Development Control – Delegated Officer Report

Application Number: AWDM/0531/13 **Recommendation – Approve**

Site: **6 Tarmount Lane, Shoreham-By-Sea**

Proposal: **Retrospective application for change of use of first floor offices (2a Tarmount Lane) to children's day care nursery and increase in the number of children from 43 to 63.**

Date of site visit: 11th June 2013

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application relates to an existing children's day care nursery for which planning permission was granted in May 2009. The nursery occupies a Victorian two storey building which is attached to an adjacent two storey flat roof building. This building forms part of Tarmount Studios which is a court yard area of small commercial units including retail and café uses. Permission was granted in 2010 for this mixed use commercial area, ADC/0426/09. The address of the part of the building that is subject of this application is 2a Tarmount Lane above the existing ground floor commercial uses; this was permitted for office use under the above consent.

The site is within Shoreham town centre close to the junction with Brunswick Road, opposite the Methodist Church. To the south of the site are the rear boundaries of terraced houses in New Road. To the north east of the site is a public car park. The site is also within the Conservation Area.

The original consent ADC/0141/09 granted permission for the change of use of the main building from an office use to a children's full day care nursery for up to 43 children aged from 3 months to 5 years, the approved use class being Class D1 non residential institutions.

The current application seeks retrospective permission to increase the number of children at the nursery from 43 to 63 to include the change of use of first floor offices in the attached building. No external changes have taken place or are proposed. Internally a doorway has been created between the existing building and the former office space a wall has also been installed to separate the new nursery space and the existing office space adjacent. A tiddler room and staff room have been created. The nursery is currently functioning with the additional floor space and numbers of children. The space has been created to meet increased demand that the owners have been experiencing over the last year. The office space was vacated by the previous leaseholders who are seeking to relocate.

The applicant's agent has submitted a Planning Statement, Management Plan for Use of Outdoor Areas and Loss of Commercial Premises Statement to accompany the application.

Consultations:

Adur and Worthing Councils: The Environmental Health Officer has no adverse Environmental Health comments to make.

West Sussex County Council: - The Highways Authority has no objection. Given the location of the business, its town centre location is sustainable. The nursery school have an active travel plan and encourage sustainable travel to the nursery and have already increased the size of their buggy store. As the nursery mainly serves the local area there is already a high percentage of buggy walkers and good footway links within the surrounding area to support this. The Shoreham Beach footbridge which is currently closed will also provide an additional walking link to the nursery once it has re-opened. In addition to this cycle storage is available to anyone travelling by bicycle and Shoreham train station is within 200m from the site and easily accessible as an alternative form of transport to the motor car. The nursery has 5 car parking spaces for staff and parents who are dropping children off as part of a combined journey on their way to work can use the 70 space car park within a few minutes walk from the site which is free to use before 9am and after 5pm. In addition there is on-street parking available within the surrounding roads. It is anticipated that the associated increase in car use relating to the nursery is not likely to attract more than an extra 3 car trips per day by parents and 1-2 trips by staff and as such the increase in car parking spaces can be accommodated within the local environment.

In summary WSCC raise no objection to planning application AWDM/0531/13 for the change of use from B1 office use to D1 Nursery care.

Children's Services: - Verbal comments have been received from West Sussex County Council Children's Services supporting the increased number of places at the nursery. There is an increased need for nursery places due to changes in legislation allowing 2 year olds to be eligible for free nursery places subject to meeting criteria. There is evidence that many of the local nurseries within the area are currently at capacity.

Ofsted: - No response has been received.

Representations: Letter of objection received from the owner/occupier of no. 11 New Road – Object to increased number of children are nursery, due to noise of children and staff. My garden backs onto the premises and there is overlooking.

Letter of objection from former occupier of unit 2 Tarmount Studios objecting due to impact on business.

Letter of objection from client of former occupier of unit 2 Tarmount Studios who provided complementary therapy. The change of use has resulted in noise and disruption from the children as the new space is directly above the therapy room. Children jumping, running and shouting above. If this business

moves away I cannot see another business taking over this unit as the constant noise would prevent it being used as an office or retail unit. (At the time of the site visit this unit was vacant.)

2 Letters of support from parents of children occupying the nursery. The nursery is a happy, stimulating and secure environment which offers all children a place to grow and develop at a pace suitable for them individually and therefore I would like to support this application. The nursery allows parents to return to work. Much needed service within the area. Use of the car park and proximity to the train station are benefits of the service which also provides employment to the local area.

Petition in support of application with 111 signatures, addressed and names given.

Relevant Planning Policies

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)
National Planning Policy Framework (CLG 2012)

Planning Assessment

Principle of Change of Use

As with the original application for the nursery at 6 Tarmount Lane the site is not identified for any particular use or development in the Local Plan. Local Plan policies ASC1 and ACS5 support new educational and community facilities within the built-up area.

