



Appeal Decision

Site visit made on 16 July 2024 by Darren Ellis MPlan MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th October 2024

Appeal Ref: APP/T3725/W/23/3335065

Bell Tower Cottage, Woodcote Road, Leamington Spa, Warwickshire CV32 6QB

- 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 Lawford Properties Ltd against the decision of Warwick District Council.
 - The application Ref is W/23/0962.
 - The development proposed is described as the conversion and change of use of a single family unit (C3) to Early Years Children's Nursery (E(f)) and the erection of a single storey rear extension and ancillary works.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are the effect of the proposed development on a) highway safety, and b) the living conditions of neighbouring occupiers with particular regard to noise and disturbance.

Reasons for the Recommendation

Highway Safety

4. The appeal site is situated at the end of the cul-de-sac of Woodcote Road. The nursery would have a maximum capacity of 54 children. There would be 10-15 members of staff although no more than eight are expected to be on the site at any one time. Both parties agree that eight car parking spaces are required for the staff. Two would be available to the front of the building. The other six would have to park on the road.
5. The Transport Statement (TS) states that up to 19 cars could park along both sides of the road outside of the appeal site. The TS also contends that up to 18 vehicle movements would be expected in each of the morning and afternoon peak periods. While the movements could be spread out over these periods, it is conceivable that some or even all of the vehicles could arrive within a short time of each other. These vehicles, in addition to the staff vehicles and any others parked on the road, could potentially exceed the 19 available parking

spaces. Furthermore, vehicles would have to turn around in the cul-de-sac in order to exit the road.

6. The road has no pavement or dedicated walkway, so people who have travelled by public transport or who have parked away from the cul-de-sac would have to walk along the road to get to the nursery. Similarly, those who park on the southern side of the road would have to walk across the road to get to the nursery. Having vehicles manoeuvring in the same area as pedestrians, including young children, would inevitably increase the risk to the pedestrians. Given the potential for a significant number of moving vehicles and pedestrians to be in a relatively crowded space at the same time, this would have an unacceptable impact on highway safety.
7. The appeal site has bus stops nearby, cycle parking would be available at the nursery and the site is in a residential area within walking distance of a large number of houses. However, there is no guarantee that people would choose to use alternative methods of transport to the car. I further see that the Highway Authority has not objected to the proposal and are satisfied that it would not cause any safety or capacity issues on Kenilworth Road. Based on the evidence before me I have no reason to disagree.
8. My attention has been drawn to several other nurseries in Leamington Spa which do not have any off-street parking. However, none of these are situated in a cul-de-sac and therefore do not have the same constraints as the appeal site. These examples are therefore not directly comparable to the proposal.
9. Due to the above harm, the scheme would conflict with Policies TR1 and TR3 of the Warwick District Local Plan 2017 (WDLP), insofar as they require development to not be detrimental to highway safety.

Living Conditions

10. The proposal would see a significant increase in the number of vehicles using the cul-de-sac. This would be intense but concentrated to short periods of the day. Outside of these periods there would be limited vehicle movements associated with the nursery. This limited time would not, therefore, cause unacceptable harm to the living conditions of neighbouring occupiers with regards to noise and disturbance, given what the rest of the day would feel like. The proposal would consequently accord with WDLP Policy BE3 in regard to this main issue, insofar as it requires development to not cause an unacceptable adverse impact to the living conditions of nearby residents.

Other Matters

11. The appeal site lies within the Leamington Spa Conservation Area and is close to the Grade II listed buildings at 36 and 38 Kenilworth Road. The Council raise no objection in this regard and conclude that the proposal would have a neutral effect on the heritage assets. Given the limited scale and nature of the proposed extensions, I have no reason to disagree. The proposal would therefore preserve both the character and appearance of the Conservation Area and not harm the significance of the setting of the listed buildings.
12. I afford moderate weight to the benefits this nursery would provide in terms of the level of care and the number of children it would provide for. However, such provision should be in the right place. Subsequently, the benefits would not be sufficient to outweigh the clear harm there would be to highway safety.

Conclusion and Recommendation

13. I recommend that the appeal be dismissed because of the conflict with the development plan and there being no material considerations worthy of sufficient weight which indicate that a decision should be made other than in accordance therewith. I have not found harm in regard to the second main issue but the compliance this would bring with the development plan would be a neutral matter.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR