

Planning and Rights of Way Panel 21st September 2021
Planning Application Report of the Head of Planning & Economic Development

Application address: 20 Howard Road, Southampton			
Proposed development: Change of use of premises to Offices (Class E (g)(i))			
Application number:	21/01047/FUL	Application type:	FUL
Case officer:	Stuart Brooks	Public speaking time:	5 minutes
Last date for determination:	03.09.2021	Ward:	Freemantle
Reason for Panel Referral:	Request by Ward Member	Ward Councillors:	Cllr Windle Cllr Shields Cllr Leggett
Referred to Panel by:	Cllr Shields	Reason:	Impact on residential amenity and street parking
Applicant: Enthuse Care Limited c/o Agent		Agent: Consultant Planning Services	

Recommendation Summary	Conditionally approve
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2021). Policies – CS8, CS18, CS19 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP10, SDP16 of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History
3	Appeal decision 36 Thornbury Avenue		

Recommendation in Full
Conditionally approve

1. The site and its context

- 1.1 A change of use is sought at 20 Howard Road. The application site has an area of 450sqm and comprises a large two storey semi-detached property (with rooms in the roof). Since 1983, it has been permitted and occupied for a Guest House use (8 guest bedrooms with owner accommodation), albeit there is an extant permission to create 4 flats (2 x 1 bed and 2 x 2 bed) under LPA ref no. 19/01136/FUL. The property has off-road parking to the front and rear of the plot.
- 1.2 The site is located within a residential area comprising a mix of higher density flatted blocks/conversions amongst family dwellings. The adjoining property at 22 Howard Road is also a guest house, and on the opposite side is a Nursery (Paint Pots) at no. 19 Howard Road with a maximum attendance limit of 52 children permitted (LPA ref no. 10/01196/FUL).

2. Proposal

- 2.1 The proposal is for a change of use from guest house to an office premises (class E (g)(i)) for a homecare local business known as Enthuse Care Limited. The proposed offices would be used primarily for business administration functions.
- 2.2 The proposed offices will serve 7 administrative employees over a 252sqm floor area with 7 office rooms and ancillary facilities and storage space for staff welfare and filling/PPE. The office use will operate between 08:00 to 18:00 Monday to Saturday, 10:00 to 16:00 Sundays and Public Holidays 09:00 to 13:00, where peak times fall with contractual hours 9 to 5 Monday to Friday in a typical working day. The off-road parking provision will be 6 spaces utilising a similar arrangement to existing.
- 2.3 The Company, which has Staff Offices in Southampton, Portsmouth, Bournemouth and the New Forest, provide qualified staff for work in the Care Sector with services as a Homecare Agency, specialising in dementia, mental health conditions, personal care, physical disabilities, sensory impairments, substance misuse problems, caring for young adults under 65 years and caring for adults over 65 years. The group is seeking to relocate its administrative offices from 33 Highfield Lane. The Group currently have their combined Registered Office and Staff headquarters at 94 Oakley Road, Shirley. The Staff and customer focussed facilities and headquarters are to remain at the Oakley Road premises, with all the administrative functions and staff being located at the Howard Road site. The Howards Road office is not proposed to be used as a base for care workers to visit. The nature of the use class type applied for means that the office use would only primarily be allowed for office administrative purposes.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) was revised in 2021. Paragraph 219 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

- 4.1 A schedule of the relevant planning history for the site is set out in **Appendix 2** of this report.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, erecting a site notice 30.07.2021. At the time of writing the report **2 representations** have been received from surrounding residents, in addition to the Panel referral by Ward Cllr Shields (see below). The following is a summary of the points raised:

- 5.2 ***No site notice erected.***

Officer Response

A site notice was erected by the Planning team on 30.07.2021 and 13 neighbouring properties were notified in accordance with statutory consultation requirements.

- 5.3 ***Noise disturbance from transmission through party wall in relation to office related activities such as telephone rings and visitors and additional traffic.***

Officer Response

The Environmental Health Officer has raised no significant concerns about the noise disturbance impact on the neighbouring occupiers. The quiet nature of the office use coupled with scale and intensity is not considered to adversely harm the amenity of the neighbouring occupiers and customers of the guest house at 22 Howard Road.

