

**5 DCCE2005/3115/F - CHANGE OF USE OF FIRST FLOOR FROM LIVING ACCOMMODATION TO A CHILDRENS NURSERY AND ANCILLARY OPERATIONS. THE WYE NURSERY, 79 ST. MARTINS STREET, HEREFORD, HR2 7RG**

**For: Mr. M. Wrinch, 21 River View Close, Holme Lacy, Hereford**

**Date Received: 27th September, 2005    Ward: St. Martins & Hinton    Grid Ref: 50810, 39257**

**Expiry Date: 22nd November, 2005**

Local Members: Councillors Mrs. W.U. Attfield, A.C.R. Chappell and R. Preece

## **1. Site Description and Proposal**

1.1 This application seeks permission for the change of use of the first floor of 79 St. Martins Street, Hereford from residential use (C3) to a children's nursery (B1) to complement the existing ground floor nursery use. The existing property is a two-storey premise with 'The Wye Nursery' on the ground floor and a first floor flat above providing accommodation for the existing owner, who is also the operator of the nursery. The unit is found in a cul-de-sac adjacent to Victoria Street and the roundabout with the A465 and the A49. The cul-de-sac area is accessed adjacent to the junction between St Martins Street and Victoria Street. The unit is in a semi-detached pair, the attached property to the south being a retail unit. The locality includes residential properties, a vehicle workshop, and a Public House. The proposal also involves the creation of a formal parking area and cycle parking provision.

## **2. Policies**

2.1 Planning Policy Guidance:  
PPG13 - Transport

2.2 Hereford City Local Plan:  
ENV1 - Land liable to flood  
T5 - Car parking - designated areas  
T6 - Car parking - restrictions  
SC4 - Day nurseries

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 - Sustainable development  
S2 - Development requirements  
S6 - Transport  
DR2 - Land use and activity  
DR3 - Movement  
DR4 - Environment  
T7 - Cycling  
T11 - Parking provision  
T12 - Existing parking areas

CF5 - New community facilities

### **3. Planning History**

- 3.1 DCCE2005/2919/F – Change of use of retail shop to Class A5 hot food takeaway (adjacent unit). Refused 2nd November, 2005.

### **4. Consultation Summary**

#### Statutory Consultations

- 4.1 Highways Agency – No objection.

#### Internal Council Advice

- 4.2 Conservation Manager – No objection.

- 4.3 Traffic Manager – Objection on the following grounds:

- The inner row of spaces are intended for staff use, however, they may or may not, be the first in and last out;
- The outer row of spaces do not comply with the standards which require the first row of spaces to be 6m in depth with a 2x2 metres visibility splay at each side. It will also require vehicles to reverse across the footway with limited visibility;
- The parking provision level is below standards;
- The cycle store will be difficult to access.

### **5. Representations**

- 5.1 Hereford City Council – No objection.

- 5.2 Local Residents – No responses received.

- 5.3 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

### **6. Officers Appraisal**

- 6.1 It is considered that the key aspects of this application are:

- Principle of development;
- Highway issues;
- Amenity issues.

#### Principle of Development

- 6.2 The adopted Hereford Local Plan Policy SC4 relates specifically to the provision of day nurseries. This policy states that such proposals will be permitted subject to an assessment of traffic generation and impact upon local amenities. Policy CF5 of the emerging Herefordshire Unitary Development (Revised Deposit Draft) considers the provision of new community facilities but also addresses the improvement/enhancement of such facilities. This policy states that such proposals will be permitted where the scale, amenity impact, and highway issues are acceptable. It is therefore considered that the principle of this development can be accepted.

Highway Issues

- 6.3 The most controversial aspect of this proposal is the highway and parking issue. This is confirmed by the Traffic Manager who maintains an objection against this proposal.
- 6.4 The existing nursery comprises 282 square metres of space on the ground floor. The conversion of the first floor will add a further 246 square metres, representing an increase of 87%. There are currently two informal parking spaces to the front of the unit and it is understood that the current owner/occupier has a parking permit for the parking area found opposite the application site. The existing adopted parking standard for this site, which is based on 1 space per 15 square metres of floor area, would be approximately 19 spaces. The proposed should provide 32 spaces based on this standard. The proposal actual proposes to provide 9 spaces, the number, layout and sizing of which is assessed as inadequate by the Traffic Manager.
- 6.5 In light of the evidence above, the objections of the Traffic Manager are considered reasonable and acceptable. However, in this instance it is considered that further issues require consideration.
- 6.6 The application site lies within the Category II area of Hereford, wherein Policy T6 of the adopted Hereford Local Plan states:

*'Private non-residential parking shall be restricted having regard to the availability of alternative parking provision or modes of transport'*

In this instance the application site lies opposite a modest parking area, adjacent to the public car park associated with the public swimming baths, is in close proximity to the town centre and public transport routes, and falls opposite the ASDA development, which includes a public transport interchange. It is also the case that Policy T11 of the emerging Herefordshire Unitary Development Plan (Revised Deposit Draft) states that parking should be *'restricted as a maximum to that which is justifiably required...'*. Of further consideration is the lack of parking facilities currently on site. It is considered that these are material considerations offering a degree of flexibility in overall parking provision.

- 6.7 Clearly the Hereford Local Plan standards are not physically achievable, and, even if they were, are inappropriate and excessive in this central location. The issue therefore rests on the judgement upon the adequacy of the 5 sub-standard spaces for visitors, and 4 spaces for staff.
- 6.8 In this instance it is considered that, in light of the policy and locational factors outlined in paragraph 6.6 a sound argument exists for a high degree of flexibility in this instance. The central location and availability of public transport and parking are significant factors, as is the fact that the cul-de-sac provides parking and is off the main highway, allowing manoeuvrability without interference with the adjacent main road. The 4 staff spaces are welcomed, particularly having regard to the lack of such provision currently. The 5 drop-off and collection point spaces are substandard in length, however, it is assessed that the characteristics of this cul-de-sac allow for such inadequacies without unacceptable risk. On balance, in this specific instance, it is considered that the parking facilities are acceptable subject to conditions requiring a travel and parking management plan and a restriction of the use of the four rear spaces for staff only.

- 6.9 The cycle parking provision is welcomed and although it is recognised that its accessibility will be restricted, this facility is most likely to be utilised by staff, who are most likely to be the first on site, and the last to leave.

#### Amenity Issues

- 6.10 Having regard to the character and layout of the locality, as well as, the likely operational parameters of this premises, it is considered that the residential amenities of the locality will be preserved.

#### Other Issues

- 6.11 The adjacent premise to this application site, number 81, was recently subject to an application for a change of use from a retail use (A1) to a hot food takeaway (A5). This application was refused over concerns relating to the impact upon the amenities of the locality, as well as, highway issues. In this instance no parking provision is available to serve this unit and the operation of the proposed use significantly different to both the existing A1 retail use and the use proposed in this current application.

#### Conclusion

- 6.12 Whilst there are concerns in relation to the provision of parking, it is considered that the shortfall of spaces would not be significantly harmful to highway safety and when weighed against the benefits of the proposed use, the recommendation is one of approval.

### **RECOMMENDATION**

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

**1. A01 (Time limit for commencement (full permission))**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

**2. A09 (Amended plans)**

**Reason: To ensure the development is carried out in accordance with the amended plans.**

**3. E10 (Use restricted to that specified in application)**

**Reason: To suspend the provisions of the Town and Country Planning (Use Classes) Order currently in force, in order to safeguard the amenities of the locality.**

**4. G01 (Details of boundary treatments)**

**Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.**

**5. H13 (Access, turning area and parking)**

**Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.**

- 6. The four rear parking spaces identified as spaces 2, 4, 6 and 8 on amended plan received 8th November, 2005 are for the use of staff employed on the application site only, and not for use by members of the public or for deliveries, loading or unloading.**

**Reason:**

- 7. A Parking Management and Travel Plan containing measures for the control and management of the parking facilities, and to promote alternative modes of transport for staff and visitors using the approved development, including a schedule for its implementation, shall be submitted to and approved in writing by the local planning authority within 6 months of the date of the commencement of the use hereby approved. A detailed written record should be kept of the measures undertaken shall be made available for inspection by the local planning authority upon reasonable request.**

**Reason: To ensure that a range of sustainable transport initiatives are available to employees and visitors.**

- 8. H29 (Secure cycle parking provision)**

**Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.**

**Informatives:**

- 1. N01 - Access for all**
- 2. N03 - Adjoining property rights**
- 3. HN01 - Mud on highway**
- 4. HN05 - Works within the highway**
- 5. HN10 - No drainage to discharge to highway**
- 6. N15 - Reason(s) for the Grant of PP/LBC/CAC**

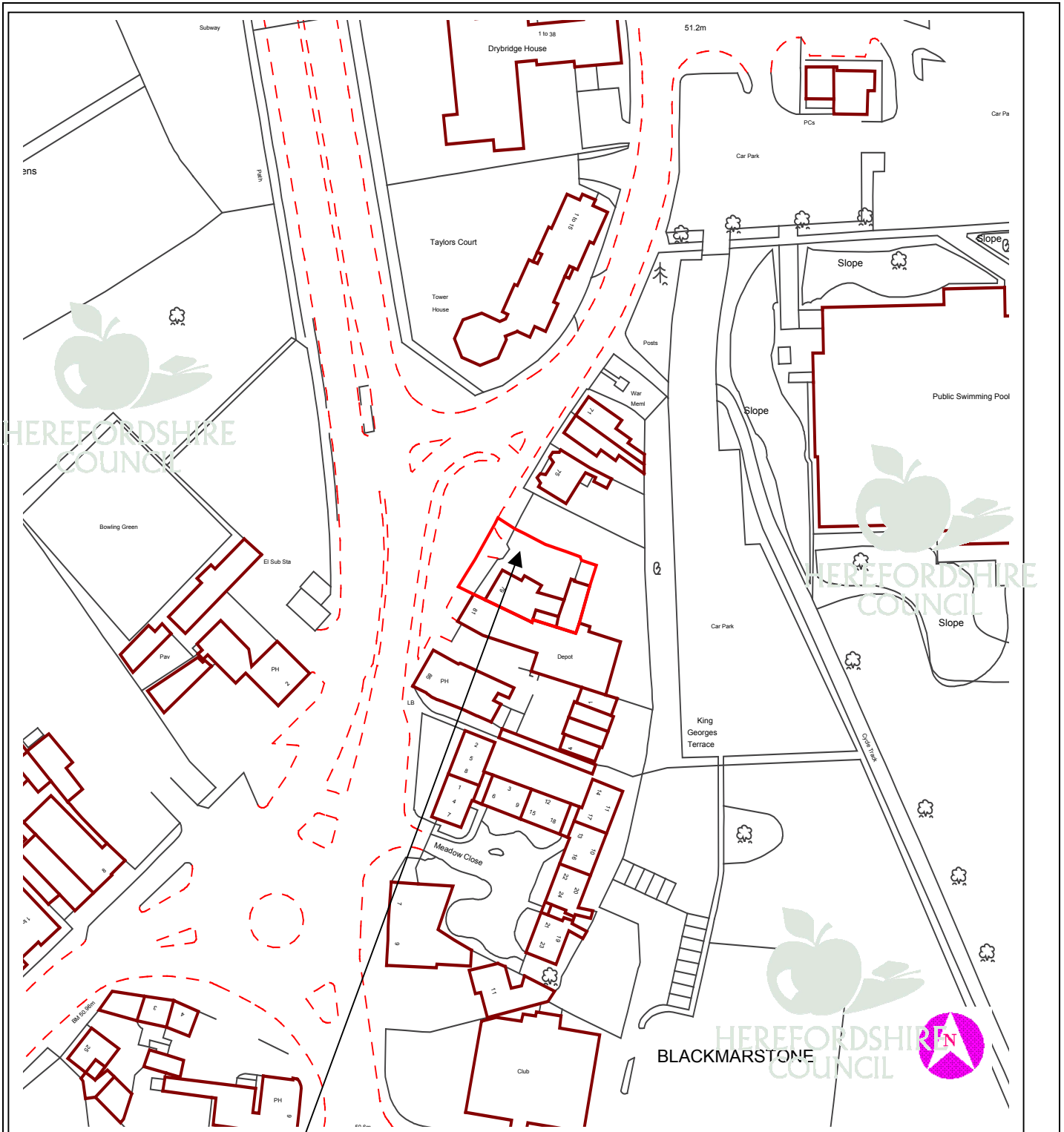
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2005/3115/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** The Wye Nursery, 79 St. Martins Street, Hereford HR2 7RG

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