The loss of B1 is not resisted by any specific policies within the Local Plan. The proposed change of use of office space to D1 will support an existing successful business by allowing it to expand whilst remaining at the existing premises. It is considered that the proposed change of use will support the existing town centre business, this is in line with the aims and objectives of Policy AB14 of the Local Plan which seeks to enhance and maintain the viability of the town centre.

The applicant has submitted a 'Loss of Commercial Premises Statement' completed by Cluttons. This states that there is a lack of demand for office space within this location and any need for offices within the District can be adequately met by the current and future supply of offices within Adur. It concludes that the loss of office space at this site will not impact on the overall current or future supply of offices, or small office suites in the district.

Need for Children's Day Nursery Provision in Shoreham

The report for the original change of use stated that, "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."

Having said this it is apparent that there is currently a need for additional nursery places within the area. This application is retrospective and the additional 20 spaces have been filled at the nursery. West Sussex County Council have also advised that following their investigations most nurseries within the area have reached capacity and with changes in legislation allowing free nursery places to 2 year olds under certain criteria a further, continued demand is inevitable.

Highway Issues

When granting permission for the nursery in 2009; consideration was given to the suitability of the location for such a use in relation to sustainable transport and highway safety. Under the original permission up to 43 Children were permitted. It was considered that the town centre site is highly sustainable being 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 increase in number of children attending this site by 20 is not considered to have any adverse impact on highway safety due to its highly sustainable location. The Tarmount Lane public car park is still available for those wishing to travel to the nursery by car. The existing buggy park at the nursery has been increased to promote walking to the site.

West Sussex County Council Highways considers the application to be acceptable.

Character and Residential Amenity

The site, being in a town centre location, is surrounded by various different land uses and activities. The main nursery building is a substantial building with outside space that is highly appropriate for its current use. The change of use to the adjacent office will further support this successful business and community facility. There have been no external changes to the building as a result of the change of use and increase in numbers of children at the nursery. The buildings in Tarmount Studios are currently occupied by a mixture of commercial uses including retail and cafes. 2a Tarmount Lane is above a unit in Tarmount Studios and encroaches from the main nursery site into the adjacent commercial area. The windows of the space at 2a overlook the courtyard below and related noise and activity will impact on the adjacent commercial space at Tarmount Studios. Having said this, this space is a commercial area within a town centre location. It has appropriate and related public activity within business hours which would be expected in such a location. There is currently a ground floor unit (below the 2a) which is vacant this was until very recently occupied by a complementary therapy clinic (the

objection is set out above) the occupier vacated, it is believed due to the noise and activity above as a result of the change of use. It is however apparent when visiting the site that this form of business requiring privacy and peace is not suitable for such a town centre location where noise and activity in close proximity is the norm. A retail or café use would be much more appropriate at this location and the change of use above would not compromise any future lease of this unit to appropriate business uses.

The houses in New Road, to the rear, are approximately 19 metres from the proposed additional premises with long narrow rear gardens. There are also flats to the east of the site 14m away, beyond No.8. An objection has been received from the owner/occupier of No. 11 New Road.

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 the increase in numbers or the change of use of office space 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. When the original consent was granted in 2009 an ‘Outdoor Space Management Plan’ was submitted and a condition was attached to that permission to ensure that the contents of this document are implemented at the site at all times. An amended version of this document has been submitted with the current application relating to the change of use of 2a and the increase in number of children. A condition is recommended to be attached to a permission to ensure that the ‘Outdoor Space Management Plan’ is implemented. The Environmental Health Officer has no adverse comments to make.

It is not considered that the increased level of activity in relation to the increased number of children would adversely affect the character and appearance of the Conservation Area in conflict with policy AB3.

Recommendation

APPROVE for the reason:-

The site is in a highly sustainable location within the built up area. The additional nursery provision supports sustainable economic growth and has taken place without resulting in unacceptable detriment to the amenities of neighbouring properties and without detraction from highway safety. It consequently does not conflict with the relevant policies of the Adur District Local Plan AG1, ACS1, ACS5 or the NPPF.

Subject to Conditions:-

1. The number of children attending the premises (6 and 2a Tarmount Lane) for the purposes hereby permitted shall at no time exceed a total of 63 without the prior written permission of the Local Planning Authority.

2. 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.

3. The measures contained in the 'Outdoor Area Management Plan' Revised April 2013 shall be implemented and complied with during operation of the day nursery at all times. The number of children outside the building shall not exceed 20 at anyone time.

4. The change of use hereby permitted shall be in accordance with the following approved plans

5. Planning conditions relating to ADC/0141/09 still apply to the application site no. 6 and 2a Tarmount Lane and shall be complied with at all times.

Informatives

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Is recommendation contrary to letter(s) of representation? Y

Case Officer: Hannah Barker Date: 24th June 2013

Authorised by: Jo Morin Date: 24 June 2013