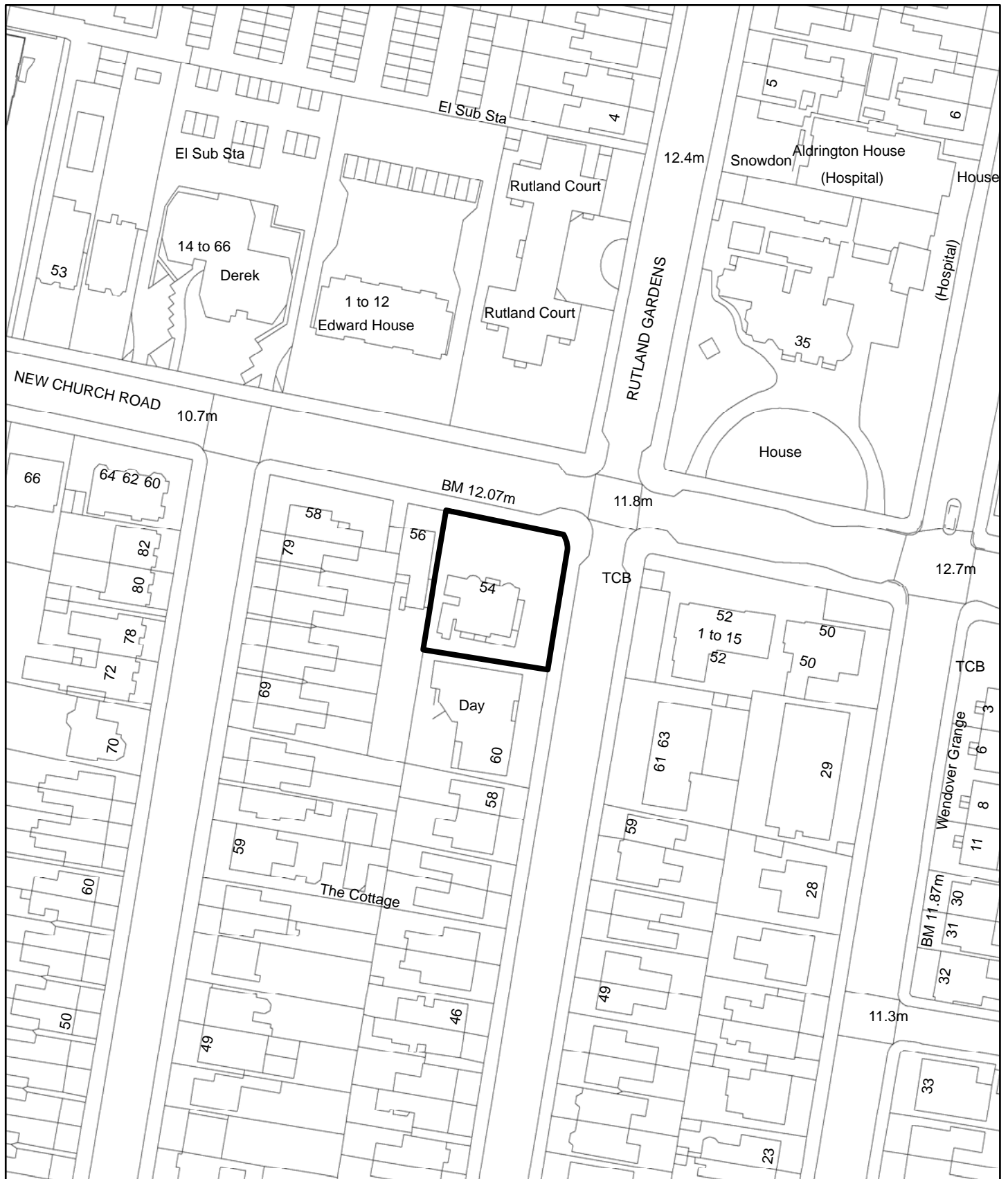
ITEM C

54 New Church Road, Hove

BH2013/03528
Full planning

12 MARCH 2014

BH2013/03528 54 New Church Road, Hove



Scale: 1:1,250

PLANNING COMMITTEE LIST- 12 MARCH 2014

<u>No:</u>	BH2013/03528	<u>Ward:</u>	WESTBOURNE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	54 New Church Road Hove		
<u>Proposal:</u>	Alterations to boundary wall, formation of terrace with canopy and additional play structures. (Retrospective)		
<u>Officer:</u>	Clare Simpson Tel 292454	<u>Valid Date:</u>	21 October 2013
<u>Con Area:</u>	Sackville Gardens	<u>Expiry Date:</u>	16 December 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Lewis & Co Planning, 2 Port Hall Road, Brighton BN1 5PD		
<u>Applicant:</u>	Brightsaurus Nursery, Mr R Kerler, 54 New Church Road, Hove BN3 4FL		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to Brightsaurus children's day nursery on the South of New Church Road on the corner with Sackville Gardens. The property lies within the Sackville Gardens Conservation Area. The area is characterised by a mix of uses, including residential houses and flats and other childcare and education providers.
- 2.2 The building was previously used by the South Downs Health NHS Trust and known as the 'White House' which had a D1 Healthcare use. It is understood that Brightsaurus Nursery has been operating since September 2013

3 RELEVANT HISTORY

- BH2001/02165/FP** Improvements to existing main entrance ramp – approved 12/12/2001
- BH1997/01721/FP** Conversion of property to five flats, with enlargement of existing rear dormer – approved 10/12/1997

4 THE APPLICATION

- 4.1 Planning permission is sought for the alterations to boundary wall, including the blocking up of an existing vehicle access, formation of terrace with canopy on the side elevation of the building, fronting Sackville Gardens and additional play structures and storage structure in the front, rear and side gardens. The application is retrospective.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours: Six (6)** letters of representation have been received from **4B Carlisle Road, 10, 28, 37, Walsingham Road, Flat 5, 50 New Church Road, Flat 27, 43 New Church Road** objecting the application for the following reasons:

- Alterations made to the boundary wall are not in-keeping with the area,
- The brickwork is a different colour and height to the original wall,
