



Appeal Decision

Site visit made on 17 September 2019

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2019

Appeal Ref: APP/Q1255/W/19/3227963

71 Ashley Road, Poole BH14 9BT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Karen Brown of Little Fish Pre-School Ltd against the decision of Borough of Poole.
 - The application Ref APP/18/01433/C, dated 31 October 2018, was refused by notice dated 25 January 2019.
 - The development proposed is change of use from C3 to D1. Demolish existing lean-to and replace with single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the determination of the planning application, the National Planning Policy Framework (the Framework) has been updated. References to the Framework within this decision relate to the latest version published on 19 February 2019.
3. On 1 April 2019, Borough of Poole ceased to exist and became part of a new Unitary Authority known as Bournemouth, Christchurch and Poole Council. The development plans for the merged Local Planning Authorities will remain in place for the area within the new Unitary Authority they relate to until such time as they are revoked or replaced. I shall therefore determine the appeal having regard to the policies set out within the Poole Local Plan (2018) and the guidance set within the Parking & Highway Layout in Development SPD¹ - 2011 (the Parking SPD). I have therefore not had regard to the Bournemouth Parking SPD, which was referred to by the appellant.
4. An amended plan² has been submitted in support of the appeal, which shows an additional parking space to the side of the property following the demolition of the garage. Having regard to the Wheatcroft principles³, I consider that the proposed change would not fundamentally alter the nature of the development previously consulted upon and determined by the Council, particularly as the Local Highway Authority commented on this amendment. I shall therefore determine the appeal on the basis of the submitted drawings, together with the amended plan.

¹ Supplementary Planning Document.

² Drawing No: LIT1/204 (April 2019).

³ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37].

Main Issues

5. The main issues are the effect of the proposal on (1) highway safety and (2) the living conditions of neighbouring residents, having particular regard to noise and disturbance.

Reasons

Highway safety

6. The appeal site comprises a two-storey detached property which forms part of an area of mixed character. Along this section of Ashley Road, the northern side typically includes commercial premises at ground floor level, whilst the southern side is primarily characterised by residential properties. Ashley Road is a busy classified road, which is subject to parking restrictions. These include double yellow lines and time-limited parking bays on the northern side of the road. Parking restrictions are also in place within some of the surrounding roads.
7. The pattern of drop-off and collection at the premises occupied by Little Fish Pre-School on Sunny Hill Road indicates up to 14 vehicle movements throughout the day. Furthermore, as the appeal building could potentially accommodate a greater number of children than the premises on Sunny Hill Road, the proposal would in all likelihood generate a higher number of vehicle movements. This would be exacerbated by the fact that the premises are proposed to open at 08.30 which, consequently, could increase the number of arrivals within what would be a relatively condensed morning peak period.
8. Ashley Road is a high-frequency bus route, the site lies close to a bus stop and within relative proximity to Branksome railway station. I therefore accept that the site is located within an accessible location, which could encourage people to use alternative modes of transport to the private car. That said, it is likely that a number of parents would drop off and collect their children by car, notably because they may not live and/or work within walking distance of the appeal premises, and also for practical reasons.
9. In accordance with the requirements of the Parking SPD, parking spaces should measure 4.8m x 2.5m and a 6m turning area should be included. There are two car parking spaces at the front of the site. As the garage has been demolished since the application was determined, the appellant suggests that additional parking could be provided to the side of the building as well as a larger turning area for the bays at the front. Whilst I appreciate that this layout was approved by the Council, this was in respect of a householder application⁴, which is accepted as a less intensive form of development. I also note that the proposal would not include any parking for members of staff. However, no mechanism has been proposed to ensure that the spaces would not be used for staff parking in the longer term.
10. By reason of the constrained size of the turning area, protracted manoeuvres would be required to enable drivers to leave the site in a forward gear, particularly if all spaces were occupied. In the absence of substantive evidence demonstrating otherwise, for example in the form of tracking diagrams, I consider that vehicles would be unlikely to enter and leave the site in a forward gear, due to the substandard size of the turning area. Consequently, in the

⁴ Local Planning Authority reference APP/19/00779/F.

absence of suitable parking arrangements, cars would be likely to reverse onto Ashley Road, thus increasing the risk of collisions with users of the footway and carriageway.

