Application Number: ADC/0182/08 Recommendation – REFUSE

Site: 27 Rosslyn Road, Shoreham-by-Sea BN43 6WL

Proposal: Change of use from house to children's full day care nursery (for 36 children) (Use Class D1)

The Application

The application site comprises of a detached two-storey five-bedroom house on the north side of Rosslyn Road. It has a garage set back to the rear of the property with an existing vehicular access from Rosslyn Road with hardstanding to the front. The street itself comprises of a variety of styles of properties, many with off street parking, but the street is heavily parked with cars on both sides of the highway.

A previous application (ADC/0761/07) sought to change the use of the existing dwelling house to a children's full day care nursery initially for 36 children aged three months to five years, increasing to 48 after one year, a D1 use class. The application was withdrawn following advice from officers that a positive recommendation could not be made.
It was proposed that there would be 11 staff with the building divided into space for office/reception, play area, coats and bags space, kitchen, toilets, with a baby and 'tiddler' room at first floor, with the existing garage used partly for a staff area.
External changes to the building included, proposed French doors to the rear at first floor level which lead onto a balcony; with new railings and solid end panel and gate. An external staircase was proposed which leads from the balcony area to the rear garden. It was also proposed that a tree to the front of the property was to be removed and replaced. Changes were also proposed to the front wall to aid pedestrian and vehicular visibility.
Parking was shown for 6 cars to the front and west side of the building for staff. The proposed opening hours were from 07:30 until 18:00, Monday to Friday.

The latest application is a similar proposal but seeks permission for a day nursery with 36 children (not increasing to 48 as in the previous application.) The staff parking to the front of the building has been reduced to 3 spaces only and the rear balcony/external stairs to the rear garden are no longer proposed to be used except for emergency escape. Supporting information is provided as previously submitted comprising the 'Shoreham Day Nursery Travel Plan' December 2007 and in addition a Design and Access Statement.

Consultations and Representations

County Transport Planning Services: No objection subject to conditions. Refers to the previous comments made on application ADC/761/07 which are applicable to this current application: -

The site is in a sustainable location accessible by a choice of transport mode. Off street parking is limited with car parking provided for staff only, as the use of this area is not suitable for setting down and picking up for road safety reasons. On street parking does take place along Rosslyn Road.
Subject to careful controls being implemented and maintained by the applicant to ensure that parents/carers do not use the available off-street car parking and that Travel Packs promote considerate parking practice and encourage use of sustainable modes of travel, then an objection based on car parking could not be sustained. The LPA should also ensure that any permission granted is based on 36 children and that any increased number will require a further planning permission.
With regards to cycle/buggy and cycle trailer parking, the applicant must demonstrate how easy and convenient access will be made to further encourage this use.
If the LPA is minded to grant permission, it is recommended that conditions be imposed to deal with the matters set out above (cycle storage, parking and access, Travel Plan, limits on numbers etc) and further standard conditions. The use shall not be carried out until the Travel Plan is formally agreed by the Highway Authority.

Director of Services: The Environmental Health Officer objects stating that this is a residential area and the introduction of a day care nursery is likely to introduce noise that will have an adverse impact on the amenity of neighbouring properties. Although it is not unusual to have children playing in a residential garden, this will only be during school holidays and weekends whereas, if permission is granted for the nursery, then the neighbours of this property potentially will have to endure noise from up to 36 children, every weekday, weather permitting. As it would be unreasonable to expect children using the facility to be quiet all the time, in order to protect the amenity of the existing neighbouring residents, then the application should be refused.

Third Parties: 89 letters have been received of which 61 support the application and 28 object.

The 28 objection letters are from residents of No's 18,19,21,24,26,28,29, 31(2),32,35,43 and 56 Rosslyn Road and No's 2,3,4,6,8,21,23,24,25,34,35, 44,51 and 53 Rosslyn Court (and solicitors on behalf of the freehold and leasehold owners of Rosslyn Court) on the following grounds:-

- Congestion and parked cars will block road, increased traffic, restricted access and highway safety issues.
- Not enough parking on site for staff.
- Hours of opening and numbers of children are difficult to enforce.
- Loss of privacy.
- Noise caused by children, traffic, deliveries etc.
- Loss of family house.
- Other local nurseries exist.
- Pressure on existing sewage system.
- Almost identical to previous application, very minor changes made.

- Proposed change of use will change the character of the area.
- Deliveries of supplies and refuse collection will cause traffic congestion and increase even if children and parents arrive on foot.
- Proposal sets precedent for further business changes of use.
- Edge of Conservation Area.
- Adverse impact on residential amenity and quality of life.

[NB. the residents of No's 19 and 31 Rosslyn Road and No.2 Rosslyn Court have requested to speak at the Committee meeting]

The 61 letters of support, mainly from the wider Shoreham area but including some from Lancing, Worthing and Hove (and the present owner of the application site) give the following reasons:-

- Nursery will allow more parents to return to work.
- Nurseries encourage children to socialise.
- There is a need for a nursery in Shoreham, a vital resource, other nurseries are in Brighton or Hove and people from Shoreham have to drive there.
- Central location, sustainable, accessible to local community.
- Parents can walk, use public transport to get to the nursery, not all will drive.
- The revised application overcomes previous objections.
- Change of use is in character and represents no adverse impact on the nature, composition and architecture of Rosslyn Road.
- Favourable support from WSCC highways authority.
- Hours of operation are restricted to 08:00-17:30 during the week and unoccupied at the weekends.

Relevant Planning Policies and Guidance

Adopted West Sussex Structure Plan 2001-2016 (WSCC 2005) (saved policies): LOC1, NE11, DEV1, DEV4-5
Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AH6, ACS1
PPS1 'Delivering Sustainable Development' (ODPM 2005)
PPG13 'Transport' (DTLR 2001)

Planning Assessment

The main concerns regarding this proposal for the total change of use from a dwelling to a day nursery are the effects of the intensification of the proposed use on the residential amenities of the locality and on highway safety and balancing the need for additional day nursery facilities against the loss of a dwelling.

Policies

Local and Structure Plan policies ASC1 and NE11 seek to provide for appropriate new educational and community facilities with the built-up area in

recognition of the importance of these services. ACS1 states that he LPA will support new educational and community facilities on sites in the built-up area subject to compliance with other Local Plan policies. Policy AH6 of the Local Plan states that permission will not be granted for development (including change of use) which would lead to loss of existing dwellings and other types of residential accommodation, especially those suitable for small households and those not easily able to complete in the existing housing market. AG1 of the Local Plan 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. DEV1 of the Structure Plan states that development should integrate with existing land uses and minimise potential conflicts, creating a high quality, socially-inclusive and adaptable environment meeting the long-term needs of occupiers, users and service providers.

Principle of Change of Use

As states above, policy ASC1 supports new educational facilities with the built up area subject to compliance with other policies. Nursery and pre-school educational facilities are in short supply in the district as presented in the case put forward by the supporting information submitted by the applicant and it is accepted that this is the case within Adur. Conversely, policy AH6 resists the loss of dwellings. However, in relative terms, the principle of the loss of a single dwelling to provide a nursery is considered likely to be outweighed by the degree of need for nursery places. At the current time there is high demand based on the information submitted with the application and with reference to previous applications relating to a nursery at 9 The Burrells, Shoreham Beach (SU/107/02 and SU/68/05) where reference is made to a continuing need for nursery places in the area.

Local Character and Residential Amenity

In this case, although the existing house is a relatively large detached building, it is not set within a particularly large plot and is situated in close proximity to the neighbouring dwellings either side and the flats to the rear. The distance between the existing house and the boundaries to the east and west sides are 3 metres and 2.5 metres respectively, and the rear garden has a depth of 21 metres. The application site is within a residential street which comprises of a variety of sizes and styles of property, many on small plots. The application site itself, No.24 opposite and No.22 are larger than the majority in the street. However, it is still considered that, due to the close proximity of this dwelling to the adjacent dwellings, that the intensification of use of the site to provide a nursery for as many as 36 children would be out of keeping with the existing residential character of the locality and have a significant adverse impact on the residential amenities of the occupiers of nearby dwellings. It would result in unacceptable detraction from the quiet enjoyment of their homes within this residential area due to increased noise and traffic levels.

Noise levels would result predominantly from the children using the rear garden area for playtime and also as a result of the increased number of car

journeys to and from the site of both staff and parents picking up and dropping off. There may also be other increased activity associated with this intensified use of the site, for example deliveries.

The rear balcony area with external access stairs onto the rear garden could result in overlooking and loss of privacy to adjacent residential properties but on this current application they are proposed to be used only for emergency escape purposes (NB. a condition would need to be imposed if permission were granted to limit them to this purpose).

Notwithstanding the amendments contained in this latest application, it is not considered that the problematic issues previously identified have been overcome. The site is not considered suitable for change of use to a nursery with this level of intensity.

Highway Issues

It is accepted that the site is located in a sustainable location close to the town centre within close proximity to the train station and local bus routes. In this location, staff and parents visiting the site would have the choice of travelling to the site by alternative modes of transport other than 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 discounts for parents not travelling to the site by car, and promotion of considerate parking practice for those that do use cars.

WSCC advise that, subject to various measures being put in place such as limiting the numbers to 36, ensuring that parents/carers do not use the off street parking (reserved for staff only), improvements to cycle/buggy and cycle trailer parking and the formal agreement of the Travel Plan by WSCC, an objection based on car parking and highway safety could not be sustained.

Recommendation

REFUSE on ground that:-

1. The proposed change of use of the dwellinghouse to a day nursery for 36 children would detract to an unacceptable extent from the residential amenities of dwellings in the vicinity, particularly through the associated increase in activity and resultant disturbance from children and traffic, and it is not considered to comply with policies AG1 and ASC1 of the Adur District Local Plan and NE11&DEV1 ~~and DEV4-5~~ of the West Sussex Structure Plan.

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