- Additional car parking has been displaced on the road,
- The play structures are highly visible and create an eye sore,
- The garage has been changed from an office/ children's indoor space without an application for change of use,
- Concern over the amount of consultation on the planning application,

5.2 **Twenty Three (23)** letters of representation have been received from **98 Windermere Crescent Worthing, flat 2 Robina Lodge 4 Station Road, 23 Nutley Drive Worthing, 41 Sussex Street, 7 Pelham Rise Peacehaven, 16 Drummond Road Goring-by-Sea, 1 Primrose Close Littlehampton, flat 323-325 Mile Oak Road, 28 Poynings Drive, 7 Church Court Neville Avenue, 27 Mansfield Road, 1 Coombe Lea, 215 Hangleton Road, 99 Woodland Drive, flat 6 28 First Avenue, flat 8 70 Wilbury Road, 147 Valley Drive, 21 Shirley Drive, 69 Langdale Road, 8 Pembroke Avenue, 8 Arundel House The Drive, 25 Tamworth Road, 27 Rutland Road** supporting the application for the following reasons:

- The building was empty and derelict and used by squatters,
- The building has been renovated and improves the look of the road,
- Play equipment offers an opportunity to support children's physical development,
- The garden provides a sensory experience and opportunity to grow and learn about food,
- The garden is secure and provides a safe environment to play,
- Play structures are barely visible above the wall,
- This is a child friendly area with playground and nursery nearby,
- Good quality structures have been used,

5.3 **Seventy-Five (75)** signatories have been received on a petition of support for the application stating that the building is a warm and safe environment for childcare and the garden is vital to the children's development. In addition the works to the property as a whole are considered to be in-keeping.

Internal

5.4 **Environmental Health: No Objection**

The addition of play structures could result in increased noise from children playing outside. This can be loud, is hard to control and has the potential to impact on neighbouring residential premises. Therefore, in accordance with OFSTED guidelines, City Early Years Childcare (CEYC) recommend a free flow policy, i.e. children choosing whether they play indoors or out. I would

recommend that a management plan be submitted detailing how noise from the children playing in the outdoor area will be controlled.

