



## Appeal Decision

Site visit made on 25 September 2018

**by Darren Hendley BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12<sup>th</sup> November 2018**

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**Appeal Ref: APP/F4410/W/18/3201915**

**82 High Street, Dunsville, Doncaster DN7 4BX**

- 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 Secret Garden Day Nursery against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 17/02616/FUL, dated 21 October 2017, was refused by notice dated 28 February 2018.
  - The development proposed is described as the 'erection of a single storey detached playroom to the rear of 82 High Street, Dunsville.'
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Notwithstanding the description of development set out above, which is taken from the planning application form, it is clear from the accompanying details that the development also comprises an increase in children attending the nursery up to 53. Accordingly, I have dealt with the appeal on this basis.
3. The appellant submitted an arboricultural report with the appeal, in response to the Council's concerns over the lack of information relating to the effect on trees. As the Council and interested parties have had the opportunity to comment on this document during the appeal, I have considered it in my decision.
4. The revised National Planning Policy Framework (2018) (Framework) has been published during the course of the appeal, which I have also had regard to. In the interests of fairness, the appellant and the Council were also given the opportunity to comment on this matter.

### Main Issues

5. The main issues are the effect of the proposal on (i) highway safety, in relation to the car parking provision and the free flow of traffic; and (ii) the living conditions of the occupiers of the neighbouring properties, by way of noise and disturbance in relation to car parking.

## Reasons

### *Highway Safety*

6. The appeal property comprises a building which is used as a children's day nursery. The nursery is used by up to 30 children. An area of loose stone to the front of the building is used for car parking. This area is not marked out, but is of a size that can accommodate 5 vehicles. The access from the car parking area onto High Street partly contains a dropped kerb. Parking along this road, which is also the A18, is generally unrestricted and the road operates at a 40mph speed limit. A small car park is found a short distance from the site, and a number of shops in this predominantly residential area also contain forecourt parking.
7. The proposal would increase the number of children the nursery would accommodate up to 53 and there would be an expected 3 additional full time members of staff. No additional off street car parking provision would be provided and with the layout of the site, it would not be obviously practical to provide any further spaces.
8. The appellant's transport note states that, with the increased number of children and staff that would be expected to travel by private car, there would be an additional 32 daily two-way vehicle trip movements. This would markedly increase the pressure there is on the limited car parking provision on the site. Whilst I note that the appellant considers the trips would be staggered to reduce the associated impacts, there would not be an effective way in which this could be reasonably controlled through a planning permission given that it relies largely on the travel movements of those who are dropping off and picking up the children. When the associated trips are considered with typical work patterns, it would also be likely that a significant proportion of these trips would occur around the same time and during the peak hours on the local highway network.
9. The confines of the parking area would also result in limitations on turning and manoeuvring in order to leave the site in a forward gear, especially with the lack of a dropped kerb to properly access much of the parking area. When these factors are combined with the additional pressures for car parking resulting from the proposal, there would be a likely increase in the number of cars parked along High Street. This is a busy 'A' road with vehicles travelling at speed and, in my view, cannot be reasonably considered to be lightly trafficked. Hence, the increase in associated car parking along the road would be likely to compromise the free flow of traffic. This situation would be of significant detriment to highway safety.
10. In relation to the potential use of the small car park, this would not offer the same level of convenience especially with having to escort young children and, moreover, as I observed during my site visit, this is well used and at times few spaces were available. The location of the site in a settlement to allow trips other than by the car is already accounted for in the generation figures presented in the transport note and so this does not further reduce the projected vehicle journeys. Accordingly, this would not address my concerns.
11. The appellant has referred me to the parking arrangements of other commercial uses in the vicinity of the site, although as these are different types of uses, their parking requirements are unlikely to be similar to the proposal,

based on the evidence before me. Whilst I have also been referred to the parking requirements for a children's nursery elsewhere, my considerations are based on the effect on highway safety which concerns the proposal before me and the particular site circumstances. The level of local objection is also not decisive as I have based my deliberations on the relevant planning considerations. None of these matters alter my conclusion.

12. Hence, I share similar concerns to that of the Council's Highway Officer. These do not arise from the existing nursery, but from the proposed increase in places that is proposed and the resultant effect on highway safety. Similarly, whilst the appellant's submissions state that there have been no traffic incidents, this would not account for the potential for the highway safety issues to arise from the proposal. The Framework now states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, and this is also not reliant on residual cumulative impacts. The proposal is such a situation where this should apply.
13. I conclude that the proposal would have an unacceptable effect on highway safety, in relation to the car parking provision and the free flow of traffic. As such, it would not comply with Policy CS14 of the Doncaster Metropolitan Borough Council Core Strategy 2011-2028 (2012) (CS) where it concerns the quality, stability, safety and security of private property, public areas and the highway.

#### *Living Conditions*

14. On either side of the appeal site are residential properties. The existing car parking area lies adjacent to the boundaries with the front areas of these properties, which are defined by fence and wall arrangements. The associated dwellings lie a short distance back from the boundaries, with the dwelling at No 80 sited slightly further away due to the location of its driveway.
15. As a result of the increase in the number of places and the associated traffic generation, there would also be a likely increase in the noise and disturbance associated with children being dropped off and picked up. This would arise from the nature of cars stopping and starting, as well as from the parents and guardians, and the children themselves. With the proximity of these activities to the neighbouring properties, the associated level of noise and disturbance has the potential to be significant whether they would be concentrated at certain times or prolonged over a staggered period. Due to the likely increase in the number of cars parked along High Street, this noise and disturbance would not be restricted to only the off-street car parking area, but potentially also extending in front of the neighbouring properties. This would be both undesirable and unsatisfactory as regards the effects on their living conditions.
16. I conclude that the proposal would have an unacceptable effect on the living conditions of the occupiers of the neighbouring properties by way of noise and disturbance in relation to car parking. The proposal would not, therefore, comply with Policy CS14 of CS and 'Saved' Policy PH12 of the Doncaster Unitary Development Plan (1998) (UDP) where they state that new development should also have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment, and that the extension of non-residential uses of appropriate scale will be permitted provided the use would not cause unacceptable loss of residential amenity through, amongst other matters, excessive traffic and noise.

## **Other Matters**

17. Based on the submitted arboricultural report, the Council have withdrawn their concerns over the effect on trees and I see no reason to disagree given that the trees that would be removed are of a limited amenity value and that the cedar, which is an attractive specimen, would remain. As a consequence, the effect on the trees on the site would be acceptable and the proposal would comply with 'Saved' Policies ENV21 and ENV59 of the UDP, and Policy CS16 of the CS.
18. The proposal would accord with Central Government childcare objectives to increase nursery space provision, and the need for extra places is also driven by the proposed housing growth in the area and the limitations in the existing provision, which the appellant has drawn my attention to. I also acknowledge that the popularity of the nursery has created further demand. However, the support for such provision is not unqualified through the planning system and the harmful effects that would arise in respect of highway safety and living conditions would be significant, and so they would not be outweighed by the provision of extra nursery places.
19. Concerning the proposed detached playroom itself, this would be low in height, simple in its design and it would be discretely sited to the rear of the main nursery building. It would not be unacceptable in character and appearance terms. This carries neutral weight.
20. Interested parties have raised a number of other concerns. However, as I am dismissing the appeal on other grounds, such matters do not alter my overall conclusion and have, therefore, not had a significant bearing on my decision.

## **Conclusion**

21. For the reasons set out above, and having regard to all matters that have been raised, the appeal should be dismissed.

*Darren Hendley*

INSPECTOR