

Appeal Decision

Site visit made on 3 May 2017

by M Seaton BSc (Hons) Dip TP MRTPI

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

Decision date: 08 June 2017

Appeal Ref: APP/B5480/W/17/3167479

Office Rear of 67 Manor Road, Romford, RM1 2RD

- 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 Miss Zehra Kiani against the decision of the London Borough of Havering.
 - The application Ref P1708.16, dated 10 October 2016, was refused by notice dated 16 January 2017.
 - The development is a change of use to a Class D1 Day Nursery – offering care and education to children from age 3 months to 5 years.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of the site visit, the change of use had already been implemented and the premises and curtilage were in use as a Class D1 Day Nursery.

Main Issues

3. The main issues are;
 - Whether the change of use of the appeal property would safeguard the living conditions of neighbouring properties, having regard to noise and disturbance; and,
 - The effect of the change of use on highway safety in the light of the provision of parking spaces and drop-off facilities.

Reasons

4. The appeal site is occupied by a part two-storey and part single-storey elements to the rear of an existing building, No. 67 Manor Road, and is located within a predominantly residential area. I note from the Council's submissions the indication that the property has been previously used as offices, although the precise formal use was summarised as unclear. At the time of the site visit, it appeared that No. 67 Manor Road was occupied as a dwelling.

Living conditions

5. The appellant has highlighted that the day nursery would accommodate children between the ages of 3 months and 5 years, between the hours of
-

07:30 and 19:00 each day. It is indicated within the submitted evidence that up to 23 children would be accommodated, with 4 full-time members of staff.

6. The Council contends that the previous use of the appeal site would not be directly comparable to the noise and disturbance generated by the current use as a day nursery. On the basis of the limited evidence of previous uses, I have no reason to disagree with this statement and consider that noise levels from children's activities and play would be likely to be significantly louder and more sustained than activities related to likely previous uses of the premises.
7. I have had regard to the disposition and layout of the internal accommodation, and have noted that the appeal premises share a common wall with No. 67 Manor Road. Whilst I have been mindful of the letter of support received from the occupier of No. 67 Manor Road, there are no details which provide surety as to whether there is sufficient sound-proofing and noise insulation within the existing construction to prevent noise percolating through the wall. However, I have noted within the suggested conditions the potential to require a scheme of insulation and soundproofing as a means of protecting the adjoining property from internally generated noise. As a consequence of the nature of the noise likely to be generated, I see no reason why this would be a measure which could not be addressed satisfactorily in this manner.
8. Turning to the potential for the generation of external noise, I consider that this is likely to arise from open windows and doors as well as use of the outdoor space. I do not consider that it would be reasonable to seek to control the opening of doors and windows during the hours of operation of the day nursery, although I would not anticipate this to be a circumstance which would arise all year round. Nevertheless, I consider that even allowing for the potential for open windows and doors at ground and first floor levels, the existing structure is likely to provide at least a limited level of acoustic mitigation from internally generated noise. Furthermore, I note that the windows and doors to various rooms do not all face in the same direction, which I am satisfied would help to mitigate against any concentration of noise experienced by surrounding noise sensitive uses.
9. With regards to the use of the external area, it is inevitable that there will be a certain level of disturbance from the activities and play undertaken by the children, in the same way that the playground of a school may give rise to such noise and disturbance. However, the potential to limit the use of the outdoor areas to a period between 10:00 and 16:00, and for a maximum of 6 children at a time, would appear to provide a reasonable compromise to unrestricted use of the garden area. I am satisfied that whilst there will inevitably be some noise generated and experienced by neighbouring properties, the limited numbers of children accessing the outdoor area, taken in combination with the provision of appropriate acoustic fencing on the northern and southern boundaries, would help to mitigate this to an acceptable level.
10. I have also had regard to the possibility of noise and disturbance arising from the comings and goings of vehicles either dropping-off or picking-up children. Whilst I do not have any details of likely drop-off and pick-up times, the worst-case scenario would seem to be represented by all children being dropped off at the day nursery at the opening time of 07:30. However, whilst I accept that this would be likely to lead to some noise and disturbance from both vehicles, and parents, children and staff accessing the premises, I consider that this is

unlikely to result in an unacceptable, sustained, or uncharacteristic type or level of noise for the area, particularly in light of the nearby school.

11. I am satisfied that, subject to the imposition of appropriate conditions, that the change of use of the appeal premises to a Class D1 day nursery would safeguard the living conditions of neighbouring occupiers, having regard to noise and disturbance. As such there would not be conflict with Policy DC61 of the London Borough of Havering Core Strategy and Development Control Policies Development Plan Document 2008 (the Core Strategy), which seeks to ensure that development does not have an unreasonable adverse effect on the environment by reason of noise impact.