The applicant has requested the operating hours to be 8:00am to 6:00pm. I suggest that these are conditioned and that outdoor play is restricted to 9:00am and 5:00pm.

5.5 Sustainable Transport No objection

The Highway Authority would not wish to restrict grant of consent of this Planning Application. The Highway Authority would recommend the inclusion of conditions to secure cycle parking, a travel plan, and removal of the redundant highway crossovers.

5.6 Heritage No objection

Public benefit of the proposals offset potential harm of the timber structures. The existing wall is prominent and distracts the eye from reading the structures. Wall repairs have been carefully considered and detailing is appropriate.

6 MATERIAL CONSIDERATIONS

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.2 The development plan is:

- Brighton & Hove Local Plan 2005 (saved policies post 2007);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

6.3 The National Planning Policy Framework (NPPF) is a material consideration.

6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.

6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.

6.6 All material considerations and any policy conflicts are identified in the "Considerations and Assessment" section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR8	Pedestrian routes
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise Nuisance
SU13	Minimisation and re-use of construction industry waste
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
HE6	Development within or affecting the setting of Conservation Areas
HO26	Day nurseries and childcare facilities

Supplementary Planning Guidance:

SPGBH4	Parking Standards
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Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
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8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the visual impact on the external works including the impact on the wider Sackville Gardens Conservation Area, the nature of the childcare provision being provided, and any impact on the residential amenity of neighbouring properties or impact on the local highway network.

Planning Policy

- 8.2 Policy HO26 of the Brighton & Hove Local Plan states that a fundamental requirement for new day nurseries and childcare provision is the provision of adequate external amenity space for play.
- 8.3 Given the layout of the plot, the only opportunity to develop meaningful play space for this nursery is to the front and side of the building rather than to the rear of the site which is the more common approach. There is no objection to the principle of this approach providing that all other aspects of the development can be considered acceptable. This is discussed below.

Design and impact on Sackville Gardens Conservation Area

- 8.4 The application itemises the play equipment around the site. These are timber structures and appear to be good quality. In terms of the play structures, those items which are most prominent are towards the front of the site, specifically the security hut close to the western boundary of the site and summer house (item

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2 of the submitted plans) close to the front boundary wall. Both of these structures are readily visible from public vantage points but the visual impact of these structures is partially reduced by the presence of existing trees and hedgerows towards the front of the site.

- 8.5 The garden is also divided by a 1.8m fence separating the garden from the driveway. This gives the front curtilage of the property a fairly developed appearance but it is necessary to ensure that the garden space remains safe and that there is separation between the access and the play space
- 8.6 To the side of the building a canopy and external terrace has been constructed. This is visible obliquely from New Church Road and is visible from Sackville Gardens. The canopy is a timber structure with a relatively lightweight frame and plastic roof and it is not considered overly dominant. Space to the side boundary is maintained.
- 8.7 The front boundary wall has been partially in-filled. Yellow stock brick has been used which is currently viewed as a visual contrast to the existing wall. This will however weather down to match the existing finishes. The detailing of the new wall sections is considered acceptable with coping and inset detailing which would match the remaining front boundary wall.
- 8.8 The objections received from some of the neighbouring occupiers have been noted, however it is not considered that the works are harmful to the historic character and appearance of the Conservation Area. The retained boundary vegetation and trees and the use of synthetic grass for the playing surfaces ensures that the front curtilage of the building retains a 'green' appearance.