- 5.4 **Fire hazard from the IT room in the roofspace from a high use of electrical equipment in a room that would be close to the wood structure of the roof.**

Officer Response

This matter falls outside the scope of planning controls and fire safety is a Building Regulations matter.

- 5.5 **Increased traffic and vehicle trips not improving pollution or traffic issues in the locality. Howard Road is a very busy road, and the nursery on the opposite side of the road to the property already contributes to traffic hazards in the morning and the late afternoon, and disruption from HMO occupants block pavements with parked cars. These existing issues are likely to be compounded with the opening of the new St. Mark's Secondary School. Lack of visitors parking.**

Officer Response

The predicted level of vehicle trips and parking demand generated with the proposed office use and limited administrative staffing numbers is not considered to adversely impact on road safety and local street parking. This conclusion is also reached in the context of the existing guesthouse use.

- 5.6 **Out of character. Inappropriate location for a commercial business in a primarily residential area and given the housing demand in the city. There are other vacant offices in the city centre which would be more suitable. Signage would detract from the appearance of the Victorian houses. The appearance of the building is likely to fall into a state of disrepair given the recent neglect and lack of maintenance of flatted properties elsewhere in the local area.**

Officer Response

The nature of the commercial use is considered compatible with the residential area. Class E(g)(i) in the Use Classes Order is deemed a use which can be carried out in a residential area without detriment to its amenity. The floor area of the office use falls under the threshold for sequential testing to locate in centres first under policy CS8 (Office Location). Any signage would either need express consent or can be installed under deemed consent within specific size and illumination limits. The upkeep of the building is outside the control of planning application as it is a private matter for the owner.

- 5.7 **The empty property at night-time will increase the risk of crime for local residents. The large rear garage to 20 Howard Road was the target of a serious night-time arson attack in approximately the year 2003/4, which resulted in the total destruction of the garage and flames leaping so high and wide that the property at 20 Howard Road, along with the neighbouring properties at 22 Howard Road and 1 Thornbury Avenue, were placed in serious danger. There should be 24 hour CCTV installed to mitigate risk.**

Officer Response

It is the responsibility of the land owner or tenant to provide appropriate

security measures for this office accommodation.

5.8 **The office premises should not be extended in the future.**

Officer Response

The Local Planning Authority will be able to decide the impacts of an extension at the time based on any planning application submitted in the future.

Consultation Responses

5.9

Consultee	Comments
Cllr David Shields	<p>I wish to object to this planning application as wholly inappropriate to and totally out of character in a predominantly residential area. Moreover I am concerned that the proposed conversion to offices takes place in a busy road close to a major junction which regular experiences road traffic accidents - including ones involving serious injury and even death.</p> <p>Further comments received on 27.08.21:- I want to provide support to those local Howard Road residents who object to this application. My main reason is concern over parking and transport movements in a predominantly residential area. There are plenty of alternative locations elsewhere in the Freemantle ward (e.g. Paynes Road, Shirley Road and Millbrook Road East) that are far better suited to the type of business wanting to relocate here e.g. with good access to public transport.</p> <p>I note that Enthuse Southampton currently operates from offices in a shopping parade in Oakley Road (Millbrook) as well as a base in 33 Highfield Lane (a small row of shops next to the Highfield public house) so I'm unsure of any additional local employment benefits that will be generated by a move to Howard Road.</p> <p>Enthuse Southampton are primarily providers of domiciliary care which will, I suspect, generate vehicle movements for home care staff as well as administrative personnel. Where there is insufficient on-site car parking at the proposed Howard Road HQ their home care workers (who use cars to visit clients right across the City and in Totton) will inevitably park in neighbouring residential streets (e.g. Thornbury Avenue or Atherley Road) where residents express concerns about excessive commuter parking and longer term parking by visiting cruise ship passengers. I would also reference resident concerns with parking problems generated some years ago with Paint Pots Nursery on the other side of Howard Road.</p>

	<p>I appreciate that the applicants seek a change of use from one type of business to another but there is a big difference between a traditional family-owned B&B business (within easy walking distance to the Central Station) where the owners also reside here and an office.</p> <p>I would like to maintain my objection and request that this planning application is determined by Panel.</p>
<p>SCC Highways Development Management</p>	<p>No objection In summary, the application can be supported subject to the following conditions:</p> <p>1) Parking and Access. Only two parking spaces to be permitted on the forecourt which could be centralised to provide best possible sightlines. Parking spaces to be fully marked out. On site management is needed to prevent vehicular access via the side alleyway in the interest of highway safety.</p> <p>2) Cycle Parking. Details to be submitted and agreed in writing by the LPA.</p> <p><u>Case Officer Response</u> <i>The applicant has confirmed they will not be amending the existing parking arrangements and that the scheme should be determined based on plans as submitted. Whilst it is preferential to seek betterment through the planning process, officers agree that the continued use of the existing parking arrangement serving an 8 bed guest house and owners accommodation, would not have further adverse impact on road safety following the change of use.</i></p>
<p>SCC Environmental Health</p>	<p>No objection</p>

6.0 Planning Consideration Key Issues

6.1 The key issues for consideration in the determination of this planning application are:

- The principle of development;
- Design and effect on character;
- Residential amenity; and
- Parking highways and transport

6.2 Principle of Development

6.2.1 The guest house use is not safeguarded by the Council's local plan policies. Policy CS8 (Office Location) requires the location of medium scale offices and larger (greater than a threshold of 750sqm) to be first directed sequentially to suitable sites in the city, town and district centres. The proposed 252sqm office

use falls below this sequential test threshold and, therefore, the proposed location of the office use is not contrary to local plan policy by falling outside the defined centres in the city. The principle of development can therefore be supported.

6.3 Effect on character

6.3.1 Class E of the Use Classes Order acknowledges that an office use (class E(g)(i)) can be carried out in a residential area without detriment to its amenity. It is considered that the quiet nature of the daytime office use with regards to the administrative related activities and the overall scale and intensity of the use would be compatible with the character of this residential area and, therefore, would not have an adverse impact. This application is for change of use only and there are no material alterations proposed to the external appearance of the building or existing parking area.

6.4 Residential amenity

6.4.1 As explained above, the administrative activities and tasks associated with the office use will be quiet in nature and does not involve any noisy industrial processes or use of heavy machinery. The broad range of the Class E use can be restricted to office use by condition to prevent changing to other types of Class E uses which could involve more noisier and more intensive commercial activities i.e. retail, restaurant, light industry, nursery, etc. Furthermore, the daytime hours of the office use (08:00 to 18:00 Monday to Saturday, 10:00 to 16:00 Sundays and Bank Holidays 09:00 to 13:00) would minimise disturbance within evening hours when the neighbouring occupiers expect to enjoy peace and quiet or sleeping in the residential area. Given the unfettered planning controls over the guest room occupancy and hours of arrival/departure, it is considered that the comings and goings associated with the traffic and movements of the office use comprising of 7 employees will not cause any significant noise disruption to the neighbouring occupiers in comparison to the existing guest house use. As such, the proposed office use would not adversely affect the residential amenity of the neighbouring occupiers and residents.

6.4.2 In the interests of protecting the residential amenity of neighbouring occupiers and allowing the Local Planning Authority to retain control, the Planning Panel might decide to impose a restriction on the number of employees associated with this business. This would be consistent with the conditions imposed by the Planning Inspectorate on a nearby privately owned Nursery business in a residential area at 36 Thornbury Avenue (**see Appendix 3** PINS ref no. APP/D1780/A/04/1153114), and subsequently a permission this month (under officers delegated authority) to increase staff numbers from 5 to 8 at the Nursery (LPA ref no. 21/01071/FUL). Officers do not, however, deem such a restriction necessary given the nature of the business and the limited floorspace available to it.

6.5 Parking highways and transport

6.5.1 The Highways Officer has advised that the level of trip rates for office use is not considered to be significant due to the relatively small floorspace. Peak hour trips are around 3-4 with average 1 per hour outside the peaks and, therefore, do they not have significant concerns from traffic generation with regards to road safety impact and interrupting the free flow of traffic on the road network in the neighbourhood.

6.5.2 The Highways Officers recommendation had been passed to the applicant to improve sightlines by centralising the frontage parking spaces and to adopt on site management to prevent vehicles obstructing each other on the narrow vehicular access via the side alleyway. The applicant has commented that the changes to parking layout and circulation are unnecessary given that the historic use for a number of years in a similar parking and access arrangement for the existing guest house and, therefore, make no material difference in harm if continued by the office use. Whilst betterment is always sought through the planning process, it is considered that the material harm from re-utilising the existing access and parking arrangement would not be sufficient enough to substantiate a robust and sound reason for refusal against road safety. The applicant has confirmed that the existing rear garage will be provided for cycle storage to serve the office users. As such, no layout changes are deemed necessary and the business itself will be able to monitor and manage its own parking.

7. Summary

7.1 In summary, the proposed office use is considered to be compatible with the surrounding residential uses, and will not adversely affect the local character and amenity, and highways safety. Furthermore, whilst the new premises for the applicant does not offer a direct economic benefit from employment generation itself, it has the benefit of supporting a local business seeking to relocate to a suitable premises in the city.

8. Conclusion

8.1 It is recommended that planning permission be granted subject to the conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1. (a) (b) (c) (d) 2. (b) (c) (d) 4. (ee) (vv) 6. (a) (b)

SB for 21/09/21 PROW Panel

PLANNING CONDITIONS to include:

1. Full Permission Timing Condition (Performance)

The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Restricted Use (Performance)

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the development hereby approved shall only be used as accommodation for the purposes indicated in the submitted details and not for any other purpose, including any other use within Use Class E.

Reason: In the interest of the amenities of neighbouring occupiers and highways safety.

3. Hours of Use(Performance)

The office use hereby approved shall not operate outside the following hours.

Additionally, there shall be no deliveries outside of the following hours:

Monday to Saturday – 08:00 to 18:00;

Sunday – 10:00 to 16:00;

Recognised public holidays – 09:00 to 13:00

Reason: To protect the amenities of the occupiers of existing nearby residential properties.

4. Cycle parking (Performance Condition)

Before the development hereby approved first comes into occupation, the storage for bicycles shall be provided and made available for use in accordance with the plans hereby approved. The storage shall thereafter be retained as approved.

Reason: To encourage cycling as an alternative form of transport.

5. Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS8	Office Location
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP16	Noise

Supplementary Planning Guidance

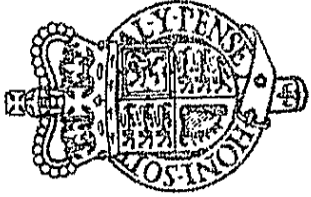
Parking Standards SPD (September 2011)
Howard Road Character Appraisal (1991)

Other Relevant Guidance

The National Planning Policy Framework (2021)

Relevant Planning History

Case Ref:	Proposal:	Decision:	Date:
1631/W14	CHANGE OF USE FROM RESIDENTIAL TO GUEST HOUSE	Conditionally Approved	28.06.1983
W22/1641	ERECTION OF A GROUND FLOOR EXTENSION	Conditionally Approved	13.03.1984
W14/1650	ERECTION OF A GARAGE	Conditionally Approved	25.09.1984
891313/W	ERECTION OF A FIRST FLOOR REAR EXTENSION TO OWNERS ACCOMMODATION	Conditionally Approved	24.08.1989
18/01109/FUL	Conversion of a guest house (Class C1) to residential and single storey rear extension to provide 5 x flats (3 x 1 bed and 2 x 2 bed) with associated car parking bin and cycle storage.	Application Refused	11.09.2018
19/01136/FUL	Conversion of a guest house (Class C1) to residential (Class C3) including erection of a single storey rear extension to provide 4 x flats (2 x 1 bed and 2 x 2 bed) with associated car parking, bin and cycle storage (Resubmission of 18/01109/FUL).	Conditionally Approved	03.10.2019



Appeal Decision

Site visit made on 5 January 2005

by Robin Bradbeer BA (Hons) MRTPI

an Inspector appointed by the First Sr

PLANNING &

10 FEB 2005

SUSTAINABILITY

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2, The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Decision

Date

09 FEB 2005



Appeal Ref: APP/D1780/A/04/1153114

36 Thornbury Avenue, Shirley, Southampton SO15 5BR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mrs A.Chennells against the decision of Southampton City Council.
- The application (ref: 03/01341/VC/25244), dated 19 September 2003, was refused by notice dated 22 March 2004.
- The application sought variation of conditions attached to a planning permission (ref. 901533/25244/W), dated 3 January 1991, that permitted the following development:
"Use of 2 no. ground floor rooms as a nursery".
- The conditions in dispute are nos. 2 and 3 which state that:
"2. The maximum number of children that shall attend the nursery school at any one time be not more than 10 and no more than 2 members of staff shall be employed at any one time on the premises".
"3. The proposal hereby approved shall be used only as a nursery school between the hours of 8.15am and 5.30pm Monday to Friday and not at any time on Saturdays, Sundays or Bank Holidays".
- The reasons given for the conditions were:
"2. To prevent an over-intensive use of the premises, and to satisfy the Local Planning Authority in terms of off-street car parking in the interests of residential and amenities".
"3. To prevent an over-intensive use of the site in the interests of the amenity of local residents".

