



Appeal Decision

Site visit made on 10 November 2023

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27.12.2023

Appeal Ref: APP/B1930/W/23/3321204

Grasshoppers Day Care Nursery, 20 York Road, St Albans AL1 4PL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Childbase Partnership Ltd against St Albans City & District Council.
 - The application Ref 5/2022/2365, is dated 26 September 2022.
 - The development proposed is the conversion of on-site parking court into garden area for existing children's day care nursery.
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Decision

1. The appeal is allowed and permission is granted for the conversion of on-site parking court into garden area for existing children's day care nursery at Grasshoppers Day Care Nursery, 20 York Road, St Albans AL1 4PL, in accordance with the terms of the application, Ref 5/2022/2365, dated 26 September 2022, subject to the attached schedule of conditions.

Application for costs

2. An application for costs was made by Childbase Partnership Ltd against St Albans City & District Council. This application is the subject of a separate Decision.

Main Issue

3. The Council's appeal statement advises that the main issue is the effect of the proposal on the availability of parking in the area.

Reasons

4. The proposal is to remove the on-site parking spaces at the Grasshoppers Day Care Nursery to extend and enhance the outdoor play area for the children. The nursery operates from No 20 York Road, a two-storey building on the corner of Clarence Road in a well-established residential area not far from the busy commuter railway station.
5. The parking area to the rear of the premises comprises four spaces in a double tandem arrangement accessed off Clarence Road and fenced in on the other three sides. Use of the spaces thus involves reversing into the road afterwards and sometimes the cars in front have to be moved to allow cars parked behind to leave, so the layout is less than ideal.

6. The proposal involves the loss of four parking spaces which are for the use of nursery staff, but removal of the access and footway crossover would allow for two more parking spaces on-street. The scheme thus involves the net loss of only two spaces.
7. The Council argue that without the spaces there would be insufficient to meet the needs of the nursery and their loss would be likely to lead to increased demand for on-street parking in the vicinity, which 'already suffers from congestion and parking stress'.
8. However, the on-street parking spaces in the surrounding streets are controlled to prevent all day commuter parking with a variety of different restrictions. Permit holders may park, together with others either for a maximum of 30 minutes, 2 hours or outside the period 11am-1pm, depending on the spaces concerned. It is clear from the photographs submitted and was confirmed by the site visit that these restrictions are effective in reducing use of the spaces during the daytime and that this ensures continued availability. Therefore, contrary to the views of the Council, the spaces are not under undue pressure and the on-street parking is not congested or under stress. The objection to the proposal is thus fatally undermined.
9. The Council refers to the planning history of the nursery and an appeal in 2017 when concern was expressed about parking provision on site¹, but this was before on-street parking controls were introduced in the area and the available spaces were over-subscribed. This is not the case now.
10. It is understood that the nursery have a certain number of permits to allow unrestricted parking for some staff but it is unlikely more will be issued. This is a matter between the nursery and the Council and the nursery would be aware of the latest situation before deciding to implement the proposal. It is agreed that the nursery is in a sustainable location and a travel plan is in place pursuant to Condition No. 3 of planning permission 5/16/0501.
11. The Council argue that with the loss of four spaces the nursery would provide insufficient parking to meet its 2002 parking standards and there would be conflict with Policies 34 and 39 of the St Albans City and District Local Plan Review 1994. However, these standards and policies are over 20 and nearly 30 years old respectively and are out of date by failing to have regard to the National Planning Policy Framework first published in 2012².
12. Replacing the parking area, the close boarded fence along Clarence Road would be extended to screen the extended outdoor play area, a visual improvement in this part of the St Albans Conservation Area. Whilst bringing potential noise disturbance from play activities closer to the neighbouring property, any impact would be minor.
13. The Council suggest four conditions should the appeal be allowed and these have been assessed against the relevant tests. In addition to the standard implementation time limit it is necessary to define the approved plans in the interests of certainty. A third condition is necessary to ensure that the access to the site is reconfigured in accordance with the approved plans and the dropped kerb/footway on Clarence Road is reinstated to the satisfaction of the highway authority.

¹ APP/B1930/W/17/3171063

² In particular the flexibility required by paragraph 111

14. The Council also seek a new travel plan for the nursery, but as noted above one is already in place, and as paragraph 4.5 of the plan states it is an evolving document which already involves continuous input and monitoring. It is not therefore necessary to require a further travel plan, and in any event the proposal would encourage further sustainable travel to and from the site by removing the private car parking currently available.

Conclusion

15. For the above reasons the proposal would have no discernible adverse effect on the availability of parking in the area and the interests of the children attending the nursery for improved outdoor space should prevail.
16. Having regard to the above the appeal should be allowed.

David Reed

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan
Drawing No. 500-59-2-730 Existing and proposed site plans
Drawing No. 500-59-2-600 Fence elevations
- 3) Prior to the first use of the development hereby permitted the vehicular and pedestrian (and cyclist) access to, and egress from, the adjoining public highway shall be limited to the access shown on drawing number 500-59-2-730 only. Any other access or egresses shall be permanently closed, and the footway/kerb shall be reinstated in accordance with a detailed scheme to be approved in advance in writing by the local planning authority in consultation with the highway authority.