

Appeal Decision

Site visit made on 6 October 2016

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 November 2016

Appeal Ref: APP/B5480/W/16/3153327

127 Albany Road, Hornchurch RM12 4AQ

- 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 Mrs Claire Lakin against the decision of the Council of the London Borough of Havering.
 - The application Ref P0333.16, dated 21 February 2015, was refused by notice dated 22 June 2016.
 - The development proposed is described as 'change of use of ground floor unit from A1 shop to D1 day nursery'.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The description varies between the application form and the subsequent documents. I have used the description given on the decision notice as it describes the proposal more accurately.
3. There appears to be some disparity within the documents as to the numbers of children and staff that would be present at the facility, and the proposed opening hours. The appellant's statement of case revises the information given in the earlier documents, and so I have considered the appeal on that basis.

Main Issues

4. The main issues are the effect of the proposal on highway safety in the area, and the effect of the proposal on the living conditions of nearby residents, with particular reference to noise and disturbance.

Reasons

Highway safety

5. The appeal site is located within a parade of commercial premises on Albany Road. The proposal would convert a former dry cleaners for use as a day nursery for up to 18 children of pre-school age. It would employ up to five members of staff. The nursery would operate from Mondays to Fridays, and would open between 9am and 3pm.
 6. The Council states that, for a D1 use, the maximum standard should be one car-parking space per member of staff, plus an area for dropping off. Five spaces would therefore normally be required for the development. Nonetheless,
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- no additional parking facilities are proposed within the scheme, which would rely on existing on-street parking.
7. I accept that staff who live locally may walk to the premises, but this would be a matter of choice, and could not be enforced. The lack of public transport in the area would also limit the options for travel to the appeal site. Therefore, staff driving to the site would either have to park on Albany Road or on nearby streets. Similarly, there would be no additional provision for parents coming to the nursery to drop off or collect their children. Although some children may travel on foot, it is highly likely that some would be dropped off or collected by car, particularly in bad weather.
 8. The appellant contends that they have chosen hours that would avoid the busiest times of the day, and I note their willingness to vary the opening hours of the business. However, within the vicinity of the appeal site, the lack of parking provision for the proposed nursery would increase the pressure and competition for parking spaces between the nursery staff and clients and those using the neighbouring businesses and facilities. There would thus be significant potential for increased congestion in the area closest to the parade, as parents would very probably wish to park as close to the facility as possible. At busier times, the lack of parking provision might also result in overspill into other streets, thus increasing the parking pressure in those areas.
 9. In the absence of any compelling argument to set aside the parking requirements for the proposed D1 use, I conclude that highway safety in the area would be unacceptably harmed by the development. It would thus conflict with Policy DC26 of the Havering Core Strategy and Development Control Policies Development Plan Document (DPD, 2008) insofar as it requires that community facilities should ensure that any required on-street parking can be accommodated without detriment to pedestrian and highway safety. It would further conflict with DPD Policy DC33, which sets out car parking provisions requirements within new developments.

Living conditions

10. The first floor above the appeal site is occupied by a flat, as are a number of other upper floors on the parade. An area of the forecourt directly in front of the appeal site has been railed off, and would be used as an outdoor play area. The appellant states that the area would be used by children in small groups of five to six for short periods of time although these times are not indicated. However, it would be difficult to regulate the number of children using the space, or the amount of time that they would spend playing outside.
11. In this location, with people coming and going to the ground floor businesses, a certain level of background noise is to be expected by nearby residents. However, children are naturally often noisy during periods of playtime, and this use of the forecourt area would give rise to a level of noise and disturbance not currently experienced by the nearby occupants. This effect would particularly be exacerbated during warm weather, when residents would be more likely to have their windows open.
12. I note that a nearby park would also be used, and that the appellant would be willing to provide soundproofing within the building. However, these circumstances would not mitigate the disturbance to occupants that would arise during the times when the pavement space was in use for play.

13. I therefore conclude that the living conditions of nearby residents would be unacceptably harmed by the increase in noise and disturbance generated by the proposal. It would therefore conflict with DPD Policy DC61, insofar as it resists developments that would result in unreasonable adverse effects by reason of noise impact.

Other matters

14. I accept that the evidence indicates that there is a shortage of childcare provision in the area, which the proposal would help to alleviate. However, this benefit would not outweigh the harm I have identified above.
15. The current lawful use of the ground floor unit at the appeal site is as a dry cleaners. This use would also have given rise to customers arriving by car, although these visits may have been more dispersed throughout the day. Also, apart from customers arriving and leaving, activity and noise would have been largely confined within the building. I therefore conclude that the proposal would give rise to greater impacts than the existing use.
16. My attention has been drawn to a number of other planning permissions which have been granted for changes of use from shops to nurseries in the area. However, the full details of these cases are not before me, and so I am unable to be certain if they represent direct parallels to the present proposal. In any case, I have considered the appeal scheme on its own merits.

Conclusion

17. For the reasons above, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Elaine Gray

INSPECTOR