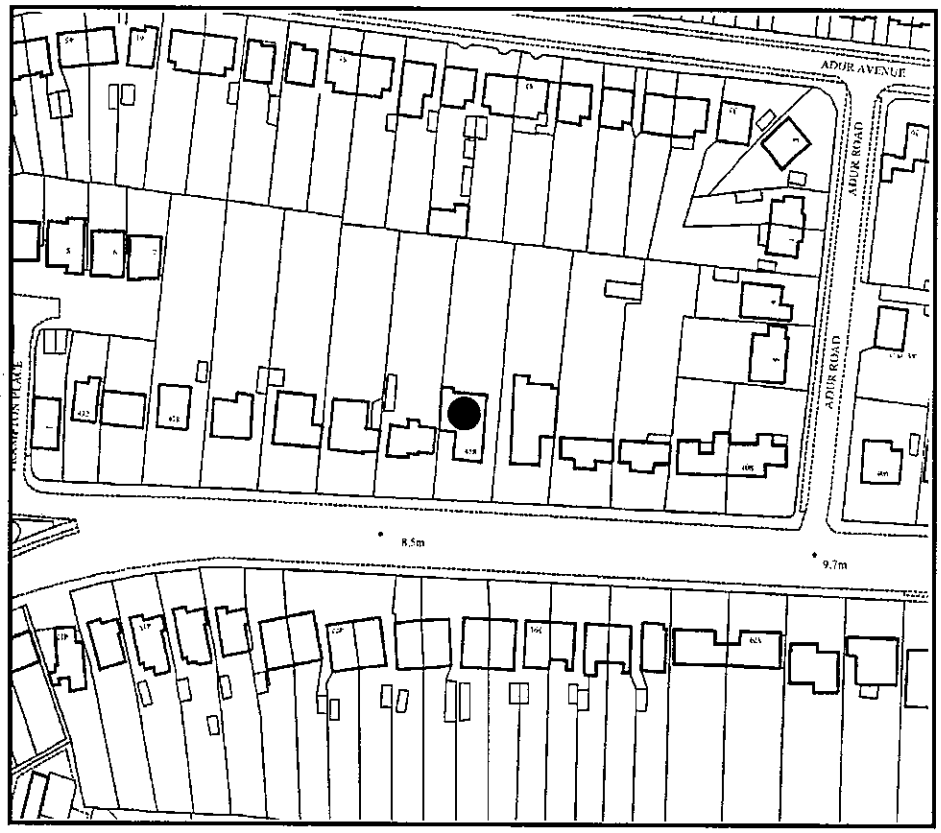
Application Number: ADC/0182/09 Recommendation - APPROVE

Site: **418 Upper Shoreham Road, Shoreham-by-Sea BN43 5NE**

Proposal: **Change of use of guesthouse/dwellinghouse to children's day nursery with one-bedroom flat on second floor; single-storey east side infill extension and alterations to form twin accesses**



The Application

The application site comprises a greatly extended former detached house, dating from the early 1900s, located on the north side of Upper Shoreham Road. It is currently vacant but was previously in use as a guest house with ancillary residential use. It has 11 bedrooms and 9 bathrooms with a total floorspace of 390sqm. There is a large rear garden with the ground level rising to the rear boundary. There is an existing vehicular access from Upper Shoreham Road with space for parking in front of the building.

From 1962 until 2004, the property was a rest home for the elderly, with various extensions added during this time. In 2004, planning permission was granted for a change of use to a dwellinghouse (SU/184/04). Following this, retrospective permission was granted in 2006 for a partial change of use of the property from dwellinghouse to guesthouse (SU/5/06).

The site is located in an area which is predominantly residential with a variety of dwellings. The north side consists mainly of substantial detached houses with the south side comprising of smaller plots with bungalows. There are examples of dwellings within the

area which have had a change of use in part or full to business use, including No.416 to the east of the site which is a residential care home, No.432 which has part change of use to a beauty treatment business, No.411 which has part use as a dental laboratory and No.238 which has part change of use to an aromatherapy clinic.

The application seeks permission to change the use of the existing building from a guest house to a children's full day care nursery for up to 70 children aged from 6 months to 5 years. This use falls in Class D1 'non-residential institutions'. It is proposed that there will be 28 staff with the building divided into three nursery rooms at ground floor with kitchen dining room, staff office, two teaching rooms and toilets. There will also be cycle parking, pushchair store and bin storage. The first floor will provide two further nursery spaces with toilets and, on the second floor, a one-bedroom self-contained staff flat is proposed. The proposed opening hours are from 8AM to 6PM Monday to Friday.

External changes to the building include a small groundfloor infill side extension to provide additional toilets. The extension is on the eastern side of the building and is 4 metres in width and 2.8 metres in depth. The height of the extension is 2.7 metres to match the height of the existing side projection which is also of flat-roofed design.

Also proposed is a roof light to the rear roof slope to serve the second floor staff flat. This flat has one bedroom, a lounge, kitchen dining room and shower room.

There is an existing vehicular access from Upper Shoreham Road. It is proposed that this will be moved and widened to provide a central access drive which will allow space for dropping off and collection for at least two cars at a time. In addition there is also one parking space provided for the staff flat. The forecourt is to be block paved.

The grassed and hard surfaced areas to the rear of the site are to remain with areas being divided up for different activities. A 1.8 metres acoustic fence is to be erected to the rear and side boundaries.

Supporting information is provided comprising a Design and Access Statement, Travel Plan, Planning Statement, Noise Assessment and further information including an Outdoor Management Plan and details of a survey conducted looking at demand for nursery places in the area.

Consultations and Representations

West Sussex County Council: No objection, following revision of the plans from an in/out access arrangement to a single widened central access. The plans demonstrate that vehicles entering the site would be able to turn around within the site and exit in a forward gear therefore the proposal is not anticipated to raise a significant highway safety issue. There is no visibility issue at the access and vehicular and cycle parking has been provided for staff (and for residents of the proposed flat) to an acceptable standard.

Adur District Council: The Environmental Health Officer has no objection subject to the management plan being adapted to form conditions for any permission granted. Outside activities which create more noise should be restricted to the part of the garden near the building. As the garden is lower at this point any noise created will have further to travel and the natural topography of the garden will increase sound absorption. The maximum number of children to be permitted in the garden at anyone time should be 20.

Good noise control is dependant on well managed and appropriate supervision of the children and should the committee have any concerns about the noise impact from the proposed activity then they may wish to consider a temporary permission to that the change of use can be reviewed.

Third Parties: 33 letters/emails have been received in total, 9 objecting or having concerns and 24 having no objection or support for the application.

The 9 letters of objection/concern, from residents of No's 393, 397, 412, 422, 426 & 456 Upper Shoreham Road and No's 39 & 41 Adur Avenue, and from the Buckingham Playgroup (Eastern Avenue), raise the following:-

- Increased noise and disturbance from children and cars; one letter questions the accuracy of the applicant's noise assessment and also refers to no apparent consideration of the differing ground levels of the rear gardens or the noise emanating from open windows;
- Increased traffic congestion/chaos on a road with a continuous stream of traffic during morning and evening peaks; one letter states that 70 children would result in 40-50 cars dropping off;
- Inadequate on-site parking, leading to on-street parking with likelihood of residents' driveways being blocked; one letter states 28 staff, assuming they work in shifts, would need 14 car parking spaces and suggests the rear garden is partly used for parking;
- Highway safety issues; one letter states that nearby road junctions would be used for turning;
- Site is not on a main bus route; the only bus service passing the site is route 59, a pre 8am only route from Shoreham Beach – Brighton, returning at 3.51pm and 5.53pm. Route 19 (hourly) does not pass the property.
- Parents would drive to the nursery
- Within a completely residential area
- Impact of quality of life of nearby residents
- Inappropriate use next to a care home
- Impact on local pre-schools (and new childrens centre in Middle Road), resulting in decline and closure of local long-established pre-schools; questioned whether so many nurseries are needed.
- Number of children should be reduced by at least half.

The 24 letters stating no objection or support (some duplicated) have been received (from residents of No's 395 & 420 Upper Shoreham Road and from the wider Shoreham, Southwick, Lancing, Steyning, Portslade & Hove area) making the following comments:-

- Nurseries are needed in the local area
- This nursery can accommodate children under 1 year.
- This nursery will provide competition and local employment
- Adequate, full time childcare is needed for working parents.

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, ACS1, ACS5, AH6
PPG1 'Delivering Sustainable Development' (ODPM 2005)
PPG13 'Transport' (DTLR 2001)

Planning Assessment

The site is located within the built-up area. The main concerns are the effects of the proposed use on highway safety and 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, and AH6 which states that changes of use leading to loss of existing dwellings especially those suitable for small households and those not easily able to complete in the existing housing market will not be granted.

Planning Policy Guidance Note 13 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

The site is not identified for any particular use or development in the Local Plan. As quoted above, Local Plan policies ASC1 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 one (AG1) which is referred to above.

The site as existing has partial residential use although this is ancillary to the use of the building as a guest house. With regard to policy AH6 of the Local Plan, which resists loss of existing residential accommodation, a residential unit will be incorporated into the proposed development to be lived in by a member of staff at the nursery. This is considered to be acceptable and would provide a sustainable unit of accommodation.

Highway Issues

There is no apparent conflict with Government policy as set out in PPG13. The site is in a relatively sustainable location within a residential area although clearly not as sustainable as a town centre site (being just over half a mile from the town centre). In this location, staff and parents from the local area would have some degree of choice of means of travel to the site although it is not well served by bus routes and many parents may well use cars. 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 priority admission for people living within walking distance of the nursery and provision of buggy and cycle storage.
Also there would be the promotion of considerate parking practice for those who do use cars and an on site drop off point. On-road parking space is normally available. There are no parking restrictions and the road is very wide so it is not anticipated that there would be significant congestion caused by parents dropping off or collecting by car. The drop off and pick up times are intended to be staggered to reduce the amount of potential traffic at any one time.

West Sussex County Council consider the application to be acceptable on the basis of a widened single central access instead of the applicant's original proposal for separate 'in' and 'out' accesses.

Although concerns have been raised by local residents in relation to parking and traffic issues, it is not considered that refusal could be justified on highway safety grounds as there is insufficient evidence to demonstrate that the proposal would generate a level of traffic (or awkward manceuvres) so substantial as to lead to significant detriment to highway safety or result in dangerous pedestrian crossing movements.

Residential Amenity

The site is located within a predominantly residential area, although the existing use of the site as a guest house and the adjacent use of No.416 as a care home are considered to be appropriate uses within this location due to the large plot sizes, scale of internal accommodation provided and location on a main road. No.420 to the west of the site is a dwellinghouse which is in close proximity to the site boundary. There are further dwellings to the rear in Adur Avenue which are at a minimum distance of 65 metres building to building with the rear garden of the site being 36 metres in depth. There are also dwellings along the south side of Upper Shoreham Road at a distance of 28 metres.

Significant factors to be taken into consideration in this case are the large size of the premises and the relatively spacious plots in the locality; the existing permitted use of the site as a guest house with 11 bedrooms and the associated activities and traffic movements related to such a use; and the location of the site on the main road.

It is not considered that the proposed use would have a significant adverse impact on the residential amenities of nearby dwellings and the adjacent residential care home such as to result in unacceptable detraction. Noise created 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, such as deliveries.

The nursery will only be open during the week. At weekends, evenings and Bank Holidays there will be no noise or activity from the site. The applicant has provided an Outdoor Management Plan to show how the outside area will be used. A condition is recommended to be imposed on any permission to require that the 'Outdoor Space Management Plan' is implemented. Further conditions relating to the submitted Travel Plan and limiting the number of children are also recommended. It should also be noted that although the application seeks permission for 70 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.) Acoustic fencing is also to be erected along the side and rear boundary to provide visual screening and also reduce noise levels.

The Environmental Health Officer has raised no objection to the proposal subject to careful management of the use of the rear garden area. It is advised that more noisy activities are restricted to the area adjacent to the rear of the building to limit the impact on the amenities of those living adjacent to the site. The site plan submitted with the application as part of the Outdoor Management Plan shows how the outside space will be used and this plan is subject to review and monitoring as part of the conditions recommended below.

A Noise Assessment was submitted with the applicant which concludes "It is reasonable to conclude that noise generated within the garden of no. 418 Upper Shoreham Road is unlikely to give rise to complaints from neighbouring residential properties on the grounds of noise from children playing in the garden of the proposed nursery."

The external changes to the building are not considered to have any adverse impact on the appearance of the site or affect the amenities of the occupiers of the adjacent buildings. The changes to the forecourt will improve the frontage of the site when viewed from the road, with a central main entrance, new front walls and paving. The small side extension is not visible from street and is adjacent to the side wall of No.416; there are no windows serving habitable rooms on this elevation to be affected by the proposal. The rear rooflight will not result in overlooking.

The proposed flat provides sufficient space, light and outlook for the future occupier and use of the garden would be available outside nursery hours. Parking and cycle storage provided.

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%) The applicant's agent has also carried out some research into the demand for nursery places and details of which are contained in Appendix A of the Planning Statement].

[Also as background information, members will recall at the last Development Control Committee meeting, application ADC/0141/09 was approved for change of use of 6 Tarmount Lane, Shoreham, to a children's day nursery for up to 43 children]

Recommendation

APPROVE for reason that:-

The proposed development is in a sustainable location within the built-up area and would provide appropriate new educational/community facilities and employment provision without detracting from the local environment. It 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 70 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 6PM Monday to Friday and arrival/departure times for children shall be staggered over the period 8AM-9AM for arrivals and 4.30PM-6PM for departures. The number of children outside the building shall not exceed 20 at any one time.
4. C8Gii (Provision of on-site car parking and turning space and provision for parking cycles and pushchairs in accordance with the submitted plans) (amended).
5. The recommendations and actions contained in the Travel Plan accompanying the application shall be implemented and complied with during operation of the day nursery and a 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 measures contained in the submitted Outdoor Area Management Plan shall be implemented and complied with during operation of the day nursery unless agreed in writing by the LPA. This Plan shall be reviewed after 6 months and details shall be submitted to and approved by the LPA.
7. C7Ci (Prior to commencement of the use hereby permitted the acoustic fencing shall be erected to the rear and side boundaries of the site) (amended)
8. The second-floor staff flat hereby permitted shall be occupied by a member of staff employed at the nursery on these premises only.
9. C14A1 (Permision relates to application as amended by revised plan received on 26 May 2009)
10. C9Ai (Pavement crossing details)
11. C12Ei (External materials and finishes of the extension to match existing) (amended)
12. The use hereby permitted shall not be carried on until refuse storage has been provided in accordance with the submitted details and thereafter retained.

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