

<b>App.No:</b> 140177 (PPP)	<b>Decision Due Date:</b> 5 May 2014	<b>Ward:</b> Devonshire
<b>Officer:</b> Jane Sabin	<b>Site visit date:</b> 17 April 2014	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 8 April 2014 <b>Neighbour Con Expiry:</b> 5 April 2013 <b>Weekly list Expiry:</b> 14 April 2014 <b>Press Notice(s):</b> N/A		
<b>Over 8/13 week reason:</b> To align with planning committee schedule.		
<b>Location:</b> 32-34 Eshton Road, Eastbourne, BN22 7ES.		
<b>Proposal:</b> Proposed single storey rear extension, together with an increase in the number of children from 48 to 56 at any one time.		
<b>Applicant:</b> Mrs R Cogan		
<b>Recommendation:</b> Approve planning permission.		

**Planning Status:**

Residential area  
Archaeological Notification Area

**Relevant Planning Policies:**

Eastbourne Core Strategy Local Plan Policies 2013

B2: Creating Sustainable Neighbourhoods  
C3: Seaside Neighbourhood Policy  
D1: Sustainable Development  
D2: Economy  
D8: Sustainable Travel  
D10A: Design

Eastbourne Borough Plan Saved Policies 2007

UHT1: Design of New Development  
HO20: Residential Amenity  
TR2: Travel Demands  
TR11: Car Parking

**Site Description:**

The application site comprises a pair of modest two-storey terraced dwellings, located on the corner of Eshton Road and Latimer Road; the end property has a frontage to both roads, and there is a small single storey extension at the rear. The nursery use commenced in 1989 in part of the ground floor of no.34, and has changed incrementally

over the years to include the whole of 32 and 34 Eshton Road (increasing the numbers of children accommodated to 48).

The surrounding area is characterised mainly by fairly high density, older terraced housing, although there is a modern block of flats nearby, as well as a few small commercial/light industrial properties in the vicinity. There is generally no off street parking available for residents.

**Relevant Planning History:**

960300

Change of use of part of the ground floor and all of the first floor to use the whole building as a nursery school, together with an increase in numbers of children to 40, and age range between 2 years and 10 years.

Approved conditionally (against officer recommendation)

15/08/1996

000225

Change of use from single dwellinghouse to a nursery, to be used in conjunction with no. 34 Eshton Road.

Approved conditionally (against officer recommendation)

14/06/2000

110318

To vary condition No 3 of Planning Permission EB/2000/0234 (at 32-34 Eshton Road) in order to allow an increase the number of children attending the Day Nursery from 48 to 56 at any one time.

Dismissed on appeal

24/01/14

130149

Variation of condition 2 of permission EB/2000/0234 to extend hours of opening from 0800 hrs to 1800 hrs Monday to Friday.

Approved conditionally

29/05/2013

**Proposed development:**

Planning permission is sought to construct a single storey extension at the rear of the building, measuring 8m wide and 6m deep, under a flat roof 2.75m high, and lit by three rooflights. The extension would be 1m from the rear boundary and 1.5m from the boundary with 30 Eshton Road. The removal of a number of timber outbuildings on both boundaries would be required to effect the construction, but these are old and of no merit. Along with the proposed increase in floor area, consent is also sought for the increase of the number of children on the premises at any one time from 48 to 56 (resulting in the need for two additional staff).

A supporting statement accompanying the application identifies an increasing need for nursery places via East Sussex County Council Children's Services (driven by increased government funding for 2 year olds). The statement also includes data regarding car journeys to the site, indicating that there are 40-47 cars visiting the site each day over the three peak hours of 8am to 9am, 1pm to 2pm and 5pm to 6pm. Also included are

four letters from visitors to the site and a neighbour confirming that there is no difficulty in finding a parking space nearby.

### **Consultations:**

#### Internal:

Environmental Health raises no issues in respect of the proposal.

#### External:

The County Archaeologist considers that there is little likelihood of any impact on archaeological remains, and does not require any conditions to be attached to any permission.

Local Highway Manager notes that since the previous dismissed appeal an application to extend the opening hours has been approved and has allowed trips to the nursery to be distributed over a greater period of time, lessening the impact. The National Planning Policy Framework has also been published, and states that a development can only be refused on transport grounds where the impact is severe. Having checked the agents traffic survey against the TRICS database, it is estimated the likely increase in vehicle trips associated with an additional 8 children is 4 in each peak hour. During sites visits undertaken at various times over a few days there have always been a number of parking spaces available on street in the vicinity of the site. The increase of approximately 4 cars in each peak hour is considered acceptable as it is not likely to lead to a severe impact on the operation of the highway in the area around the site.

#### Neighbour Representations:

Four objections have been received and cover the following points:

- Little available on street parking exists, and dropping off/picking up is the most problematic issue – cars park on kerbs, across junctions, obstruct the road and children run into the road at random;
- There is already congestion in the area from the different types of users (businesses and residential);
- The noise pollution is already excessive at times, and would only worsen;
- Staff members often sit on garden walls, and smoke in the alleys and leave litter;
- The aspirations for the nursery are too ambitious for the site and surrounding area; the size and scale of the nursery should remain as it is; unfair to residents to increase the size/people on the site

### **Appraisal:**

#### Principle of development:

The principle of the proposed increase in numbers was considered in the 2011 application and the subsequent appeal. That application did not include any additional floorspace, only an increase in numbers. The Inspector concluded that:

*10. The proposed increase in the number of children from 48 to 56 at any one time would be capable of adding significantly to the demand for parking, to congestion, and to potentially unsafe parking and other manoeuvres, at already busy times of day. Given the conditions evident in the surrounding streets, the parking demand arising from the existing number of children has already reached the highest level acceptable. The Appellant estimates that the proposed increase in the number of children would generate*

*2 additional posts for full-time staff: thus potentially adding also to the day-long demand for on street parking space.*

*11. In conclusion, and on balance, the appeal proposal would be likely to have a materially harmful effect upon highway safety and convenience in the surrounding area, arising from the additional demand for parking, and from the resulting congestion, in Eshton Road and Latimer Road. The proposal would conflict materially with statutory saved Policy TR11 of the Eastbourne Borough Local Plan for the adequate provision of car parking; and with Policy HO20 in that it would generate highway inconvenience and a loss of residential amenity.*

*12. The appeal proposal would both directly and indirectly generate employment; in the latter case by enabling mothers to work. However, the weight to be given to the benefits of this would be cancelled by the harm identified to highway conditions in the local residential area.*

The main differences in the current application are the provision of an extension, and the submission by the agent of data regarding the number of vehicles associated with the nursery. The longer hours of operation granted in 2013 are also relevant. The introduction of the National Planning Policy Framework must also be taken into account.

With regard to the vehicle movements data submitted with application, this is not particularly detailed, but indicates that there are between 13 and 16 cars visiting the premises over each of the three peak hours during the day. Four site visits made on different days, and at different times demonstrated that there were adequate on street parking spaces available; on two occasions there were in excess of 10 spaces. The applicant has explained how the arrival/departure times are staggered over wide periods - first arrival is 8am and last is 10.30am, with 4.30pm to 6pm departure times - as the nursery does not operate strict session times, which appears to aid with congestion issues. The main issue, therefore, is whether eight additional places would have such an impact that permission should be refused. Taking into account the available on street parking spaces, the wide staggering of arrival/departure times and the comments of the Highway Authority, it is concluded that the impact would not be so great that a refusal would be sustainable.

#### Impact of proposed development on amenity of adjoining occupiers and surrounding area:

The extension would be set back from the side boundaries with 30 Eshton Road and 1 Gibbs Cottages (107 Latimer Road) by 1.5m and 1m respectively. Given the orientation of the extension in relation to both adjoining properties and the existing boundary treatments, it is considered that there would be no adverse impact on light or outlook; the two high level windows on the rear elevation facing 1 Gibbs Cottages should be obscure glazed, however, and the applicant has indicated that this would be acceptable.

Noise from the premises has only been raised by one objector, a few doors along, who considers that noise is already excessive at times. During the Case Workers site visit, noise escaping from open windows was clearly audible from the street, but was not intrusive. However, it is unlikely that this would increase significantly as a result of eight additional children within the building, since the rooms are small, and only a limited number can be accommodated in each one, so that the increase would have to be spread throughout the building and the proposed extension at the rear. It should be noted that only eight children are permitted to be in the garden at any one time. Whilst this would

not change, it would be reasonable to suppose that during good weather, the length of the time the garden is in use would increase; this could happen in any event, just by lengthening outdoor playtimes, and as such cannot be controlled.

Design issues:

The extension is of simple form and relatively low height, and would be largely concealed from public view by the existing boundary wall and fence. It would be similar in appearance to the existing extension and there are no concerns regarding its impact on the surrounding area.

Other matters

The requirement for additional nursery provision is being driven by government policy to extend funding for nursery places for 2 year olds. This will enable more children to take up this facility, and may enable parents/guardians to find employment; two further jobs would be created within the nursery. Whilst this is not an overriding factor in the consideration of the application, and does not outweigh amenity and highway safety issues, it does add some limited weight in favour of the proposal.

**Human Rights Implications:**

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

**Conclusion:**

It is considered that the proposed development would not have an adverse impact on the character and appearance of the area, the amenities of nearby residents or on highway safety, and it therefore complies with the relevant saved and adopted local policies, and the provisions of the National Planning Policy Framework.

**Recommendation:** Approve planning permission.

**Conditions:**

1. Time limit for commencement.
2. In accordance with approved drawings.
3. The proposed windows in the north-east (rear) elevation facing Gibbs Cottages shall only be glazed in semi-obscure glass.
4. No more than 56 children shall be accommodated at any one time.
5. The use of the premises as a nursery shall only take place between the hours of 0800 hrs to 1800 hrs on Mondays to Fridays inclusive