



Appeal Decision

Site visit made on 6 October 2020 by Scott Britnell MSc FdA MRTPI

Decision by R C Kirby BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2020

Appeal Ref: APP/F5540/W/20/3244697

Suite A, 56-57 Brentford High Street, Brentford TW8 0AH

- 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 Ms Bernardete Muiti against the decision of the Council of The London Borough of Hounslow.
 - The application Ref 00607/56-57/P9, dated 24 June 2019, was refused by notice dated 20 December 2019.
 - The development proposed is described as, 'We are planning to run a nursery and pre-school for children aged 0-5 with the maximum amount of 26 children. The main room is to be used as the play area. The smaller room is to be used as the additional play area. The backyard will be used as our outdoor play area. We intend to install a slide and a sand pitch in the backyard. We also wish to add fencing and a gate to the outside space. We plan to separate the kitchen area with a safety lock gate and a bar counter. In the bathroom, the toilet seat and the sink will be replaced with a children's size. The additional separate WC will be used by staff only.'
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Application for Costs

3. An application for costs was made by Ms Bernardete Muiti against the Council of The London Borough of Hounslow. That application is the subject of a separate decision.

Procedural Matters

4. The Council describes the proposal as a change of use of the ground floor premises from Use Class B1 to D1¹. Further, its Decision Notice describes the proposal as change of use of ground floor office to a nursery and pre-school. While the appellant refers to the premises as currently falling within Use Class A2², I have proceeded on the basis that its use falls within Use Class B1 (office).

¹ Paragraph 2.1 of the Officer's Report.

² Page 8 of the Appeal Statement.

5. The Use Classes Order has been updated from 1 September 2020. However, as this proposal was submitted to the Council before this date, the Use Classes Order in effect when the application was submitted is to be used to determine the application.
6. The appellant has submitted a revised Transport Statement and Travel Plan as part of the appeal documentation. These documents do not seek to alter the scheme and the Council have commented upon them within their appeal statement³. I am satisfied, therefore, that my acceptance of them would not prejudice the interests of the Council or those of interested parties.
7. Both parties refer to policies of the London Plan, while the appellant also refers to The Mayor's Transport Strategy and other Local Plan policies. However, I have not been provided with a full copy of these documents so I am unable to assess the proposal against them.

Main Issue

8. The main issue in this appeal is the effect of the proposal on pedestrian and highway safety.

Reasons for the Recommendation

9. The appeal site comprises a ground floor office unit on the south side of the A315 High Street and has residential development above. It is accessed via an undercroft and has a small courtyard with two parking spaces. There is a second, pedestrian access through a bin storage area from Town Meadow to the west. The section of High Street upon which the appeal site is located is subject to a 20mph speed limit. There are double yellow lines either side of the carriageway and a cycle lane to the front of the site. The road was subject to heavy traffic throughout the duration of my visit. While my observations represent a snapshot in time, there is no evidence before me to indicate that the road conditions I witnessed were not typical.
10. I note that the nursery and pre-school would accommodate a maximum of 26 children at any given time. There would be between 4 and 5 members of staff, including nursery managers⁴. There is a high probability that given the opening hours of the pre-school and nursery, and the likelihood of some children only attending part of a day, that there would be a number of comings and goings from parents dropping off and collecting their children throughout the day. The Transport Statement fails to evaluate the potential transport impact of the proposed development with regard to this level of activity.
11. The appeal site is located in a sustainable location and I acknowledge that a number of staff and parents may walk to the nursery and pre-school from nearby residential properties, and others may utilise public transport, or cycle to it.
12. However, there is also a high probability that parents would travel to the nursery by car. Whilst there is a public car park close to the appeal site, and a number of pay and display spaces nearby, it is likely, in the absence of evidence to demonstrate otherwise, that parents dropping their children off at the nursery in particular, would choose to drive under the undercroft from High

³ Paragraph 3 of the letter dated 5 October 2020.

⁴ The Appeal Statement indicates 4 members of staff, while the Travel Plan suggests 5.

- Street and park within, or attempt to park in the parking spaces upon the site, or along the access to the premises. This is because this would be more convenient and take less time than parking elsewhere, a matter which is likely to be important particularly for those who were travelling to places of work after dropping off their child, or during inclement weather.
13. In the absence of a dedicated footway for pedestrians, or details of how drop off or collection of children from the nursery and pre-school could be safely undertaken, there would be a high probability that conflict would occur between vehicles travelling to and from the site and other users of the nursery, which would result in harm to the safety of users of the facility.
 14. Moreover, given the limited width of the undercroft, there would be a high probability that drivers of vehicles would need to reverse out of the access in the event that a vehicle was exiting the site. This would result in the potential for conflict with other highway users, including other vehicles, and more vulnerable users such as cyclists and pedestrians, which would be harmful to highway safety.
 15. I note the suggestion that the appellant would provide parents with a pack advising of the parking situation, however this would be unlikely to deter parents from attempting to park as close as possible to the facility.
 16. I note the appellant's final comments that the manager of the nursery and pre-school will not be permitted to issue a parking permit for the two on-site parking spaces and that the spaces will not be in existence. The appellant also indicates that she plans to ban parking in the courtyard, although she has failed to explain how this would be controlled or could be physically prevented. Moreover, the Travel Plan indicates that the parking spaces would be for the application unit to use. As the Travel Plan is part of the application submission, I have assessed the appeal on the basis that the parking spaces would be available.
 17. The appellant suggests that there are a number of pay and display spaces within walking distance of the appeal site. Given that customers would be likely to be visiting the premises twice a day, the cost of parking for what is likely to be a short period may lead customers to consider parking elsewhere, resulting in the types of issues that I have outlined. It is also suggested that customers would be able to use the customer car park at a nearby Morrisons local supermarket, but no details have been provided as to whether or not this area is subject to any parking restrictions.
 18. I note the suggestion that four parking bays near to the site have been secured by the appellant. I have been provided with a copy of an e-mail dated 3 January 2020 which includes the costs of the parking spaces, although it does not show that any agreement has been entered into. In addition, the Transport Statement indicates that this is subject to planning approval being granted. Moreover, it is not clear from the accompanying map of the car park which spaces are being referred to, and there is no mechanism by which parking could be secured on an unrelated site under this appeal.
 19. The Travel Plan states that there is storage space to the rear where children's buggies, bikes and scooters could be stored, which could promote more sustainable modes of travel. However, the appellant also indicates that she proposes to use the side and rear of the site as a play area. The application

fails to explain how the store would be reached and no detail of the store has been provided. Consequently, I am unable to assess whether or not it would be suitable for the storage of children's buggies, bikes and scooters. As such, I afford limited weight to this matter in my assessment.

20. The appellant has referred me to another nursery in Brentford, which she suggests has no car park and with drop off and pick up taking place illegally with the Council's permission. However, no details have been provided in relation to that development, including its location and planning history. Accordingly, I am unable to give this matter weight in my assessment of this case.
21. The increase in childcare and educational facilities in the area that would arise from the appeal proposal does not outweigh the harm that would result to highway safety.
22. On the basis of the evidence before me, I conclude that the proposal would result in harm to pedestrian and highway safety. There would be conflict with Policy EC2 of the London Borough of Hounslow Local Plan 2015-2030 Volume One (2015) which requires, among other things, that development proposals demonstrate that adverse impacts on the transport network are avoided. Moreover, there would be conflict with Paragraphs 108 b) and 110 c) of the National Planning Policy Framework which require that a safe and suitable access to the site is achieved for all users, and that applications for development should create places that are safe, which minimise the scope for conflicts between pedestrians, cyclists and vehicles.

Other Matters

23. The appeal site is located in the St Paul's Brentford Conservation Area (SPBCA). Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Given the nature of the proposed use, the limited amount of associated operational development and the location of the appeal site, I find that the proposal would preserve the character and appearance of the SPBCA. It is noteworthy that the Council found similarly in this regard.

Conclusion and Recommendation

24. For the reasons given above, I recommend that the appeal should be dismissed.

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

25. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR