

MEETING:	PLANNING COMMITTEE
DATE:	17 OCTOBER 2012
TITLE OF REPORT:	<p>S120972/CD - CONTINUED USE OF MOBILE BUILDING TO HOUSE PRE-SCHOOL - NEW 5 YEAR LEASE TO BE AGREED, SO PERMISSION REQUIRED TO 2017 AT OUR LADYS PRIMARY SCHOOL, BOYCOTT ROAD, HEREFORD, HR2 7RN</p> <p>For: Ms Davidson, Children & Young Peoples Directorate per Mr Robert Scott, Property Services, Plough Lane, Hereford, HR4 0WZ</p>
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=120972&NoSearch=True

Date Received: 28 March 2012

**Ward: St Martins and
Hinton**

Grid Ref: 350553,238833

Expiry Date: 14 June 2012

Local Members: Councillors ACR Chappell, R Preece and P Rone

1. Site Description and Proposal

- 1.1 Our Lady's Primary School is situated between Walnut Tree Avenue and Boycott Road, to the South of Hereford City. Vehicular access to the school is via Boycott Road (Off Ross Road) with pedestrian access via gates on Walnut Tree Avenue and through the car park serving Our Lady's Church on Belmont Road.
- 1.2 The application site relates specifically to a mobile classroom, sited to the east of part of the school site, adjacent to the access from Boycott Road. There is a small area of outdoor playing space associated with the use. Access to the nursery site is via pedestrian gates from within the school grounds and directly from Boycott Road. The mobile building is used as a nursery building, run by Merry-Go-Round and is not part of the school operation.
- 1.3 The application is for the retention of this building for a five year period for continued use as an independent pre-school / nursery. It has been operating without the benefit of planning permission since 2006.

2. Policies

2.1 Herefordshire Unitary Development Plan:

- S6 - Transport
- S11 - Community Facilities and Services
- DR2 - Land Use and Activity
- DR3 - Movement
- CF5 - New Community Facilities

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

- 2.2 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Councils website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. Planning History

The applications relevant to this site are as follows:

- 3.1 CW2000/2353/F The erection of a mobile classroom unit to provide pre-school provision for a period up to 3 years. Approved with Conditions 8.11.2000. (Temporary permission expired 8 November 2003).
- 3.2 DCCW2003/3422/F Continued use of mobile classroom providing pre and after school provision. Approved with Conditions 5.1.2003. (Temporary permission expired 5 January 2006).
- 3.3 DMCW/092683/CD Increase height of existing fence line from 240mm to 3000mm between Church and school. Approved with Conditions 10 December 2009.
- 3.4 S11093CD External alterations including new boundary fencing and gate arrangements. Approved with Conditions 24.3.2011.

4. Consultation Summary

- 4.1 No statutory consultations.

Internal Council Advice

- 4.2 The Transportation Manager has made several comments in respect of the information that has been submitted as part of the application.

Comments received 17 May 2012 (in response to application submission)

- 4.3 Following the complaint from a resident of Boycott Avenue you mentioned, I have this morning visited the site to review the situation.

As the application was for renewal of a permission which has been in effect since 2003, and I was not aware of any problems being raised outside of the application, I did not consider there would be a problem, hence my original response of no objection.

However on visiting the site, I have a number of comments.

- The previous application in 2003 (and the preceding that in 2003) was for pre and after school care, not as a general nursery, which is what now seems to have developed. Pre and after school care does not in my view increase traffic as it extends the school day and also spreads the drop off and collection times, lessening the peak.
- The CW2000/2353/F decision notice however refers to pre school provision which could be considered for those below school age, therefore a nursery.
- The 2003 (CW2003/3422/F) consent is specific in stating pre and after school provision in the description.
- In 2011, an application was submitted for fencing around the school with gates on Boycott Road S110092/CD. In the design and access statement, under the heading USE, it clearly states that it is intended to use the school access for staff and visitors only. Children

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attending the main school and the pre-school will be dropped off either at the Walnut Tree entrance or the entrance adjacent to the church off Belmont Road. It was on that basis that no objections were raised to the fencing/gates, as the only people requiring access would be staff, visitors and delivery, who would gain access and be able to park and turn within the site.

It now appears that the mobile accommodates a general nursery, not a pre and after school facility with children arriving and leaving at various times during the school day. At these times, all accesses to the school site (2 on Walnut Tree and one by the church on Belmont Road) are all padlocked, except the one to the right of the main school gates on Boycott Road, which is labelled "Access to Merry Go Round nursery only". The main vehicular access and left pedestrian side gate to the school are both electronically controlled with keypad/intercom.

At the time of my visit 1130-1215, a total of six cars entered to pick up children from the nursery at this access. Due to the lack of turning facility, they did indeed use driveways at least in part, to turn round, as the complainant claims.

The introduction of the gates has created a problem in terms of a lack of turning and drop off facility, and the site is being operated contrary to that outlined in the Design and Access Statement for the application for the fencing and gates, with parents forced to drop children at Boycott Road when the school perimeter is secured during the school day.

Therefore, either alternative access should be arranged to use more suitable drop-off points, or the unit moved elsewhere on the site to enable this to happen, and an overall traffic management plan for the school and pre/post school facility produced to minimise the impact on Boycott Road from school and pre/post school traffic, before this application is approved.

Further to your memorandum of 29 June, and the revised information submitted by the applicant, I would comment as follows:

- 4.4 The letter mentions that, with regard to double yellow lines or parking permits, I stated that residents did not want either. I did not state this. I advised that residents might not want either and therefore this could not be guaranteed as a solution. As these processes require consultation and are outside of the applicant's control, neither could this be conditioned in any consent granted.

With regard the trial period mentioned from 9th to 13th July, I visited the site on 13th July to see if the system proposed was effective, however in the period I was at the site, no one accessed the nursery from the church site, and one parent parked on Boycott Road and accessed the nursery from that direction. I would add that during that visit, there was a lot less activity at the nursery than during my previous visits, possibly due to less children in attendance on that day.

The parking and turning situation has been exacerbated by the erection of the school fencing and gates and removal of a turning facility, and therefore until such time as the nursery is operated in accordance with the Design and Access Statement for that permission, ie access from Walnut Tree Avenue or the church site, the problem will not disappear.

I would not wish to see the pedestrian entrance from Boycott Road closed, as this is important to maintain sustainable pedestrian access to the facility from the east. As noted in my previous email, the minimisation of the vehicular traffic usage of this entrance is important due to the lack of turning facility in Boycott Road. At present there is no alternative drop off location available to parents bringing children by car, as the school access points are locked during the school day.

The operator has confirmed in their email of 16 August that the church have agreed to the use of their car park on Belmont Road as a drop off point and nursery staff are proposed to man the gate at key times I consider that, if implemented and successful, this would be likely to reduce the vehicular traffic on Boycott Road.

As this is currently not yet proven, I would suggest perhaps that an initial temporary permission of one year is considered to enable a reasonable period of evaluation of the success of the proposals.

5. Representations

5.1 Hereford City Council comments:

- We do not support this application until better traffic management is put in place.

Following submission of further information:

- Now that our worries about traffic arrangement have been addressed, we are happy to support this application and we would recommend that option 4 is adopted. (See *para 5.5 below*).

5.2 Letters of objection have been received from:

Mr and Mrs Mckwan, 15 Boycott Road
Mrs Nunney, 13 Boycott Road
Owner / Occupier, 4 Boycott Road

These letters make the following points:

- No vehicle access for parents using the pre-school so cars / vans are parked in Boycott Road causing disruption to residents.
- Vehicles block residents' driveways.
- Vehicles block the pavements obstructing pedestrians who then have to walk on the road.
- Vehicles completely block the road so no other vehicles or residents can get to the properties or the school.
- Property damaged where cars hit walls trying to turn in roads using driveways
- Potential danger to pedestrians and children that walk along the pathways, as cars turning and reversing over the pavement.
- Problems times are: 8.00am to 9.30am, 11am to 11.40am, 12.15pm to 12.45pm and 2.45pm to 4.00pm.
- This problem has got worse since the school installed electric gates in September 2011 therefore stopping parents using that car park for parking and for turning around.
- There is noise and disturbance from waiting vehicles (leaving engines running whilst they wait).

5.3 Letters were also received after the trial period stating that matters had not improved.

5.4 One letter of support has been received from Mrs Amanda Powell, 68 Dorchester Way that can be summarised as follows:

- Sympathy with residents as having a nursery nearby can be inconvenient.
- With the church gate now being accessible at lunch time pick up/drop off I am happy that dropping off my daughter will not only be convenient as it is closer but also safer. Therefore, in future other parents and I will no longer need to use Boycott Road.
- Praise for Merry Go Round Nursery.

5.5 In response to concerns raised by local residents, planning officers and the Transportation Manager, the operator, Merry-Go-Round Nursery have submitted information outlining proposals and options to deal with these issues. These are summarised as follows:

- Option 1 – Double Yellow lines on Boycott Road. Advised this may not be possible.
- Option 2 – Apply to diocese for permission for parents and visitors to park in Our Lady's Church car park (off Belmont Road) and use an intercom system on the gate. This was put to parents who were of the view that this would be inconvenient for their personal needs based on getting to work etc. and that they may leave the nursery.
- Option 3 – Relocate building away from the school and site. Concern this would severely impact upon the families that use the nursery and on Our Lady's' intake.
- Option 4 – Would be to install an intercom to Walnut Tree Avenue entrance, which would enable parents to pick up without coming to Boycott Road. The school governors have expressed that this intercom would be controlled through the school reception as it allows access to the school grounds. This would be sufficient through term time but not in holiday time or out of school hours. This would be at cost to the nursery (which is a charity).

Note that they will continue to inform parents that there is no parking in Boycott Road and hope to maintain better relations with the residents of Boycott Road.

We currently have over 60 South Wye families using our provision and following our approval to open full day care our numbers are due to rise. We offer places for vulnerable 2 year olds within south wye, many of whom have parents in need of support to enable them to access training and employment. At our last inspection, Ofsted governed us Outstanding.

For one week between 9 July and 13 July a trial period took place using Our Lady's Church Car park. A member of staff would 'man the gate' to allow the access for parents during lunch times.

5.6 *A further email was received on 16 August 2012 as follows:*

We have now had confirmation from the Cardiff Diocese via the priest at Our Lady's Catholic church that they will allow our parents to park in their car park at dropping off and collection times. Our staff will man the gate at key times. The church will contact us if a funeral is due to take place so that parents can park in an alternative place. This may need to be at Farm Foods car park to avoid parents from parking back on Boycott Road.

As discussed previously, most of our families live at Putson /Hinton/Saxon Gate and therefore need to have access to the nursery via Ross Road. Most of our parents walk every day with very young children and it would be highly unlikely that they would walk the extra distance to Belmont Road. If the Boycott Road entrance was no longer available the outcome would be that they would either take their children out of Merry-Go-Round or start to drive to nursery causing traffic congestion in the Church car park.

If our pedestrian access were to be closed our numbers would fall dramatically. We would have to make redundancies to meet new ratios and families would be forced to attend other nursery's that may not be 'Outstanding' or offer the high quality care and education that we offer.

Our nursery filters into Our Lady's school and their intake would possibly be affected. Children attending the school from the age of 4 years can access the school through the Boycott Road entrance and Walnut Tree Avenue. It therefore seems unfair that nursery children can not access the nursery in the same way. When monitoring parking on Boycott Road, school parents have also been observed parking there. On one occasion four school parents parked

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there and when this was reported to the school caretaker he said that 'they wouldn't be there long'. We found this to be a completely inappropriate and unacceptable response. We reported this to the Head Teacher the next day. As far as the residents were aware they may have thought that the cars were connected to the nursery.

We are planning to open the nursery as full day care provision to expand our service to working families. This summer the electric gates have been left open for ground work to take place in the school. In the future could the gates being left open be an option to avoid cars on Boycott Road.

In September we have around 60 families intending to use the nursery. The highest number of cars ever observed on Boycott Road dropping off their children was 7. When putting this figure into perspective this seems a very small number compared to the families that walk using the pedestrian entrance.

- 5.7 The consultation responses can be viewed on the Council's website by using the following link:-

www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx

Internet access is available at the Council's Customer Service Centres:-

www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp

6. Officer's Appraisal

- 6.1 Policy CF5 of the Herefordshire Unitary Development Plan relates to proposals that would result in the provision of new or improved community facilities or the enhanced use of existing facilities such as pre-schools / nurseries. These should be permitted where:
1. They are appropriate in scale to the needs of the local community and reflect the character of the area that they serve;
 2. are located within or around the settlement of area they serve;
 3. would not significantly impact upon the amenity of neighbouring residents;
 4. and incorporate safe and convenient pedestrian access together with appropriate provision of car and cycle parking and operational space.
- 6.2 The pre-school / nursery has been operating since 2000 and is of a scale that is considered appropriate to serve the surrounding community. Its 'outstanding' report from Ofsted is acknowledged. The key concerns and issue in determining this application relates to the resulting parking issues and subsequent impact upon residents on Boycott Road and as such criteria 4 of the above policy needs further consideration.
- 6.3 Boycott Road is a narrow residential street that is accessed from Ross Road. There are no formal parking restrictions along this road, but each dwelling has its own drive, with dropped kerbed access. As such there is restricted kerbside / on road parking available. As a result of this cars using Boycott Road to park obstructs the driveways of existing residents. The road is also relatively narrow, with no turning head, and as a result of this cars needing to turn around will use driveways and / or drive on the pavement to turn.
- 6.4 The only vehicular access to the school site and to Merry Go Round is via Boycott Road. The car park is accessible for staff and pupils before and after school and via a buzzer system for deliveries during the day. However, gates were erected at this entrance in 2011 that restricted access during the school day (part of safeguarding requirements). The pedestrian gates from Walnut Tree Avenue and Our Lady's Church are also locked during school hours. As such all pedestrian and vehicular traffic is via Boycott Road.

