



Appeal Decision

Site visit made on 1 May 2019

by Euan FS Pearson BA(Hons) BTP FRGS MRICS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th September 2019

Appeal Ref: APP/Q5300/W/19/3221839

Scout HQ, Green Street, Enfield EN3 7JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Article 3(1) and Schedule 2, Part 3, Class T of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Serkan Mustafa of Little Learners Nurseries against the decision of the London Borough of Enfield.
 - The application Ref 18/03351/PRK, dated 5 September 2018, was refused by notice dated 24 October 2018.
 - The development proposed is change of use from Scout hut (D2) to a registered day nursery (D1).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, under Article 3(1) and Schedule 2, Part 3, Class T require the local planning authority to assess the proposed development only on the basis of (i) transport and highways impacts of the development; and (ii) noise impacts of the development, taking into account any representations received. My determination of this appeal has been made on the same basis.

Reasons

Transport and highways

3. The application site comprises an enclosed yard, on the south side of Green Street near its junction with Hertford Road (A1010 arterial route), containing a single storey pre-fabricated concrete building. It is proposed to change the use of the building from use class D2 to use class D1 (day nursery) and provide 2 parking spaces within the application site.
4. The appellant has stated that the nursery would operate eleven hours a day (8am-7pm), with up to 32 children and 6 staff, at any one time. This has the potential to create a significant number of pedestrian and vehicle movements, throughout the day.

5. I note that the appellant operates other nurseries of a similar size and states that 'very few' cars arrive. Evidence substantiating this has not been submitted.
6. I also note that the Council's education service states that the 'vast majority' of its nurseries do not have on-site parking. That, however, does not mean that children are not driven to/from those nurseries.
7. I observed from my inspection that there are 2 metal barriers across the width of the appeal site to prevent vehicles from reaching the building. There is an existing footpath crossover onto Green Street, suitable for a single vehicle. Immediately adjacent to the crossover is a bus stop. This section of the south side of Green Street has parking/waiting restrictions, Monday to Friday. There is another bus stop and pay & display parking bays in front of the shops directly across the road, but no restrictions in front of adjacent housing. As a consequence, as I observed, Green Street is heavily congested at this point.
8. I do not consider that the proposed development would constitute major development nor justify the need for a transport assessment. However, there is the potential for a significant number of new vehicles trips, and it is for the appellant to demonstrate that the proposal would not adversely impact on safety on the road network. That technical evidence is not before me.
9. The parking layout submitted with the appeal shows 2 off-street parking spaces, nose to tail and parallel to a wall. This would result in some vehicle doors not being openable, both inconvenient and unsafe. For dropping off/picking up/parking, a driver would need to enter the application site turn, or reverse in off the street. In the absence of swept path information, I am not convinced that turning on-site, as currently proposed, would be functionally achievable.
10. There are no parking standards for nursery premises in the London Plan 2016. Notwithstanding this, parking must be provided to meet operational need taking into account access to public transport and accessibility on foot. The application site has a PTAL2 rating (lower connectivity). I observed traffic congestion and parking pressure on both Green Street and the A1010. I recognise that some children attending the nursery would be walked, if living nearby. The proposal would operate with up to 6 staff, at any one time. It is not clear to me if either or all of the proposed parking spaces would be for staff.
11. Therefore, I conclude that the proposed development would not comply with policy 6.3 of the London Plan; Core Policies 24 and 25 of the Enfield Core Strategy 2010; and policies DMD45 and DMD47 of Enfield's Development Management Document 2014, that requires, amongst other things, that operational needs are met, including parking and dropping off; and there are no adverse effects on safety or the road network.
12. The proposed development would comply with Core Policy 25 of the Core Strategy; and DMD46 of the Development Management Document, as there is an existing crossover and pedestrian access.

Noise

13. The Council considers that noise from the proposed use would not be excessive, due to the proposed operating hours. I see no reason to disagree.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

Euan FS Pearson

INSPECTOR