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## Appeal Decision

Site visit made on 11 December 2017

**by Alison Partington BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision **date:** 14<sup>th</sup> December 2017**

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**Appeal Ref: APP/J2373/W/17/3180134**

**Primrose House Nursery, 21 Devonshire Road, Blackpool FY3 8DS**

- 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 Mr Anthony Brocklebank (Quality Childcare Ltd) against the decision of Blackpool Borough Council.
  - The application Ref 17/0061, dated 28 January 2017, was refused by notice dated 20 March 2017.
  - The development proposed is use of first floor residential accommodation as part of ground floor day nursery, change of use from C3 to D1 and formation of new vehicle entrance.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in the appeal are the effect of the proposed development on:
  - Highway and pedestrian safety; and
  - The living conditions of nearby residents with particular regard to noise and disturbance, and the availability of on-street parking.

### Reasons

#### *Highway and pedestrian safety*

3. The appeal property is a detached building that currently has a children's nursery on the ground floor and living accommodation on the first floor. It is located on a busy distributor road, although the presence of a light controlled junction to the south of the site reduces the speed of traffic to a certain extent. In the vicinity of the site the road has double yellow lines on both sides. Whilst there is a pedestrian access from Devonshire Road, and two parking spaces for staff, the main access to the nursery is taken from Manchester Road, a quiet residential street to the rear. There are no parking restrictions on this road but the terraced housing along it has no off-road parking, and so demand for on-street parking is high.
4. As the existing nursery has limited staff parking and no client parking, it already creates demand for on-street parking on Manchester Road. Neither party has provided any evidence regarding the levels and availability of parking along this road or in the wider area. However, I observed at my site visit (late morning on a weekday) that, although there was parking available on

Manchester Road, demand for parking even during the day was high and this is borne out by comments from local residents. These also indicates that parking from people using the nursery causes problems in the area and inconveniences residents.

5. It is proposed to convert the first floor to form part of the existing nursery. This would increase the number of children able to be at the nursery from 36 to 62. As part of the scheme it is proposed to create a second vehicular access onto Devonshire Road and so provide a 'dropping off zone' for children at the front of the property, with this, rather the rear entrance accessed from Manchester Road then becoming the main entrance to the nursery.
6. The appellant has carried out a survey of both staff and users of the nursery. This showed that about one third of children who come to the nursery arrive by car, with the rest mainly walking. Of the 7 staff, 2 drive, 3 walk and 2 come by taxi or public transport. In addition, it is highlighted that children arrive and leave the nursery over a two hour period in the morning and evening, and as some children only attend part time they arrive / leave at lunchtime. I note also that staff are encouraged to use other forms of transport than the car, that the site is in an accessible location and that a condition could be used to secure cycle parking on the site.
7. Notwithstanding this, the fact that some people may have more than one child at the nursery, and the fact that the loss of the residential accommodation would reduce the demand for parking associated with that, the increase in the number of children and staff would still significantly increase the demand for parking, particularly in times of inclement weather, when walking may be less feasible.
8. The plans show that the proposed parking area at the front of the nursery would provide a staff parking space as well as being able to accommodate 3 cars for users of the nursery. The proposed new access would create a one way system so that cars would enter and leave in forward gear. However, due to the limited space, the client spaces would not be able to operate independently of each other. As such, people ready to leave may be prevented from doing so if the car in front of them is not ready to do so. Whilst I note the intention to operate a 'meet and greet' facility to aid the dropping off process, this is less likely to be practical at pick up times. Moreover, dropping off and collecting children from a nursery can take varying amounts of time, as parents often need to talk to staff, get the children ready to leave, and assist them into and out of cars.
9. Therefore, despite having a staggered arrival and departure period, given the limited amount of parking space, I consider that there may well be times when this space is full, which could result in a queue of cars building up on the road which would be detrimental to highway safety, especially as the main arrival and departure times coincide with peak flows on the road network.
10. In addition, given the inconveniences that could occur with using this area that would result from not always being able to leave when ready to do so, parents may choose to park elsewhere. If the main entrance for the nursery is to be on Devonshire Road, this may result in hazardous parking along this road as well as increased demand for parking on other roads, and in particular Manchester Road.

11. Moreover, the limited amount of space at the front of the nursery means that it would not be possible to provide segregated pedestrian access, and so people arriving on foot would be required to use the same access as vehicles, causing potential conflict between pedestrians and vehicles, to the detriment of pedestrian safety. This conflict would be exacerbated by the limited space for the parking of prams and pushchairs as well as vehicles. Whilst I note that the appellant states that there have been no accidents on the site, at present the only parking is staff parking at the front of the building, and users of the site use the access at the rear from Manchester Road. As such there is no potential for conflict between vehicles and pedestrians.
12. Therefore, I consider that the proposed development would be detrimental to both highway and pedestrian safety. As such, it would not accord with Policy AS1 of the *Blackpool Local Plan 2001 – 2016 (adopted June 2006)* (BLP) which seeks to ensure that developments provide, convenient, safe and pleasant pedestrian access, as well as safe and appropriate access to the road network.

### *Living Conditions*

13. To the rear of the building the nursery has an outside play area. This is surrounded by the rear garden areas of both the adjacent properties and those on Manchester Road. At present there is no restriction over the hours that this can be used or the number of children that can use it at any one time, although its use will be affected by the numbers at the nursery, and the size of the space available.
14. The Council have indicated that they have received a number of complaints relating to noise from the use of this area, although the appellant has indicated that these relate to the time before January 2016 when the nursery had a different owner. Be that as it may, given the close proximity of this space to the surrounding houses, it is clear that the use of this play area has the potential to cause noise and disturbance to nearby residents. Moreover, these complaints were made despite the fact that the nursery does not open in the evening, at weekends or on Bank Holidays.
15. The proposed increase in numbers of children at the nursery is likely to increase the amount that this space is used each day. The appellant has suggested that conditions could be used to limit the number of children that could use the space at any one time, and to restrict the hours it could be used, as well as to prevent the nursery from opening on a Saturday, which is possible at present. As such, the noise report from the appellant concludes that the proposal would not increase the noise created through the use of this space.
16. Whether such conditions would meet the test for conditions is disputed by the parties. However, I consider that the significant increase in number of children proposed would increase the amount this space is used each day, even if the numbers of children using the space at any one time is no greater than at present. Given the close proximity of the neighbouring residential use, the lack of vegetation to help absorb the noise, any such increase in its use would exacerbate the existing levels of noise and disturbance experienced by the occupiers of surrounding properties, even if the children were supervised by staff when outside. This would be particularly noticeable and intrusive in the summer months when gardens are likely to be used more intensively and windows left open to improve ventilation.

17. The appellant has argued that nurseries with up to 70 children are common place in residential areas. Whilst this may be the case, each application and appeal must be determined on its own merits. In this case, I consider that the locational characteristics of the surrounding area are such, that the appeal scheme would cause an unacceptable increase in noise and disturbance.
18. It has been suggested that the loss of the residential accommodation would mean the site was not used at all at evenings or weekends, which would reduce noise at these times. However, there is no indication that the noise complaints have been associated with the occupiers of the residential accommodation. As such I give this benefit little weight.
19. The Council has indicated that it has also received complaints about noise and disturbance created by vehicles dropping off and collecting children. I agree that such noise is very difficult to control. Given the background noise levels created by the traffic on Devonshire Road, I am satisfied that any noise and disturbance resulting from using the front of the building for dropping off and picking up children, would be minimal in comparison with, and indistinguishable from, that associated with road traffic in the area.
20. Notwithstanding this, I have concluded above that impracticalities associated with the use of this area, is likely to result in an increase in demand for parking on surrounding streets, especially Manchester Road. Given the operating hours of the nursery I am not persuaded that this would cause an adverse impact in terms of noise and disturbance. However, in potentially causing an increase in the demand for on-street parking in an area where the lack of availability of on-street parking already creates problems for residents, the proposal would be detrimental to the living conditions of occupiers in the area.
21. Consequently, I consider that the proposed development would cause unacceptable harm to the living conditions of nearby residents both in terms of noise and disturbance, and the availability of on-street parking. Accordingly, it would be contrary to Policy CS7 of the *Blackpool Local Plan Part 1: Core Strategy (2012 - 2027) (adopted January 2016)* and Policies BH3 and BH4 of the BLP which seek to ensure that new developments do not adversely affect the amenities of nearby residents and potential occupiers, and are not detrimental to public health and safety.

#### *Other Matters*

22. I note that demand for nursery places in the area is high, and that changes to the amount of free child care for 3 years olds is increasing demand further. However, the Council have indicated that a number of additional places have been created in other local nurseries from September 2017. I accept that nurseries are an important community benefit, and that the proposal would benefit the local economy, not only by enabling parents to work but by creating new jobs. However, I consider that these benefits would not be sufficient to outweigh the harm I have identified.
23. The appellant has suggested that the residential accommodation on the first floor could be used by somebody who was a childminder. However, the number of children a childminder can look after is considerably less than a nursery, and so even if this did occur, the numbers of children being cared for on the site would not increase as much as they would under the appeal proposal.

24. I note that under changes to the General Permitted Development Order, a number of other types of buildings can be changed to schools or nurseries without the need for full planning permission. However, none of these apply in this case, and such schemes are still subject to the considerations of various issues including noise and highway impacts.

**Conclusion**

25. For the reasons set out above, I conclude the appeal should be dismissed.

*Alison Partington*

INSPECTOR