The Planning Inspectorate

Appeal Decision

Site visit made on 20 February 2018

by AJ Steen BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2018

Appeal Ref: APP/Y3805/W/17/3189128
48 Buckingham Road, Shoreham-by-Sea BN43 5UD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Ray Phoon of Tinysaurus Nurseries Limited against the decision of Adur District Council.
- The application Ref AWDM/0301/17, dated 24 February 2017, was refused by notice dated 28 June 2017.
- The development proposed is the change of use from single dwellinghouse to daycare nursery (to accommodate up to 75 children) and single flat, along with replacement of existing conservatory with single storey extension.

Decision

1. The appeal is allowed and planning permission is granted for the change of use from single dwellinghouse to daycare nursery (to accommodate up to 75 children) and single flat, along with replacement of existing conservatory with single storey extension at 48 Buckingham Road, Shoreham-by-Sea BN43 5UD in accordance with the terms of the application, Ref AWDM/0301/17, dated 24 February 2017, subject to the conditions in the schedule at the end of this decision.

Preliminary Matter

2. During the course of the appeal, the Adur Local Plan (LP) was adopted. I have based my decision on that new Local Plan.

Main Issues

3. The main issues are the effect of traffic and parking relating to the proposed nursery on the safe and efficient operation of the highway network in the vicinity of the appeal site.

Reasons

4. The existing property at 48 Buckingham Road comprises a six bedroom dwelling with large garden in a predominantly residential area. To the rear of the property is Buckingham Park Primary School, with access to the school located between houses a short distance along the road. The centre of Shoreham-by-Sea, including shops and railway station, is located a short distance in the opposite direction along Buckingham Road and across the level crossing that can result in queues along the road.

5. Given the location close to a school, the station and the town centre, this is a busy street. There are limited parking restrictions, Buckingham Road serves as a bus route and a level crossing is located adjacent to the station that can lead to queues along the road. It is heavily parked such that there is limited space for dropping off, particularly at peak times, for example when the school day begins and ends. I note that a Traffic Regulation Order (TRO) has been granted on the east side of the road between Nicholson Drive and Rosslyn Drive that will limit the amount of parking available.

6. The proposed conversion of the property to a children's nursery for up to 75 children, with a small flat within the roofspace, would result in additional traffic accessing the site, in particular to drop children off in the morning and pick them up at the end of the day. It is likely that a proportion of these additional traffic movements would correspond with school hours, such that there would be additional congestion on Buckingham Road. However, the peak times for the nursery would be spread over a reasonable time period that would have some effect in limiting the resulting parking issues. In addition, a proportion of users would not access the nursery by car and some parents with more than one child may do linked trips to the nursery and school.

7. I note that there is concern that the additional vehicles accessing the proposed nursery would add to existing congestion and would result in parking inconvenient to other road users, including the emergency services, buses and potentially blocking the drives of residents. However, such matters are enforced under other legislation. In addition, the Highway Authority has concluded this would not result in harm to highway safety and the residual impact of the development would not be severe. They suggest that a travel plan should be required by condition to ensure appropriate management of parking. I see no reason to disagree with their conclusions in this regard.

8. Parking for five cars would be provided to the front. The proposals were revised during the course of the application such that these are proposed to be available for parents to drop off and pick up their children. Whilst cars would arrive and depart at the same time on occasion, overall that would reduce the effect of the development on congestion on the surrounding roads.

9. At peak times, some parents may need to walk a short distance from their cars to the nursery. Whilst I accept that parents would wish to park as close as possible to the nursery, a walk of 2-5 minutes as anticipated by the Council would not be unreasonable.

10. Staff would have to park on the street, but it is anticipated that only two staff members are likely to drive to work, given the proximity to alternative forms of transport. Even if that were an underestimate, the numbers of additional parked cars would have a negligible impact on the availability of parking in the area.

11. For these reasons, I conclude that the traffic and parking relating to the proposed nursery would not cause material harm to the safe and efficient operation of the highway network in the vicinity of the appeal site. As such, it would comply with Policies 15 and 28 of the LP and the National Planning Policy Framework (the Framework) that seek safe access to the highway network and consider the impact of development upon on-street parking.

12. The appearance of the building would not be materially altered by the proposed development, with the exception of the replacement conservatory and small rear extension that would be modest and reflect the character and appearance of the existing building. The layout of the rear garden would change to incorporate appropriate play and other space within the garden, but would be managed to ensure minimal noise and disturbance to occupiers of surrounding dwellings. Parking within the front garden would reflect the layout of parking in front gardens of other properties in the surrounding area. As a result, the proposed development would not harm the character and appearance of the area, or the living conditions of occupiers of neighbouring properties.

13. I note reference to other nurseries in less busy areas and a previous proposal to change the use of another property to a dental surgery, but I need to consider the proposed development on its individual merits. As a flat would be provided, there would not be a loss of a dwelling to the local housing stock.

Conditions

14. To meet legislative requirements, a condition shall be imposed to address the period for commencement. I shall also impose conditions for the following reasons. I have imposed a condition specifying the relevant drawings as this provides certainty. A condition is necessary for a Travel Plan to reduce congestion in the vicinity of the proposed nursery and protect highway safety. Conditions requiring the nursery to run in accordance with the Nursery Management Plan for Outdoor Activities and to restrict the use of the building as daycare nursery and single flat are necessary to protect the living conditions of occupiers of neighbouring dwellings from noise and disturbance.

15. Conditions relating to access and parking provided on site are necessary to ensure adequate access into the site, provide for the needs of the development and protect highway safety. A condition relating to hours for deliveries to take place is necessary to restrict congestion at peak hours in the interests of highway safety. A condition is necessary for materials to match those used on the existing building to maintain the character and appearance of the area. In some cases I have amended the wording of conditions suggested by the Council in the interests of clarity.

Conclusion

16. For the above reasons and taking into account all other matters raised I conclude that the proposed daycare nursery and single flat would comply with the development plan and the appeal should succeed.

AJ Steen

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 1613-01 (OS, Site Plan and Parking Layout), 1613-03B (Proposed Plans and Elevations), and 1613-04A (Proposed Garden Layout).

3) Prior to commencement of the use hereby approved, a Travel Plan shall be submitted to and approved in writing by the local planning authority which encourages the use by staff and visitors to the development by alternative modes of transport to the motor car and reduces its harmful impacts. The approved Travel Plan shall thereafter be implemented in full accordance with a timetable to be approved as part of the Plan. The Travel Plan shall thereafter be monitored annually and the findings submitted to the local planning authority for review and any necessary new measures or interventions shall be implemented accordingly.

4) At all times the nursery shall operate in full accordance with the Nursery Management Plan for Outdoor Activities.

5) The building shall be used only as a children's day nursery and single flat and for no other purpose within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to the Class in any Statutory Instrument revoking and re-enacting that Order with or without modification).

6) The use shall not commence until off-street parking spaces have been provided within the development in accordance with the approved plans. These spaces shall thereafter be reserved for the sole use of parent / carer pick-up / drop-off and will not be made available for staff or other parking purposes.

7) Deliveries to and from the development hereby permitted shall not take place between the hours of 07:45 – 09:15 and 16:45-18:15 Monday-Friday.

8) The external materials and finishes of the development hereby permitted shall, prior to commencement of use of the additional floorspace thereby created, be completed to match in design, colour and texture those of the existing building.