11. I visited the site after the likely morning peak and noted that Ashley Road is a busy road, which is subject to fairly constant, fast moving traffic. Many of the on-street spaces situated close to the appeal site, on the opposite side of Ashley Road were unoccupied, but my observations can only represent a snapshot of normal traffic and parking conditions. The spaces on the northern side of Ashley Road are unlikely to constitute an attractive proposition for many individuals who, having parked virtually opposite the site, would be expected to walk to the controlled crossing situated further down the road, traverse the road and then walk back on the southern side to reach the site.
12. In addition, there is no guarantee that spaces within relative proximity to the appeal site would be available on the northern side of Ashley Road. Drivers would be more likely to park on the southern side which, as noted above, is subject to parking restrictions. The potential for inconsiderate parking as a result of the proposal would harmfully compromise highway safety in this area.
13. Whilst I am in no doubt that the appellant seeks to promote road safety and sustainable travel behaviour, and encourage parents to walk to the appeal premises, the nursery would nevertheless have little control over the behaviour of its future customers, particularly when they are pressed for time. People driving to the site would legitimately seek to park as close as possible to the appeal premises.
14. Despite the accessible location of the premises, the proposal would result in an unacceptable risk to highway safety and therefore conflict with the design aims of Policy PP27 of the Poole Local Plan 2018 (LP) which, amongst other things, requires development proposals to provide convenient and practical parking. The appeal scheme would also not comply with LP Policies PP34 and PP35, which set out the transport strategy for Poole, and notably require development proposals to provide safe access to the highway. Additionally, the appeal scheme would not provide safe and suitable access to the site and would have an unacceptable impact on highway safety, contrary to paragraphs 108 and 109 of the Framework.

Living conditions

15. The proposed nursery would accommodate a maximum of 28 two-year olds or 30 three-year olds, which would be supervised. The proposal would generate more comings and goings than a single dwellinghouse, particularly in the morning and evening when parents drop off and pick up their children. Additionally, the rear garden would be used throughout the day by the children and members of staff, during 'controlled lessons' and 'general play'.
16. As noted above, no 71 Ashley Road is a detached property, and any internal noise is therefore unlikely to travel to the neighbouring properties. Whilst the children would not all be outside at the same time and would be supervised, the proposed nursery would nevertheless represent an intensification of activity on the site, compared with the existing use as a single dwellinghouse. Nevertheless, the ongoing circulation along Ashley Road generates a background of traffic noise and therefore, the increased level of activity arising

from the nursery use would to some extent be absorbed into the existing noise environment.

17. Furthermore, the appellant would be prepared to install an acoustic fence to mitigate against the additional noise that would be generated by children playing in the rear garden. This could be appropriately conditioned, particularly as details of the proposed fence have been submitted as part of the appeal. Additional conditions could be imposed to restrict the opening hours of the premises, the number of children attending the nursery at any one time, and the number of children using the rear garden at any one time. Interested parties have raised concerns regarding other D1 uses which would subsequently operate from the appeal premises, but this could be overcome by the imposition of a condition limiting the use of the premises to children's day care purposes only.
18. Subject to the imposition of these conditions, I consider that the proposal would safeguard the living conditions of neighbouring residents, and therefore find no conflict with LP Policy PP27. Amongst other things, this policy seeks to ensure that development proposals are compatible with surrounding uses and would not result in a harmful impact upon amenity for both local residents and future occupiers.

Other Matters

19. Concerns have been raised in respect of the waste associated with the proposed use which, as suggested within the Case Officer's report, could be addressed by way of a condition requiring appropriate storage facilities. There are no reasons for me to disagree with that approach.
20. Both parties have referred to an appeal at no 139 Dorchester Road⁵, which was dismissed by reason of the effect of the proposed nursery on the living conditions of nearby residents. The Inspector who dealt with a previous appeal on that site found no significant harm in relation to highway safety. My attention has also been drawn to an application at no 8A Parr Street⁶, which was refused by the Council. In both instances, I understand that this was in the context of roads with different characteristics. On the basis of the information before me, I am not certain that the circumstances of this appeal and planning application, either in respect of highway safety or living conditions, represent a direct parallel to the proposal before me which, in any event, I am required to assess on its individual merits.
21. I have taken the suggested benefits of the proposal into consideration, notably in respect of the need for additional nursery provision in the area, which would also offer access to outdoor play and education activities. I have also had regard to the letters from interested parties in support of the proposal. However, these elements do not outweigh the harm to highway safety which I have identified. Whilst paragraph 94 of the Framework emphasises the importance of providing a sufficient choice of school places to meet the needs of existing and new communities, this does not necessarily apply to the type of facilities which would be created as a result of the proposal.

⁵ APP/Q1255/A/13/2207336.

⁶ Local Planning Authority reference APP/19/00014/F.

Conclusion

22. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR