



Appeal Decision

Site visit made on 11 June 2019

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 22 July 2019

Appeal Ref: APP/Q3060/W/19/3224211

Wollaton House Day Nursery, 5 Bridge Road, Nottingham, Nottinghamshire NG8 2DG

- The appeal is made under section 78 of Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Philip Elliott of Wollaton House Day Nursery against the decision of Nottingham City Council.
 - The application ref 18/02213/PVAR3 dated 19 October 2018 was refused by notice dated 21 December 2018.
 - The application sought planning permission for the Use as Day Nursery without complying with a condition attached to planning permission Ref 17/01513/PVAR3 dated 1 September 2017.
 - The condition in dispute is No 2 which stated that: *'No more than 54 children shall attend the day nursery at any given time'*.
 - The reason given for the condition is *'To ensure that the use of the premises will not prejudice the amenities of the occupiers of nearby property in accordance with Policies CE1 and NE9 of the Local Plan'*.
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Decision

1. The appeal is allowed and the planning permission for the Use as Day Nursery at Wollaton House Day Nursery at 5 Bridge Road, Nottingham, Nottinghamshire NG8 2DG granted on the 1 September 2017 by Nottingham City Council is varied by deleting condition No 2 and substituting it with the following condition
 - 1) No more than 60 children shall attend the day nursery at any given time.

Background and Main Issue

2. In 1995, the dwelling was converted to a children's day nursery and planning permission was granted for the change of use. The original planning permission for the nursery included a condition restricting the number of children to 25. There have been a number of applications with small incremental increases in numbers since then. Planning permission ref 17/01513/PVAR3, granted in 2017, allowed the last increase in the number of children at the nursery from 49 to 54. A restriction on numbers was imposed on that permission to ensure that the amenities of occupiers of nearby property were not prejudiced. The appellant wishes to vary this condition with a further increase to 60 children.

3. The main issue is therefore the effect of varying the condition on the living conditions of nearby occupiers with particular regard to increased vehicle movements.

Reasons

4. Bridge Road is separated from Torvill Drive with a grass verge with two accesses from Bridge Road to Torvill Drive. There is no through traffic on Bridge Road as it can only be exited and entered via Torvill Drive. The appeal site is within a Primarily Residential Area and is the only non-residential unit on Bridge Road following the closure of the public house with car park next door. The speed limit on Bridge Road is 20 mph.
5. The grass verge separating the two roads means that there are only houses on one side of the road including the appeal site. The appeal dwelling (the nursery) is towards the south of the road with the former public house to one side at the end of the road and a row of houses to the other side. At the time of my site visit, construction of housing development was underway at the former public house site.
6. Apart from the nursery which is a large detached building, the houses on Bridge Road are semi-detached houses which largely have dropped kerbs, driveways and garages. The nursery has its own access with a dropped kerb across the front providing parking for up to 4 cars. An objector has referred to a neighbouring dwelling converting their garage to an office but the loss of a single garage is unlikely to have a significant impact on vehicle movements on the road.
7. The appellant states that the nursery currently has 17 staff of which 6 drive to work and that staff numbers would not increase if the appeal is allowed and parents are advised not to park outside dwellings on Bridge Road.
8. The nursery is open from 8am to 6pm. Most children are dropped off between 8am and 9am although the pick-up time is staggered over a wider period. Certain days of the week are less busy than others as not all children attend on a full-time basis.
9. The information supplied by the appellant indicates that the majority of children are dropped off and collected by car. However, a quick turnaround of vehicles is likely to occur as parents would be on their way to work or home and would therefore not be parked on the road for a long time.
10. The figures provided by the appellant indicate that some children do walk to the nursery, some families have more than 1 child and not all children attend on a full time basis. The appellant's highway report does also provide details of nearby bus stops and the site is in a sustainable location in terms of transport options. It cannot therefore be assumed that allowing 6 extra children would automatically result in 12 extra car movements per day. I accept that the nursery is likely to currently generate more traffic than the original permission permitted but that, in itself, is not a reason to limit numbers.
11. There have been a small number of objections to the proposal. They raise the issue of the number of vehicle movements, parking difficulties and congestion getting worse at peak times. One objector refers to frequent occasions when there are more than 4 cars around the exit and entry of Bridge Road.

12. However, if the front of the nursery is unavailable, then parents would park either on the opposite side of the road to the appeal site or on the same side of the road. There is no evidence from objectors of blocking of residents drives. Parking is unrestricted on both sides of Bridge Road. Whether or not there is a need for more nursery spaces is not a matter before me in determining the appeal.
13. There is a new housing development under construction and that development would have been assessed with regard to its own parking requirements. The highway authority has not objected to the appeal proposal on highway grounds and there is no evidence of any complaints with regard to any parking issues.
14. I therefore conclude that, on the evidence before me, to allow an increase in the number of children would not harm the living conditions of neighbouring residents. It would comply with Policy CE1 of the Nottingham Local Plan November 2005 which requires, amongst other things, that facilities would be compatible with adjacent uses where they would not cause congestion or adversely affect residential amenity. It would also comply with Policy 10 of the Broxtowe Borough Gedling Borough Nottingham City Aligned Core Strategies Part 1 Local Plan which, amongst other things, states that development for community facilities will be granted subject a number of considerations including whether the proposal would cause congestion and the amounts and times of this congestion and whether the proposal impacts on the living conditions of residents especially in Primary Residential Areas.

Conclusion

15. For all the reasons given, I conclude that the appeal should succeed. I shall therefore vary the planning permission to allow the increase in numbers to 60.

E Griffin

INSPECTOR