Summary of Decision. The appeal is dismissed.

Procedural Matters

1. The Council has acknowledged that the planning permission referred to in the application has lapsed, being of temporary duration which expired on 3 January 1992. However, the site has an extensive planning history and, as I understand, the current lawful position as granted by permanent permission ref. 92/0014/25244/WT, as amended by ref. 960046/25244/WX, is that the nursery school may be attended by a maximum number of 22 children at any one time between the hours of 08.15 and 17.30 Monday to Friday and I will consider the appeal on this basis.

Main Issues

2. The application sought permission to increase the number of children attending the nursery at any one time to not more than 40, and also to lengthen the opening hours to between 0800 and 1800 hours. I consider the main issues to be the effect of these proposed variations firstly, on the living conditions of nearby occupants in terms of privacy, noise and disturbance; and secondly, on highway safety in terms of on-street parking implications.

Planning Policy

3. The development plan includes the City of Southampton Local Plan 1991-2001 (1996).

Policy GP1 sets out general principles for development with reference to a range of criteria relating to the environment and transportation. With reference to the latter, criterion x) requires provision of adequate car parking and manoeuvring space in accordance with the Council's current standards. Policy H8 is permissive of proposals for day nurseries and play schools in residential areas provided certain criteria are met. These aim to ensure under i) and ii) that any adverse impact on the amenities of neighbouring residential premises can be prevented; under iii) that a safe and secure external environment can be provided to enable children to play; and under iv) that adequate car parking is provided for staff, and pick up and set down space is available in accordance with the Council's prevailing standards.

4. There is an emerging replacement Local Plan called the City of Southampton Local Plan Review, Revised Deposit Version (2003). Policy SDP5 sets out parking criteria for development, which under (i) applies an approach based on maximum car parking standards consistent with national policy contained in Planning Policy Guidance Note 13 (PPG13) *Transport*. Policy L4 broadly reflects the aims of adopted Policy H8 relating to nursery provision.

Reasons

Living conditions

5. The appeal site is located in a primarily residential urban area that includes flats and single family dwellings as well as a variety of non-residential uses. No. 36 Thornbury Avenue is located a short distance to the south of the junction with Darwin Road and comprises a two storey property on a plot that measures approximately 18 metres wide and 20 metres deep, which is noticeably shallower than many in the area. Due to the siting of the building, close to the northern flank and rear boundaries, the outdoor amenity space lies mainly to the south adjacent to No. 34 Thornbury Avenue which is a two storey semi-detached property divided into flats. The adjoining property to the north at No. 9 Darwin Road is in use as a residential care home next door to which there are flats at Charles Court, Nos. 5-7 Darwin Road, that have vehicular access to a parking area adjacent to the east boundary of the appeal site.
6. The proposal to increase the number of children would represent a significant increase upon both the currently permitted number of 22 children and the figure of 28 children, which the Council has indicated it would find acceptable consistent with the temporary permission granted for one year in 1998 (ref. 980706/25244/WX). Whilst I appreciate that children play in the garden in groups according to age I consider that the proposed development would result either in those groups being larger and/or an increase in the number of groups of children using the garden for play. Notwithstanding the practice of the appellant to take children to local areas of public open space I consider that a significant intensification in use of the garden would result.
7. The nearest building to this garden is at No. 34 Thornbury Avenue. The main flank wall of that property has limited aspect towards the appeal site and contains two ground floor windows that are fitted with obscure glass. However, the rear outshoot contains further windows at both ground and first floor level and due to the height of the common boundary treatment there is significant intervisibility between these windows and the nursery garden. The appellant has acknowledged that her ownership of the ground floor flat at that property is not relevant to this proposal and I agree with that view. Whilst I am satisfied that the

garden is sufficiently separated from the windows and amenity areas of other properties nearby, in my opinion the proposal to increase the number of children would have an unneighbourly and intrusive effect on the living conditions of the occupants of No. 34 Thornbury Avenue arising from intensification of use of the garden causing unacceptable overlooking, noise and disturbance. Furthermore, the proposed increase in the number of children would add to the amount of traffic associated with the premises causing additional comings and goings. This would represent a further source of noise and disturbance, which I consider would be harmful to the living conditions of nearby occupants. On the evidence before me I am not satisfied that these harmful impacts could be acceptably mitigated by measures that could be made a conditional requirement.