- 6.5 As such the only way to access the nursery, until recently, has been via the pedestrian access off Boycott Road. The nursery has a wider range of hours than normal school hours with drop off and pick up times staggered through the day from 8am to 5pm. Whilst staff park within the school grounds, there is no access to parking within the school site for parents. The result of this is that parents picking up by car tend to park in Boycott Road and it is this that has caused the objections and concerns to be raised. This is exacerbated during school drop off and pick up times.
- 6.6 The key concerns relate to the impact upon the amenities of the local residents from vehicles blocking driveways, turning in driveways, waiting in the street, and also highway and pedestrian safety. As a result of this the amenities of the local residents are prejudiced as they have difficulty accessing their properties contrary to the requirements of policies DR2 and CF5 of the UDP.
- 6.7 It is accepted that, as a result of living close to a school, a certain amount of 'school related' traffic will be a consequence. However, this facility is not part of the school and is run as a separate operation (business / charity). It does act as a feeder facility to the school but should be noted that the school does not have jurisdiction over the actions of the pre-school / nursery. The problems surrounding this site seem to have grown following the installation of the fences at the school. During this application officers were led to believe that the nursery would operate with the same restrictions as the school. This is not the case.
- 6.8 Policies require that good pedestrian links are provided to such community facilities, and it is noted that, as described above (section 5), a significant amount of parents do drop off and pick up children and walk to and from the site. However, for those that need to drive / or choose to in bad weather etc. the width and restricted nature of Boycott Road means that vehicles have to cross the pavement and / or reverse into residents driveways to turn and leave in a forward gear (the alternative being reversing into traffic on Ross Road). The danger is that these manoeuvres within this restricted space will conflict with pedestrian movements. It is also noted that pedestrians will sometimes need to walk on the road to avoid cars that are parked on the footway. This is contrary to the aims of policy DR3 of the UDP that seeks to ensure that safe, convenient movement to and from the site can be achieved.
- 6.9 There is no opportunity to provide parking or turning facilities within the school grounds and as such the applicants have explored the possibilities and practicalities of this and implemented a new system to try to overcome these issues. The operators have obtained permission from the Diocese for parents of the nursery to park at Our Lady's Church car park, off Belmont Road. The Nursery then opens the gate (staff member on gate at appropriate times) to allow pedestrian access and safe parking.
- 6.10 This has been operating for a short time, and there has been some continued concern raised by residents in Boycott Road, especially as the nursery has plans to extend its operation (as described by them in section 5 above). However, officers acknowledge that new systems sometimes take time to accept and implement, and for the nursery to promote and encourage. As such, it is suggested that a one year temporary permission be granted. This will give Merry Go Round the opportunity to address these issues and actively encourage parents to use the car park at the Church. A further application would be required towards the end of the 12 month period, when it would be possible to seek further comments from the neighbours to see if the situation has improved and reconsider the acceptability of the pre-school in this location. It is acknowledged that as this is a school site, there will be some use from the school, although I note that the school has its own systems in place to tackle these issues.
- 6.11 It is considered appropriate to recommend the submission of a traffic management plan to the Local Planning Authority that would demonstrate the measures that the pre-school / nursery would undertake to promote / encourage and operate the proposed parking provision in the

Church car park for this period. For example, frequency of parent letters / reminders, advice to new starters etc., signs within the nursery.

- 6.12 To conclude, there are significant concerns about the continued use of the pre-school / nursery in this location, in relation to highway and pedestrian safety, and impact upon the amenities of neighbouring properties. This concern may be overcome with the provision of parking at Our Lady's Church, and it is suggested that a one year temporary permission is granted as a trial period to ensure that these measures are sufficient to overcome concerns to a level that would ensure accordance with Policies DR2, DR3 and CF5 of the Herefordshire Unitary Development Plan.

RECOMMENDATION

That temporary planning permission be granted subject to the following conditions:

- 1. F20 Temporary permission, for one year, and reinstatement of land (one year).**
- 2. Within one month of the date of this permission a traffic management plan relating to the parking of vehicles and access to the pre-school / nursery shall be submitted to and approved in writing by the local planning authority. Travel management shall be carried out in accordance with the approved details and a detailed written record shall be kept of the measures undertaken to prevent parking in Boycott Road / promote parking within the Church car park. Documentation shall be made available for inspection upon reasonable request by the local planning authority.**

In the interests of highway safety having regard to Policy DR3 of the Herefordshire Unitary Development Plan and having regard to the amenities of local residents in accordance with Policies DR2 and CF5 of the Herefordshire Unitary Development Plan.

Reason for Approval:

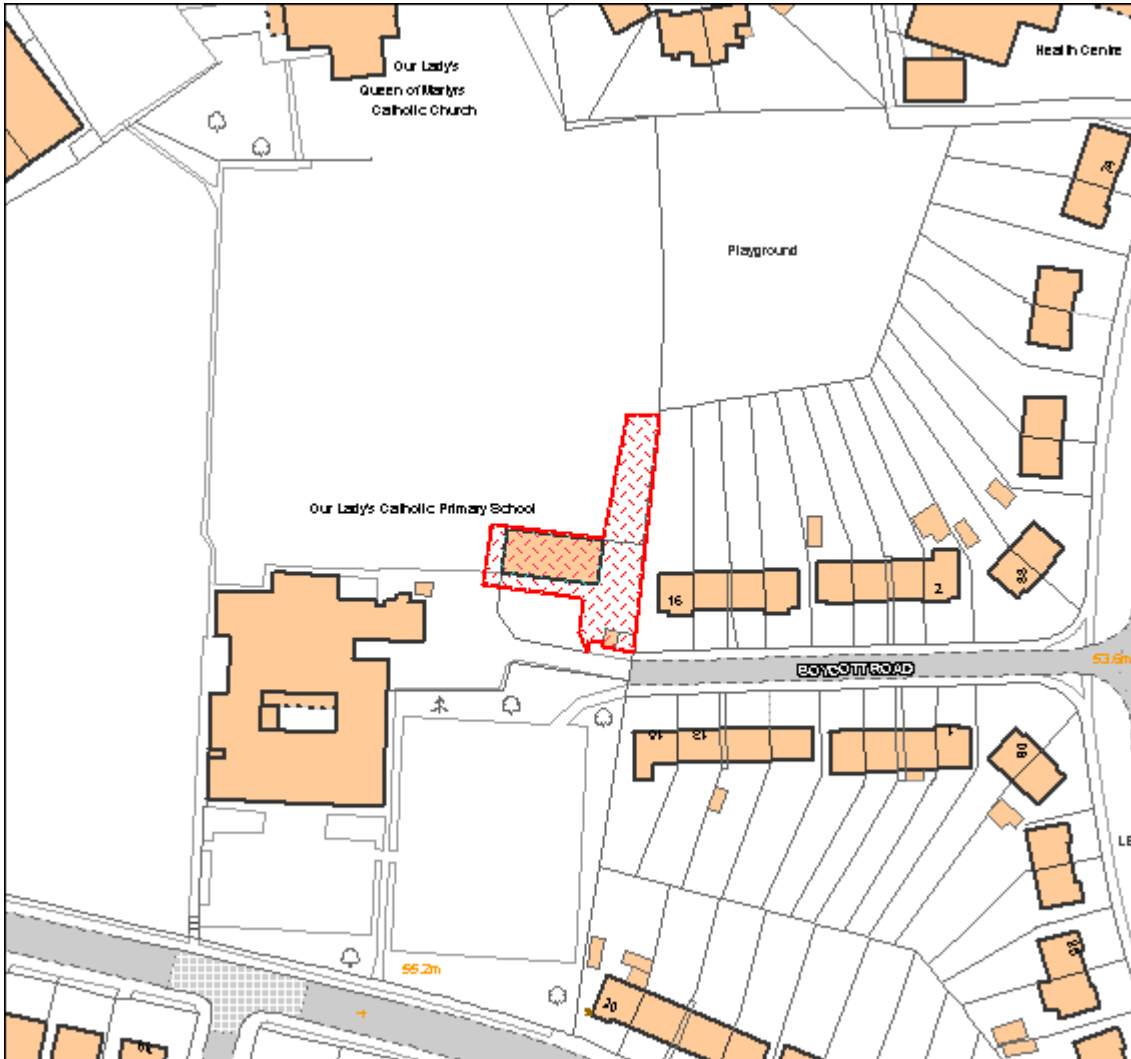
- 1. There are significant concerns about the continued use of the pre-school nursery in this location, in relation to highway and pedestrian safety, and impact upon the amenities of neighbouring properties. This concern may be overcome with the provision of parking at Our Lady's Church, and in order to consider this fully a one year temporary permission is granted as a trial period to ensure that this is sufficient to overcome concerns to a level that would ensure accordance with Policies DR2, DR3 and CF5 of the Herefordshire Unitary Development Plan.**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: S/120972/CD

SITE ADDRESS : OUR LADYS PRIMARY SCHOOL, BOYCOTT ROAD, HEREFORD,
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