Development Management – Delegated Officer Report

Application Number: AWDM/1636/24 Recommendation: APPROVE

Site: Sunshine Day Nursery, 6 Tarmount Lane, Shoreham-By-Sea, West Sussex

Proposal: Application to vary Condition 3 of Approved AWDM/1774/19 to allow a maximum of 110 children to attend the premises (original condition limited it to 100). ORIGINAL DESCRIPTION: Demolition of existing cottage and garages (8 Tarmount Lane) and construction of part two-storey and part single-storey extension to east, first floor extension over existing flat roof extension at rear and glazed link to existing nursery building (amended resubmission of AWDM/0463/19).

Date of Site Visit: Visited when considering previous applications.

Neighbours Checked: Y

Additional neighbour notification: N

Proposal, Site and Surroundings

The application site comprises the existing nursery building 6 Tarmount Lane, a two storey, detached white rendered Victorian building with slate roof. This building and land to the rear has been developed as a children's nursery since consent was permitted for a change of use in 2009 under ADC/0141/09. Since this time retrospective consent was permitted to allow for an increase in the number of children at the nursery from 43 to 63, permitted under AWDM/0531/13. Also incorporated into the site is no. 8 Tarmount Lane to the east of no. 6. The site is located within the Conservation Area adjacent to the Town Centre close to the junction with Brunswick Road, opposite the Methodist Church. To the west is a commercial arcade with a courtyard with individual units. Swanborough Court is to the east with the telephone exchange and a public car park opposite. To the south are the rear boundaries of terraced properties in New Road.

AWDM/0463/19 granted consent to increase the size of the nursery incorporating the site of the building to the east of the site No. 8 Tarmount Lane. There is currently a two storey building of brick and tile construction smaller in scale than the main building at no. 6. No. 8 is set back from the highway with space for parking to the front. Consent included the demolition of the building and construction of a larger two storey property. A glazed link was approved to join the two buildings.

Following this AWDM/1426/22 was permitted which varied the plans approved under AWDM/1774/19.

Condition 3 of AWDM/1774/19 states: -

"The number of children attending the premises (Nos. 6 and 8 Tarmount Lane) for the purposes hereby permitted, shall at no time exceed a total of 100 without the prior written permission of the Local Planning Authority.

Reason: In the interests of highway safety and residential amenity, having regard to policies 15, 17 and 33 of the Adur Local Plan."

The current application seeks consent to vary this condition to allow a maximum of 110 children to attend the nursery.

Consultations:

West Sussex County Council: The Highways Authority: -

West Sussex County Council, in its capacity as Local Highway Authority (LHA), have been consulted on proposals to vary condition 3 of approval AWDM/1774/19 to allow up to 110 children to attend the site (increase in 10). The LHA does not consider that the increase in maximum allowed children on site would result in a highway safety or capacity concern on the local road network and thus no grounds to refuse the variation of condition application from highways point of view.

Adur and Worthing Councils: Environmental Health: - No adverse comments.

Adur District Conservation Advisory Group: - APPROVED

Representations: - None received.

Relevant Planning Policies

Adur Local Plan 2017 Policy 15, 17, 33
National Planning Policy Framework (December 2024)
WSCC Guidance on Parking at New Developments (Sept 2020).

Planning Assessment

Principle

The relevant issues here are the effects of the proposed addition of 10 children attending the nursery upon the amenities of the neighbouring residential occupiers and the effect on the character and appearance of the locality and Conservation Area. The impact also in terms of highway safety, access and parking.

It should be noted that the applicant must comply with Ofsted regulations in relation to the increase in children numbers and how this applies to floorspace and the use of the site. This is separate to the planning considerations set out below.

Visual amenity and Conservation Area

The only change proposed is the increase in the maximum number of permitted children from 100 to 110, an increase in 10 children at the premises at a time. There will be no changes to the visual appearance of the building or site. The way the building and external spaces are used will not change from how they are used currently. Therefore the change is not considered to have an adverse impact upon the visual amenity of the locality and the Conservation Area.

Residential Amenity

The increase in the number of children will intensify the use of the site. However a 10% increase, in this case from 100 to 110 within this building and external area, is not considered to be such to increase noise levels and activity to such a degree that would harm the amenities of the surrounding residential occupiers. There are residential properties surrounding the site and the impact upon these occupiers was considered at the time the original consent was given. Safeguarding conditions were attached including hours of opening and agreement of an 'Outdoor Management Plan' limiting the number of children permitted outside at any time. These conditions are attached and will remain unchanged.

Increased trips to and from the site will occur as a result of the increased numbers however again this would be a small increase. Within the Town Centre the impact of such increased traffic or footfall upon adjacent occupiers would not be detrimental in this case.

Highway Safety, Access and Parking

As stated there may be increased traffic and trips to the site associated with the increased numbers. However there is a carpark in close proximity to the site and the site is within a sustainable location where parents and carers can walk to the site or take public transport. There would be no concern with regards to Highway Safety in this case. Parking and safe access to the site is available.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans

2. The number of children attending the premises (Nos. 6 and 8 Tarmount Lane) for the purposes hereby permitted shall at no time exceed a total of 110 without the prior written permission of the Local Planning Authority.

   Reason: In the interests of highway safety and residential amenity having regard to policies 15, 17 and 33 of the Adur Local Plan.

3. The use hereby permitted shall not be open for business other than between the hours of 7:30am and 6pm Monday to Friday and arrival/departure times for children shall be staggered over the period 7:30am-9am for arrivals and 4:30pm-6pm for departures.

4. The measures contained in the 'Outdoor Area Management Plan' Revised May 2019, received 13th May 2019 shall be implemented and complied with during operation of the day nursery at all times. The number of children within the rear outdoor space shall not exceed 20 at any one time.

Reason: In the interests of highway safety and residential amenity and to accord with Policies 15, 17 and 33 of the Adur Local Plan.

5. No advertisements or signage shall be attached to the external windows or walls of the building hereby permitted without prior consent from the Local Planning Authority. In addition there shall be no internal advertisements or signage on or in the glazed link.

Reason: In the interests of visual amenity and to accord with Policies 15 and 17 of the Adur Local Plan.

6. The building at no .8 Tarmount Lane shall remain finished with render and slate tile roof with timber sliding sash windows at all times unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policies 15 and 17 of the Adur Local Plan.

7. The off street car parking and cycle parking to the front of nos 6 and 8 Tarmount Lane shall be used for staff employed at the nursery only. Drop off and collection for parents and carers shall not be at the property frontage.

Reason: In the interests of highway safety and to accord with Policies 15 and 33 of the Adur Local Plan.

8. Staff vehicle and cycle parking provision as shown on the approved plans shall thereafter be retained solely for such purposes.

Reason: In the interests of highway safety and sustainability and to accord with Policies 15 and 33 of the Adur Local Plan.

9. Following the implementation of the Landscape Design Strategy, Outline Plant Specification and Landscape Strategy Masterplan received 25th March 2019 any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and to accord with Policy 15 of the Adur Local Plan.

10. The recommendations and actions as contained in the Travel Plan accompanying application ADC/0141/09 shall be implemented and complied with during operation of the day nursery.

Reason: In the interests of highway safety and the promotion of sustainable travel having regard to policy 28 of the Adur Local Plan.

11. The external door/staircase at no 6 Tarmount Lane shall be used only for the purposes of emergency escape from the premises.

Reason: To prevent overlooking and having regard to Policy 15 of the Adur Local Plan.

12. Pedestrian visibility splays of 2 metres by 2 metres to the east of the parking area shall be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of highway safety having regard to policy 28 of the Adur Local Plan.

13. Open fencing/boundary treatment only shall be permitted adjacent to the frontage parking at no. 6 Tarmount Lane as shown on Drawing no. AD 101 Rev F - received 13th May 2019. The proposed barrier and railings shall remain in accordance with the approved drawings unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the visual amenities of the area, having regard to policies 15 and 28 of the Adur Local Plan.

Is recommendation contrary to letter(s) of representation N

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.

Case Officer: Hannah Barker Date: 4th February 2025

Authorised by: Peter Barnett Date: 4 February 2025