

MEETING:	PLANNING COMMITTEE
DATE:	11 December 2013
TITLE OF REPORT:	132014/CD - REPLACEMENT OF EXTANT PLANNING PERMISSION S120972/CD AT MERRY GO ROUND DAY NURSERY, BOYCOTT ROAD, HEREFORD, HEREFORDSHIRE, HR2 7RN For: Mrs Ovel 10 Hazel Grove, Hereford, Herefordshire, HR2 7JX
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132014

Date Received: 23 July 2013

**Ward: St Martins and
Hinton**

Grid Ref: 350553,238833

Expiry Date: 10 December 2013

Local Members: Councillors ACR Chappell, R Preece and Cllr Paul 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. Planning Approval was granted by the Planning Committee on a temporary basis on the 17th October 2012. The reason for this temporary approval was to allow for implementation of the traffic management plan and a period of time to assess its impact on the parking problems in the area.
- 1.4 The application submission includes an updated traffic management plan that outlines the steps and measures taken by the nursery to address the concerns raised about the parking and subsequent manoeuvring in Boycott Road. A summary of these measures are:
 - Parking provision at both Our Lady's Church (Vehicular access from Belmont Road) and St Martins Church, Ross Road (access to nursery from Boycott Rd)
 - Letters to new and existing parents advising of strict parking policies and consequences

- Signs appropriately displayed
- Ongoing communication and liaison with school about monitoring of parking;
- Access to school car park in certain circumstances and for staff parking.
- Provision of covered area for storage of bikes / pushchairs
- Encouragement of walking and cycling

2.

Policies

2.1 National Planning Policy Framework

Paragraphs 7, 8, 14, 32 are relevant.

Herefordshire Unitary Development Plan:

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

2.2 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's 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. |
| 3.5 | S120972/CD | Continued use of mobile building to house pre-school - New 5 year lease to be agreed, so permission required to 2017 – Temporary Permission (1 year) 17 th October 2012. |

4. Consultation Summary

4.1 No statutory consultations

Internal Council Advice

4.2 The Transportation Manager raises no objection as the management plan and current working is acceptable for a further renewal of the temporary permission.

5. Representations

5.1 Hereford City Council makes the following comments: We support this application providing that the traffic management plan is adhered to and parents are complying with requirement to park in the Church car park

5.2 The application submission included letters of support from Herefordshire Council Early Years Lead Consultant identifying their support for the ongoing use of the portacabin as the nursery provides outstanding care and education. A second letter from the Head Teacher at Our Lady's Catholic Primary School also confirms that they have no objection to the application subject to the condition in respect of the traffic management plan.

5.3 Two letters of representation have also been received from residents of Boycott Road, Mr and Mrs McKwan and Mrs Nunnery who both acknowledge that the situation has improved but are concerned that this will not continue into the future and raise the following concerns:

- Vehicles block residents' driveways.
- Vehicles block the pavements obstructing pedestrians who then have to walk on the road.
- 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 revering over the pavement.

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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

www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

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 issues 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 obstruct 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, when access was introduced from Our Lady's Church car park, was 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. Historically, 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.
- 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 Following the approval of the application in October 2012 for a 12 month period, the applicants have implemented their traffic management plan with parking provided in two car parks and access to the school directly from Our Lady's Church Car Park at key times for drop off and pick up for the nursery. Other measures in respect of advice and encouragement have also been provided and implemented. It is encouraging that both letters of representation acknowledge that there has been an improvement to this situation, but note the fears about this continuing.
- 6.8 It is accepted that, as a result of living close to a school, a certain amount of 'school related' traffic will be a consequence but both the school and nursery are acting in a proactive way to resolve these issues in the interests of amenities of local residents and highway safety.
- 6.9 Whilst there are concerns from residents 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, the continued traffic and parking management plan for the duration of the permission is considered to be sufficient overcome concerns to a level that would ensure accordance with Policies DR2, DR3 and CF5 of the Herefordshire Unitary Development Plan. The benefits of the nursery are also worthy of consideration in the context of the NPPF and as such, the proposal is recommended for approval. As this is a temporary structure, a five year permission is considered appropriate.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. **F20 Temporary permission and reinstatement of land**
- 2. **The operation of the nursery shall be undertaken in accordance with the traffic management plan received on 23 July 2013. 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.**

Reason: 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.

INFORMATIVES:

- 1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

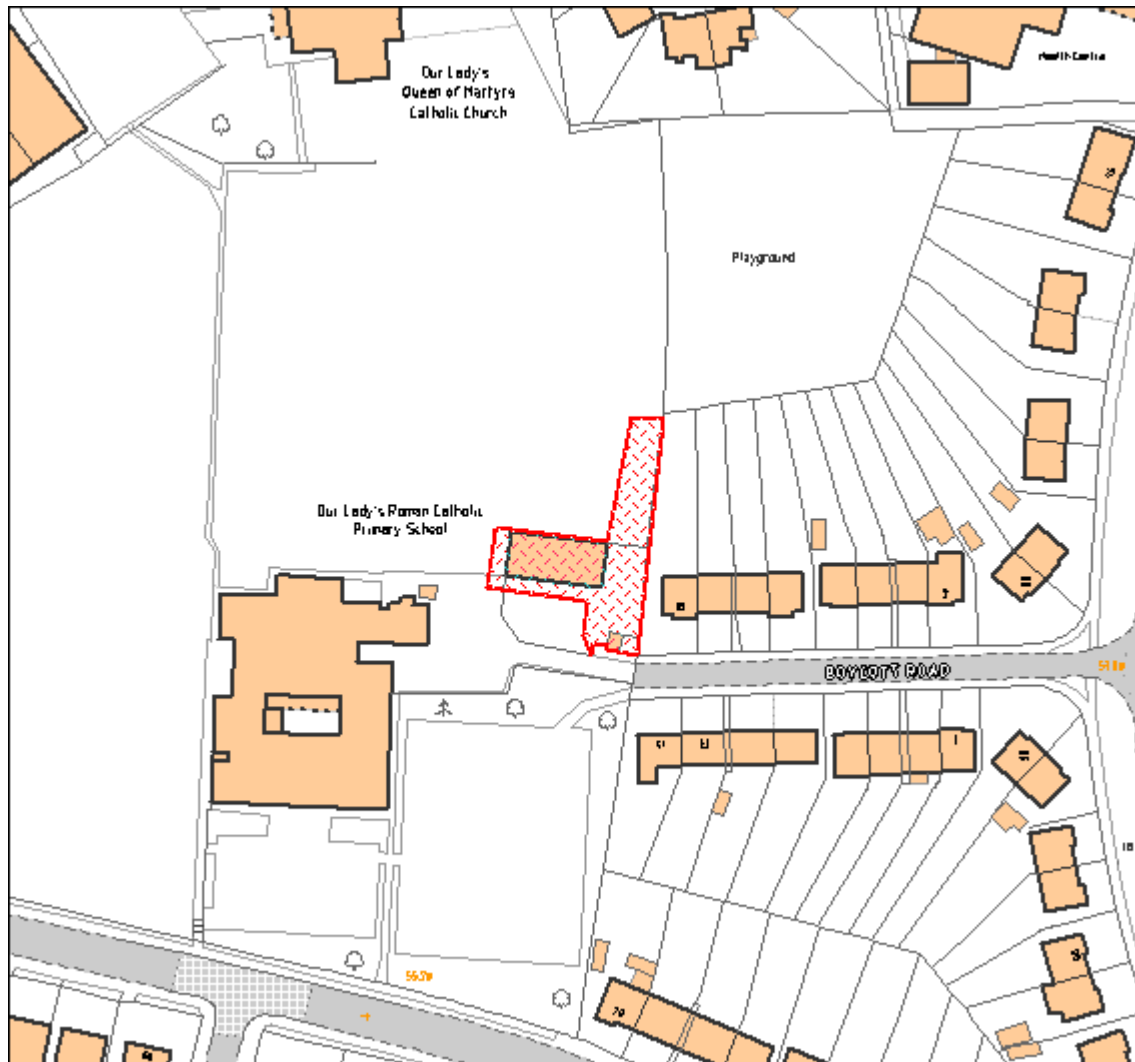
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 132014/CD

SITE ADDRESS : MERRY GO ROUND DAY NURSERY, BOYCOTT ROAD, HEREFORD, HEREFORDSHIRE, HR2 7RN

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