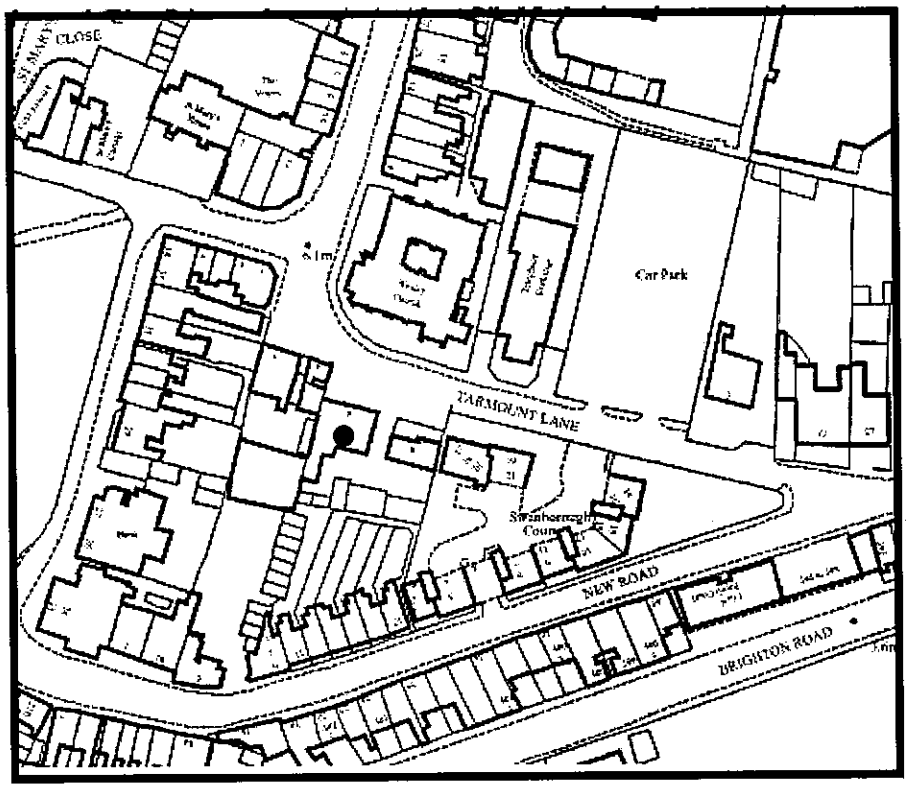
Application Number: ADC/0141/09 **Recommendation - APPROVE**

Site: **6 Tarmount Lane, Shoreham-by-Sea BN43 6DA**

Proposal: **Change of use from offices to childrens day care nursery for 43 children (Use Class D1)**



The Application

The application site comprises of a Victorian two-storey, detached white rendered building with a slate roof. It dates from the 1850s and has a single-storey flat-roofed rear extension. It has a forecourt onto Tarmount Lane and there is vehicular access (shared with No.8) to the outside space to the rear of the building where some outbuildings are located along the rear boundary.

The building is currently vacant but has been used in the past as a police station and, until last year, provided offices for a voluntary organisation. It was owned by the District Council until recently sold. The applicant wishes to lease the building from the new owner, subject to planning permission and the owner's agreement.

The site is close to the junction with Brunswick Road, opposite the Methodist Church. Either side, to the east and west, are No's 2/4 & No.8 Tarmount Lane which are also vacant having been recently sold by the Council. The flats at

Swanborough Court lie beyond to the east with the telephone exchange and public car park opposite. To the south are the rear boundaries of terraced houses in New Road.

The application seeks permission to change the use of the existing building from offices to a children's full day care nursery, for up to 43 children aged from 3 months to 5 years. This use falls in Class D1 'non-residential institutions'. It is proposed that there will be 13 staff with the building divided into an office, toilets and toddler room (for up to 25 children) on the ground floor with a baby room (for up to 9 babies), 'tiddler' room (for up to 9 of 18-30 months) and staff room on the first floor. The proposed opening hours are from 8AM to 5.30PM Monday to Friday.

External changes to the building include a fire escape staircase on the rear elevation with a fire escape door at first-floor level. There are no changes to the front elevation (other than a small sign with the nursery name).

There is parking for 5 cars on the forecourt of the building. It is proposed that these all be used for staff parking. The rear yard would be converted to outdoor playspace (demolishing existing outbuildings).

Supporting information is provided comprising a Design and Access Statement, Travel Plan and further information including a pre-application survey on demand and a survey of the Tarmount Lane public car park.

Consultations and Representations

West Sussex County Council: No highways or transport objections, given the sustainable location, notwithstanding that on-street parking is under considerable pressure. Comments that the nearby public car park could be used for parking by parents dropping off their children. Accepts that staff car parking is a more suitable use of the forecourt than a parents' drop off area as the latter would result in frequent reversing movements onto the highway. Due to the town centre location and close proximity to the train station and access by sustainable means, trips to the nursery could be linked to other purposes, resulting in fewer vehicle movements than may be the case elsewhere. Secure covered cycle parking should be provided.

Adur District Council: The Environmental Health Officer has no objections in principle but, because there may be ground contamination arising from fuel storage in the 1950s, if there are any plans to break the existing hard surface in order to landscape the rear of the property, a condition requiring contaminated land investigation/remediation is recommended (NB. the applicant has indicated an intention not to break up the surface).

Adur District Conservation Advisory Group: No objection.

Third Parties: 87 letters/emails have been received; 43 objecting and 44 in favour.

The 43 objecting are from nearby residents at No's 11 & 44 New Road; from businesses at 2 The Vinery and No's 7 & 36/38 Brunswick Road; and from the Trustees of the Methodist Church, the Happy Hours Pre School team at the Methodist church (accompanied by a letter with 12 signatures), the Shekinah Playgroup at the Baptist church, the Buckingham Playgroup at the Eastern Avenue Scout Hut and the Connaught Playgroup. The other letters (many duplicated) are from residents and parents in the wider Shoreham area. They object on the following grounds:-

- Increased traffic congestion, with the road already heavily used as a cut-through including by delivery lorries - the majority of parents will drop off by car;
- Limited parking - parents would put pressure on parking spaces in the town centre (on-street and in the public car park) and cause problems for local residents' parking;
- Highway safety concerns for children, given the traffic and proximity to a dangerous bend;
- Proximity to Methodist Church, with conflict of use and activities;
- WSCC has a statutory duty to provide childcare and undertake assessment to ensure it is sufficient – their latest March 2008 Childcare Sufficiency Assessment states there is sufficient provision in the Shoreham area to meet existing and predicted needs;
- There are already a number of pre-schools close to the site, including pre-school at the Methodist Church and the new Children's Centre in Middle Road becomes fully operational in May 2009;
- The increased competition resulting from the proposal (and another believed to be proposed in the Upper Shoreham Road) would threaten the viability of existing child care facilities (with a drop in income and possible closure of some), and may also affect the new Children's Centre; it is felt morally wrong that private providers should be allowed to move into Shoreham forcing long-established playgroups and nurseries to slip into decline and closure;
- No obvious outside playing space on the application site;
- Adverse impact on residents surrounding the site;
- Loss of privacy to local residents;
- Increased pollution levels;
- Day nurseries should be located in larger quieter areas;
- Impact on Conservation Area; and
- Previous application in residential area turned down.

The 44 letters of support are from the Shoreham and Lancing area and give the following reasons:-

- No nursery places are available in Shoreham for under 2 year olds;
- Working parents need adequate child care - child care provision is needed to support local families and the local economy;
- There are currently mainly playgroups available in Shoreham taking children over 2 years which are unsuitable for working parents because of limited hours (and during term time only);

- The March 2008 WSCC Childcare Sufficiency Assessment identified a shortage of day nursery care for children under 2 years across Adur;
- The proposed central location is accessible;
- Close to a public car park;
- It would encourage parents into local businesses - bringing parents/carers into the town centre is positive for the area; and
- the proposed nursery would create jobs.

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AB3-4, ACS1, ACS5
'A Strategy for Shoreham Renaissance' (for ADC 2006)
Planning Brief for 2-8 Tarmount Lane, Shoreham-by-Sea (ADC May 2008)
PPG1 'Delivering Sustainable Development' (ODPM 2005)
PPS6 'Planning for Town Centres' (ODPM 2005)
PPG13 'Transport' (DTLR 2001)
PPG15 'Planning and the Historic Environment' (DoE 1994)

Planning Assessment

The site is within the town centre and Conservation Area. The main concerns are the effects of the proposed use on highway safety, on the character of the Conservation Area and on the residential amenities of the locality.

Policies

Local Plan policy ACS1 states:-

> "The District Planning Authority will permit new education facilities on sites within the built-up area, as defined on the Proposals Map, subject to compliance with other policies in this Local Plan."

ACS5 states:-

> "The District Planning Authority will support or permit proposals to develop, extend or improve community facilities within the built-up area subject to compliance with other policies in this Local Plan."

The other relevant policies of the Local Plan are:-

AG1 which states that development will generally be permitted in the built-up area subject to other policies and to it not detracting from the existing local urban environment.

AB3 which states:- " Planning permission will not be granted for development which will generate a level of traffic flow, or other activity, likely to affect adversely the character of the Conservation Area."

AB4 which requires new development (including alterations and extensions) to be of a high standard of design and construction materials such as to preserve or enhance the character and appearance of the Conservation Area. There is a statutory duty to pay special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas and the relevant advice is contained in PPG15.

The Government's key objective in PPS6 is to promote the vitality and viability of town centres by focussing development within them and encouraging a wide range of services, accessible to all and served by a wide choice of means of transport. Key aims are to enhance consumer choice to meet the needs of the entire community; to support efficient, competitive and innovative retail, leisure, tourism and other sectors; and to reduce the need to travel and provide alternatives to car use. PPG13 states that reducing the amount of car parking in developments is essential as part of a package of measures to promote sustainable travel; as is the provision of good quality cycle parking and the promotion of Travel Plans by businesses and organisations.

Principle of Change of Use

There is no apparent conflict with Government policy for town centres as set out in PPS6 referred to above or with PPG13.

The site is not identified for any particular use or development in the Local Plan. As quoted above, Local Plan policies ACS1 and ACS5 support new educational and community facilities within the built-up area. This is subject to compliance with other Local Plan policies but there is no material conflict with the relevant ones (AG1 and AB3-4 which are referred to above).

The regeneration document 'A Strategy for Shoreham Renaissance' (March 2006) identifies the area between East Street, New Road and Tarmount Lane as a 'Key Opportunity Area'. Whilst development to a comprehensive overall plan may seem desirable, it is not considered an essential pre-requisite particularly as there is no adopted planning policy or supplementary planning document in existence that makes it a requirement. Consequently, refusal of individual applications on the basis of piecemeal development potentially prejudicing a comprehensive overall plan would be very difficult to substantiate.

The Planning Brief relating to 2-8 Tarmount Lane, adopted in May 2008, recognises that comprehensive redevelopment is not necessarily achievable or desirable, particularly as some of the buildings, particularly the one on the application site, contribute to the historic environment and heritage of the town centre.

The Brief envisages that the predominant use of the site would be residential but that it would also be appropriate for A1 (shops), A2 (financial and professional services) and B1 (business) uses. Since the Brief was adopted, the Council has sold the site but owing to the current economic situation it is not expected in the near future for there to be any significant development

proposals and it seems more likely that the existing buildings will be individually leased on an ad hoc basis as and when occupiers are found. Although a children's day nursery use was not a use identified in the Brief, it is not considered contrary to its main aims. There may be concern about any permission discouraging potential future development of the wider site but it is not considered that there is a sound case for making any planning permission only temporary.

Highway Issues

This town centre site is in a highly sustainable location close to the train station and bus routes. In this location, staff and parents would have the choice of travelling to the site by alternative modes of transport other than the car but, for those who do, there is the nearby Tarmount Lane public car park (77 spaces).

The applicant has conducted a survey which states that it is likely that 40% of parents whose children would attend the nursery would travel by car. The drop off and pick up times are intended to be staggered. The applicant has looked into the capacity of the Public car park, which is currently free from any charges before 9AM and after 5PM, presenting information to show that the car park has ample spaces available during the morning drop off period (8AM-9.30AM), the lunchtime drop-off/pick up (12.15PM-13.15PM) and evening pick up (5PM-6PM). Dropping off and picking up is a relatively quick process and it is not considered that the use of this car park would cause a significant problem for other people using it.

Measures proposed to be taken to minimise car use and avoid congestion and risks to highway safety are provided in the applicant's Travel Plan and supporting information submitted with the application. These include discounts for parents not travelling to the site by car, and promotion of considerate parking practice for those that do use cars. Children of this age would be escorted by their parents.

West Sussex County Council consider the application to be acceptable, subject to the provision of cycle parking, due the highly sustainable location and also the proximity of the public car park. They favour the use of the parking spaces on-site for staff, as proposed, because it avoids frequent vehicular reversing movements onto/off the highway, although some parents may be tempted to pull up on the roadside (NB. there are double yellow lines on both sides). The plans do not show any provision for secure covered cycle or buggy parking and a condition is recommended to ensure these are provided.

Many of the objectors raise concerns about traffic congestion and highway safety, referring to the use adding to the existing traffic on this "cut-through" route and the position of the site close to a bend. However, WSCC, as the local highway authority, do not consider refusal would be justified. It is not considered that sufficient evidence could be produced to demonstrate that the proposal would generate a level of traffic (or awkward manoeuvres) so

substantial as to lead to significant detriment to highway safety or that pedestrian crossing movements would be unduly dangerous.

Character and Residential Amenity

The site, being in a town centre location, is surrounded by various different land uses and activities. It is a detached building with outside space that is considered to be suitable for a change of use to a nursery. The buildings either side of the site in Tarmount Lane are currently vacant and it is not considered that the change of use of this site with suitable safeguarding conditions would prejudice to an unacceptable degree the future uses of these buildings. The nearest residential properties to the site are the houses in New Road, to the rear of the outbuildings on the site, which are 16m-22m away with long narrow rear gardens. There are also flats to the east of the site 14m away, beyond No.8.

Due to the nature of this site, close to a town centre car park, and the noise and activities within the locality, it is not considered that the proposed use would have a significant adverse impact on the residential amenities of nearby dwellings and flats such as to result in unacceptable detraction. Noise would be predominantly from the children using the rear outside space. Some noise would arise from the increased number of car journeys to and from the site caused by parents picking up and dropping off children and there may also be other increased activity associated with this use of the site, for example deliveries. However, it would be extremely difficult to demonstrate that the increased noise and traffic which may occur as a result of this change of use would be at an unacceptable level.

The nursery will only be open during the week. At weekends and evenings there will be no noise or activity from the site. The applicant states that there is intended to be outside play between 9AM and 5.30PM and no restriction to particular times within that period. A condition is recommended to be imposed on any permission to require that the 'Outdoor Space Management Plan' is implemented in accordance with further details to be approved. Further conditions relating to the submitted Travel Plan and limiting the number of children are also recommended. It should be noted that although the application seeks permission for 43 children, the nursery would normally be expected to operate at around 75% of this number (which is the national average for this type of childcare).

The Environmental Health officer has no objection with regard to noise, only regarding possible land contamination (of which the applicant has been advised).

It is not considered that the level of activity would adversely affect the character and appearance of the Conservation Area in conflict with policy AB3. As to the visual effect of the external fire escape stairs/door, this is to the rear of the building, and would not be so significant as to conflict with AB4.

Need for children's day nursery provision in Shoreham

In the absence of any conflict with adopted planning policies, national guidance or any material planning objections, it is not normally the function of development control to assess the need for a particular type of use or development. It is a matter for the applicant to assess whether there is a demand. Government policy generally is to promote competition and choice. Consequently, it would not be a sound reason for refusal of planning permission even if it were to be demonstrated that there is no need for additional day nursery provision in Shoreham (or Adur) or that it might adversely affect or lead to the closure of existing childcare provision.

[As background information, the West Sussex Childcare Sufficiency Assessment (March 2008) states that, in Adur, there is a "potential childcare gap" in respect of "Day nursery care for children aged 2 years and under across the District". It states there are 9 day nurseries (203 places with average vacancy rate of 11%), 21 pre-school/playgroups (569 places with average vacancy rate of 18%) and 113 registered childminders (719 places with average vacancy rate of 19%)].

[Also as background information, an application ADC/0182/09 has just been received for change of use of No.418 Upper Shoreham Road from a guesthouse/dwelling to a children's day nursery for up to 70 children]

Recommendation

APPROVE for reason that:-

The proposed development is in a highly sustainable location within the built-up area and would assist in providing additional employment provision and economic and environmental regeneration without detracting from the local environment. It would provide appropriate new educational/community facilities and can take place without resulting in unacceptable detriment to the amenities of neighbouring properties and without detraction from highway safety. It would consequently not conflict with the relevant policies of the Adur District Local Plan (AG1, ACS1, ACS5)

Subject to:-

1. C1Ci (Standard time limit)
2. The number of children attending the premises for the purposes hereby permitted shall at no time exceed a total of 43 without the prior written permission of the LPA.
3. The use hereby permitted shall not be open for business other than between the hours of 8AM and 5.30PM Monday to Friday and arrival/departure times for children shall be staggered over the period 8AM-9AM for arrivals and 4.30PM-5.30PM for departures. The number of children outside the building shall not exceed 20 at any one time.
4. C8Gii (Provision on-site for parking of staff vehicles in accordance with the submitted plans and provision of secure covered provision for parking cycles and buggies in accordance with details to be submitted to and approved in writing by the LPA) (amended).

5. The recommendations and actions as contained in the Travel Plan accompanying the application shall be implemented and complied with during operation of the day nursery and the travel survey over the first 6 months of operation shall be submitted to the LPA within 7 months of the commencement of the use and any necessary measures agreed with the LPA and implemented during the following 6 month period.
6. The use hereby permitted shall not be carried on until details of the surfacing of the rear outside space have been submitted to and approved by the LPA and work shall be carried out in accordance with such details as approved. There shall be no breaking up of the existing surfacing of the external rear space without the prior written approval of the LPA in which event ground contamination investigation details shall also be submitted and any necessary remediation carried out within a period to be agreed in writing.
7. C18G (External rear door/staircase for emergency escape only)
8. The measures contained in the submitted Outdoor Area Management Plan shall be implemented and complied with during operation of the day nursery in accordance with further details to be submitted and approved in writing.
9. C7Ci (Details of fence on east side of external rear area to be submitted and approved) (amended)
10. Details of the removal of any outbuildings at the rear, including reinstatement and repair of the remaining walls/roofs shall be submitted to and approved in writing by the LPA and shall be implemented prior to commencement of the use. Unless otherwise agreed.
11. Details of Upvc. Windows

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