8. The proposal to vary the hours of use of the premises would represent a minor adjustment to the permitted hours. This modest change would not permit use of the property beyond times that are widely accepted as representing a typical working day and which I understand apply to other nurseries in the area. Furthermore, I consider that the proposed lengthened hours of opening would assist to spread the range of times when parents drop off and collect children and this would help to dissipate such activity to the benefit of the living conditions of nearby residents.

9. On this issue I conclude that whereas the proposal to vary the hours of use would not harm the living conditions of nearby occupants, the proposal to increase the number of children would be harmful to the living conditions of nearby occupants in terms of privacy, noise and disturbance. It therefore conflicts with Local Plan Policy H8 i) and ii) together with emerging Local Plan Policy L4.

Highway safety

10. The appellant has indicated that the nursery currently employs 4-5 full time staff plus 2 part-time staff and that the proposals would result in a requirement for an additional 1.5 members of staff. Although I have not been provided with details of its parking standards the Council has stated that the anticipated staffing level associated with the proposals would result in a requirement for 3 off-street parking spaces. There is an existing hard surfaced parking area at the front of the building which the Council suggests is suitable to provide 2 car parking spaces. I understand that this area has recently been altered and according to measurements agreed between the parties at the site visit it now has a width of approximately 7.1 metres and a depth of approximately 5.9 metres. Taking into account the dimensions for a parking bay recommended in the Government publication *Residential Roads and Footpaths, Design Bulletin 32 (1992)*, which refers to a width of 2.4 metres and a depth of 4.8 metres, I consider that the provision of 3 parking spaces within this area would be sufficiently close to these recommended dimensions to be acceptable. This consideration, taken together with the choice of travel mode available to members of staff in this urban location, indicates to me that, subject to the marking out and retention of 3 car parking spaces within the existing hardstanding area, the proposal would make adequate provision for staff car parking in accordance with the aims of the development plan and national guidance.

11. Thornbury Avenue is not subject to parking control and in this urban setting there is high demand for on-street car parking by both local residents and commuters. Third parties have expressed concerns that the proposed development would endanger the safety of road users by adding to traffic at peak times in the vicinity of the junction with Darwin Road,

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exacerbating instances of parking close to the junction and double parking. Whilst noting these concerns they are not ones shared by the Council. The Council's Principal Traffic Management Officer has indicated that the traffic accident record in the area has been generally good in recent years and he is not aware of any regular access problems. Against this background and taking into account the scope for the Highway Authority to introduce on-street parking controls, if found to be necessary, I am not persuaded that the proposal would have significant implications for road safety. Furthermore, I consider that the proposal to lengthen the hours of use would provide the advantage of spreading drop off and collection over a longer period and thus help to avoid the peaking of vehicular activity associated with the premises.

12. On this issue I conclude that the proposed development would not have implications for on-street parking in the area that would be harmful to highway safety. It therefore accords with Local Plan Policy GP x) and Policy HS iv) together with emerging Local Plan Policy SDP5 (i).

Other Matters

13. I appreciate that OFSTED space standards indicate that the property has a maximum capacity of 40 children and have no reason to doubt that the business fulfils a need in the local community. I am also sympathetic to the appellant's understandable desire to reduce the nursery waiting list. However, none of these considerations outweigh the harm I have identified to the living conditions of nearby occupants in relation to the proposal to increase the number of children. Whereas the appellant has made reference to the number of children registered at other nursery premises, in the absence of details concerning the characteristics of those premises and their context, I have given limited weight to this aspect of her case. Taking into account advice at paragraph 60 in PPG1 *General Policy and Principles*, local opposition or support for this proposal is not of itself determinative and I confirm that I have considered this case on its own planning merits. Finally, the further condition suggested by the appellant limiting the number of employees travelling to work by car would not overcome my objections to the proposal to increase the number of children.

Conclusion

14. Notwithstanding my conclusions in favour of the proposed development in relation to its effect on highway safety, the harm I have identified in relation to its effect on the living conditions of nearby occupants represents a compelling reason to reject this appeal. Accordingly, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

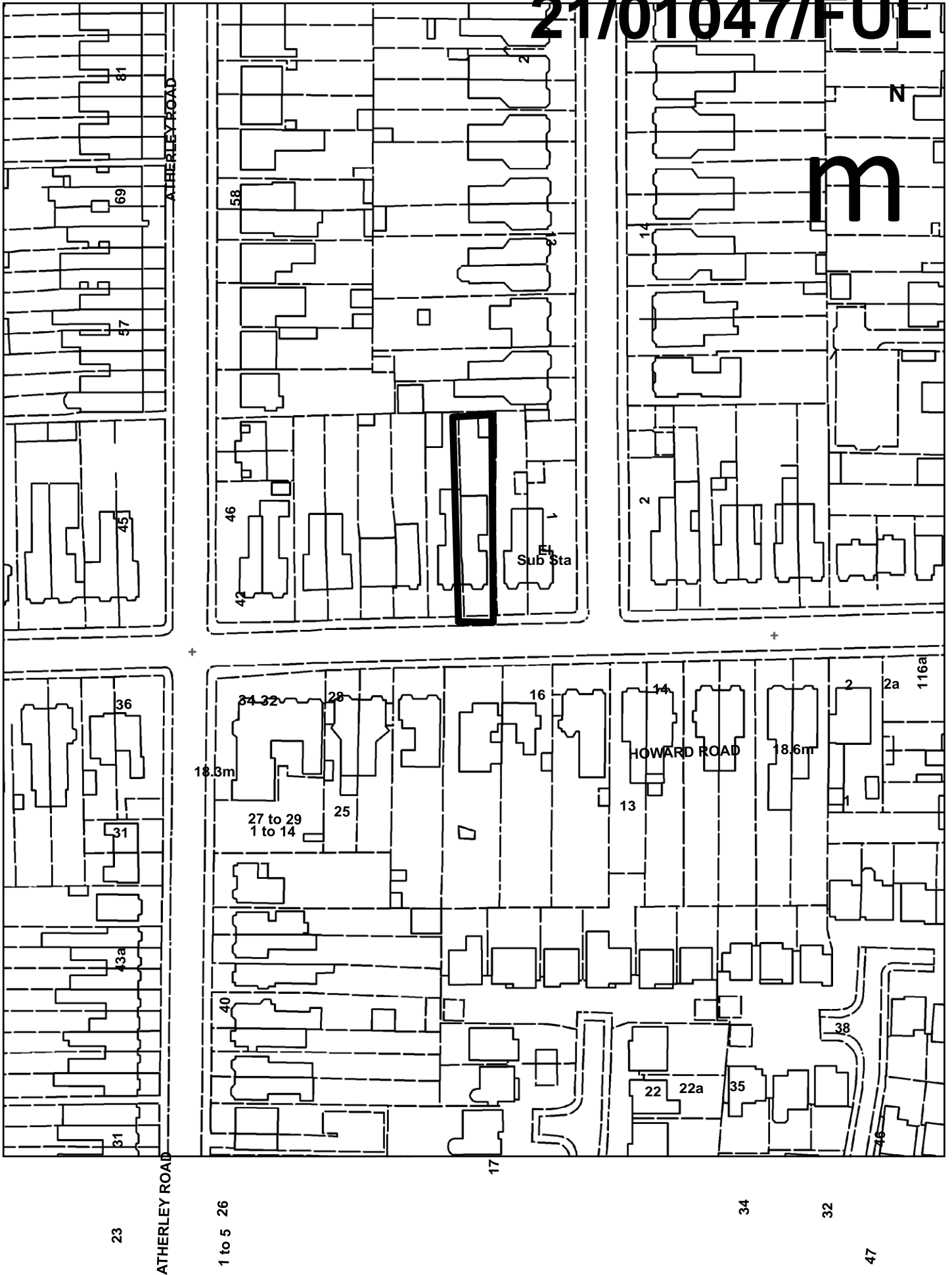
Formal Decision

15. I dismiss the appeal.



INSPECTOR

21/01047/FUL



Scale: 1:1,250

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