Highway safety

12. Access to the site is via a road which also serves a three-storey building accommodating flats to the rear of the site, and its associated parking spaces.
13. I noted at the site visit that parking on Manor Road is restricted to residents parking only between 08:30 and 18:30, Monday to Saturday. In this respect, parking is not therefore available for non-residents close to the appeal site on Manor Road during these times, and I note that other surrounding streets are either similarly restricted, or in the case of Brentwood Road to the south, parking is prohibited by virtue of double yellow line parking restrictions.
14. Whilst the plans submitted to the Council indicated the provision of 2 off-street car parking spaces to serve the premises, subsequent plans received with the appeal highlight the provision of 3 off-street car parking spaces. However, in practice I observed that 4 off-street parking spaces had in fact been provided and demarcated on the site itself.
15. The Council has highlighted that the parking standards set out within Annex 5 of the Core Strategy would require the provision of 1 space per member of staff, and a drop-off area for parents. In this respect, I have been mindful of the appellant's contention that no staff parking will be required, and therefore the parking spaces would be available for the drop-off of children. However, no means of securing this intention have been provided, and I am not therefore persuaded that the parking spaces will not end up being used in the future for staff parking. Even allowing for the provision of 4 spaces seemingly addressing the requirement, it was clear from my observations of the demarcated spaces that the space available to manoeuvre a vehicle in and out of the spaces is extremely limited, and likely to result in very difficult and convoluted manoeuvres in the event that all the 3 spaces to the rear of the premises are full. This reduces the desirability and usability of these spaces.
16. With regards drop-off, I note that an area between the flank elevation of the single-storey element of the building and the access road had been 'hatched' in yellow on the ground, to indicate availability as a drop-off area for parents. However, the area would be capable of accommodating only a single vehicle at a time, and I note that the effect of the use of this area would be to significantly lessen the width of the access road. Furthermore, the absence of a dedicated turning area would be likely to lead to vehicles either having to reverse into or out of the site from the drop-off area, and also if it transpired that all spaces on the site were already in use. I consider that this would be likely to result in an adverse impact on highway safety of both pedestrians accessing and passing the site, and other highway users.

17. I have carefully considered the appellant's various submissions in respect of parking and drop-off provision. I accept that it is likely that users of the day nursery will originate from the local area, but I am not convinced on the basis of the very limited supporting evidence that they are likely to arrive principally on foot. Furthermore, there is no evidence from which a conclusion may be drawn that all children will be either dropped-off prior to 08:30 or picked up after 18:30, when the parking restrictions on Manor Road are not in force. Whilst I accept in all probability that children will be dropped off on a staggered basis over an extended period of time, even allowing for the appellant's intent to control the duration of time for individual drop-offs, I am not persuaded that the arrangements which are in place will not lead to informal parking or use of restricted parking bays at times where off-street parking is not available, or difficult to access.
18. As a consequence, I consider that the change of use will have an adverse effect on highway safety in the light of the provision of parking spaces and drop-off facilities. As such there would be conflict with Policies DC32, DC33 and DC61 of the Core Strategy. These policies seek to ensure that development does not have an adverse effect on the functioning of the road hierarchy, that car parking provision is neither inadequate nor excessive, and that development does not give rise to on-street car parking problems.

Other Matters

19. I have had regard to the Council's reporting of the conclusion of Havering's Childcare Sufficiency Assessment from 2011, which states that there is a fundamental shortage of childcare provision within the Borough and therefore a need to increase the number of childcare places. However, given the age of this assessment, it is unclear whether the shortfall still persists or has been resolved. In the absence of any more up-to-date evidence, I attach only limited weight to the social benefit that providing additional childcare provision would make. I also accept that the day nursery would provide an economic benefit in respect of the provision of 4 full-time jobs, to which I also attach some limited weight in favour of the development.
20. I have also had regard to the appellant's procedural concern over the length of time taken by the Council to determine the planning application in the first instance. However, this is not a matter which has any critical bearing on the planning merits or determination of the case.

Conclusion

21. I have concluded that the change of use does not result in an adverse impact on the living conditions of neighbouring occupiers, and that there would be some limited social and economic benefits associated with the development. However, I have found that the change of use will have an adverse effect on highway safety, and I am satisfied that this harm would outweigh the limited benefits of the development.
22. Therefore, for the reasons given above, the appeal is dismissed.

M Seaton

INSPECTOR