Impact on Amenity:

- 8.9 The use of the property as a nursery is not part of the considerations for this application. However nursery and childcare activities, particularly outside and in locations where there is adjoining residential development can create issues of noise and disturbance. It is noted no complaints have been received as part of this application. Furthermore the Environmental Health Team have commented on the application and not raised an objection. It is understood that the nursery has been operating with opening hours of 08.00 to 18.00.
- 8.10 Given that the use of the outdoor space is currently unregulated and given the potential for noise and disturbance, the Environmental Health Team have suggested that a condition requiring a management plan for the garden area and that outdoor play sessions should be restricted to the hours of 09.00 and 17.00 Monday and Friday. It is considered appropriate to secure these hours by way of a planning condition.
- 8.11 Whilst the play structures are likely to encourage more external play, the equipment themselves are not considered to present opportunities for overlooking or loss privacy. The site generally has relatively high boundary treatment and the equipment is low rise. The new security hut, summer house and storage containers are higher structures but are not un-common in garden locations and not considered visually intrusive.

8.12 The terrace on the side elevation of the property provides a raised platform and gives potential for views in to the residential property to the rear of the site. This two-storey building serves as an NHS support site. The fence along this rear boundary is 2.4 metres height preventing any views into the side windows of this property.

Sustainable Transport

8.13 Representations from neighbouring occupiers have expressed concern over the alterations to the front garden and access arrangements which remove the ability for off-street car parking for the site

8.14 The Sustainable Transport Team acknowledged that the site is within a sustainable location with good bus services and in walking distance to Aldrington Railway Station and therefore no objection is raised to the removal of the existing crossovers. The displacement of car parking on to the highway would not be so significant to warrant refusal of the application.

8.15 A request has been made by the Transport Team to secure cycle parking and a travel plan for the nursery. This has been considered, but given that the use of the premises does not form part of the application, and this application relates only to external alterations, it is considered such a request goes beyond the scope of the application. Circular 11/95 states that planning conditions are only be imposed where they are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise, and reasonable in all other respects. It is not considered a condition for cycle parking or a travel plan can be demonstrated as reasonably related to the scale of works which are being applied for in this application. Given that the development results in the existing crossovers being redundant, it is relevant and reasonable to seek the removal of these features. This should be secure by condition and the applicant will be given 6 months to complete these works.

Other Considerations

8.16 Representations have been received regarding the change of use of the existing garage structure on site. However there is no evidence to suggest the garage was ever a separate planning unit to the rest of the property and therefore, like the rest of the property, it would have also benefitted D1 use class. The use of this space as part of the children's nursery is not therefore considered to be a breach of planning control.

9 CONCLUSION

9.1 The works are considered to be acceptable in terms of design and appearance and would not harm the Sackville Gardens Conservation Area. The works are not considered to harm the residential amenity of neighbouring properties and subject to compliance with the suggested conditions the development would have no adverse impact on the highway.

10 EQUALITIES

None identified.

11 CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Proposed site plan and location plan	1324-01		16 th October 2013
Proposed site plan, location plan and photographs,	1324-02		16 th October 2013

- 3) Outdoor play sessions in connection with the day nursery use hereby permitted shall be restricted to within the hours of 09.00 to 17.00 Monday to Friday with no use permitted on Saturdays, Sundays or Bank Holidays.

Reason: To safeguard the amenities of the locality and to comply with policies HO26, SU10 and QD27 of the Brighton & Hove Local Plan.

- 4) Within three months of the date of this permission a written management plan for the outdoor play area shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall detail how all outside areas are to be managed, including details of staff supervision, layout of area showing types of play areas (e.g. quiet, wet, sand areas, planting, etc). The agreed scheme shall be implemented in full and thereafter retained.

Reason: To ensure the effective management of the outdoor space and safeguard the amenities of the locality and to comply with policies QD27 and HO26 of the Brighton & Hove Local Plan.

- 5) Within six months of the date of this decision the two redundant vehicle crossovers on New Church Road shall be reinstated back to a footway by raising the existing kerb and footway in accordance with a specification that has been approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to comply with policies TR7 and TR8 of the Brighton & Hove Local Plan.

11.2 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

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2. The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Network Co-ordination team. The applicant should contact the Network Co-ordination Team (01273 293366).
3. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-

The works are considered to be acceptable in terms of design and appearance and would not harm the Sackville Gardens Conservation Area. The works are not considered to harm the residential amenity of neighbouring properties and subject to compliance with the suggested conditions the development would have no adverse impact on the highway.