

Planning Statement

Site: Cooks Garage, Forge Lane, HA6 1BA

Proposal: Discharge of condition 10 of planning permission reference: 62125/APP/2018/3118.

Condition 10 states:

“Prior to the commencement of the use of the premises a traffic management scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall provide details in relation measures to ensure the safety of children, access (vehicular and pedestrian) and the parking provision for the nursery, including details of the measures to enforce staggered drop off and pick up times to ensure the avoidance of queuing or the necessity to pick up or drop off in the road. Upon the first use of the building for the D1 use hereby approved, the approved scheme shall be implemented and maintained in full compliance with the approved measures.

This Planning Statement needs to be considered alongside the applicants Traffic Management Plan.

1.0 Important Planning History Considerations

Discharge of condition 10 of planning permission reference: 62125/APP/2018/3118 was refused 4th September 2020. The reason for refusal was as follows:

“The applicant has failed to submit suitable mitigation measures through the Traffic Management Scheme that details safe and efficient vehicular and pedestrian access and parking provision for the nursery including details of the measures to enforce staggered drop off and pick up times to ensure the avoidance of queuing or the necessity to pick up or drop off in the public highway. The proposed Traffic Management Scheme fails to comply with the requirements of Policies DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).”

Planning permission was approved 11th June 2019 (planning ref: 62125/APP/2018/3118) for: *“Single storey front extension, creation of first floor level and change of use from storage/distribution (Use Class B8) to day care facility (Use Class D1).”*

The councils delegated report for approved proposal stated the following, inter alia:

“The proposal involves the provision of a day nursery (D1 use class) with an on-site parking provision of 3 spaces for staff but none for patrons of the nursery.

The nursery opening times would be 7.45am - 8.30pm Monday-Friday and it would cater for 16 pre-school children and up to 9 babies which would require 8 staff on duty at any one time. There are no prescriptive local or regional parking standards that can be applied to D1 nursery

uses therefore each case is assessed on its own merits in tandem with a transport assessment or statement (TS) and travel plan (TP).

Within the submitted TS and TP it is highlighted that both parents and staff will be incentivised to travel by sustainable non-car modes via various mechanisms of practical encouragement such as:

- Recruitment of staff from the local community.*
- Flexible work shift patterns.*
- Car sharing by parents and staff.*
- 'Walk to nursery' promotions.*
- Discounted fees to parents who reside within the local catchment and who use sustainable travel modes.*

Given the absence of any notable on-site child drop off and pick up facility, the above measures would assist in lessening parking burden on the local road network i.e. Hallowell Road (and other surrounding roads) which, in reality, may bear the brunt of parking by attending/departing parents.

To placate impacts on the local road network it is normally recommended that nurseries should stagger their patrons times of arrival and departure in order to spread out the parking related impacts on the neighbouring residential highway network. In this case, predominantly Hallowell Road and other neighbouring roads.

This has not been suggested by the applicant, however statistically it is very unlikely that all parents of 16 pre-school children and 9 babies (which may be siblings of the former thereby reducing vehicle numbers) would specifically arrive at the opening/closing times of 7.45am/6.30pm respectively or at any other single time slot which would give rise to a 'worst case scenario' of 25 vehicles attending the site at any one time giving rise to peak parking imposition on Hallowell and other neighbouring roads. This would be due to a number of factors/influences such as the parent's premeditated decision to drive in the first instance and many extraneous factors such as congestion, drivers tolerance to traffic delays/congestion, linked trips, inclement/adverse weather conditions, sustainable modal shift etc. Such parameters will also change dynamically from day to day which favours a variance in arrivals and departures from nursery uses such as this and therefore has the potential to minimise cumulative parking impacts to the benefit of local residents.

The applicant has applied a comparable use database in their analysis of vehicle travel to and from the site and concludes that approximately 50% of parents (of the 25 children (16 pre-school + 9 babies)) would arrive or leave the site by car at any one time. This is considered a fair assumption based on the reasoning depicted above.

Weekday parking stress surveys during morning and afternoon/evening periods undertaken by the applicant indicate that stress is high in Hallowell Road both at peak am & pm periods and declines in some surrounding other roads further from the site. However, in general parking stresses are high in the locality due to existing residential demand.

Notwithstanding this point, even when assuming up to 50% of parents would, in the unlikely event, arrive or depart from the site area at the same time i.e. 12-13 cars, it is considered that local road network would cope with the relatively 'short term' duration of parking imposition.

However in order to safeguard this assumption it is recommended that a planning condition be imposed to ensure that child 'drop-off and pick up' times are staggered by a 15-30 minute time window by at least 50% of the parents to help ensure minimal traffic impact on the locality.

Within the above context, the general absence of on-site parking for parental 'drop offs & pick ups' is considered acceptable.

In terms of staff parking, only 3 on-site spaces are proposed for the 8 attending employees. However, it is considered that work shift patterns, car sharing, staff sourcing from the local community together with a robust travel plan (to be secured by planning condition) would minimise potential parking displacement onto the local highway network. On this premise the level of on-site parking is considered acceptable.

2.0 What the planning condition requires.

The planning condition specifically requires the following only (and nothing more):

A traffic management scheme which provides details in relation to; measures to ensure the safety of children, access (vehicular and pedestrian) and the parking provision for the nursery. The details required by the condition also include measures to enforce staggered drop off and pick up times.

3.0 Planning Assessment

It is important to note that planning permission has been granted by the council for the nursery use and this permission cannot now not be respected. Planning conditions attached to the permission need to meet the six tests as stated in the NPPF, which include reasonableness. A condition would not be considered reasonable if it could not be met – the applicant is concerned that the council are now imposing requirements which would make the condition unreasonable and therefore ultra vires.

The previous application to discharge condition 10 states the: *“applicant failed to submit suitable mitigation measures that details safe and efficient vehicular and pedestrian access and parking provision for the nursery including details of the measures to enforce staggered drop off and pick up times to ensure the avoidance of queuing or the necessity to pick up or drop off in the public highway.”*

The applicant will refer to the comments made in the officers refusal report and then relate this to what was said in the officers report to approve the proposal and then offer solutions which meet the requirements of the planning condition.

There are highway concerns that staff and visitor vehicles would be displaced on-street leading to parking stress. These concerns were not raised when granting planning permission for the nursery use and once planning permission is granted for a use, formal objections by the council cannot then be lawfully raised through a discharge of condition application. Such behaviour is unlawful and unreasonable.

There are also concerns regarding the quantum of car parking spaces to be provided for drop off/pick up and how this will be managed. These concerns were not raised when granting planning permission for the nursery use and once planning permission is granted for a use, formal objections by the council cannot then be lawfully raised through a discharge of condition application. Such behaviour is unlawful and unreasonable.

The Traffic Management Plan would require all staff members to arrive to the nursery on foot, cycling or by using public transport'. The officers report states: *"Whilst this is a laudable commitment the Traffic Management Plan fails to present the measures that would be delivered to make walking, cycling or public transport so attractive and convenient that it becomes the first mode of choice for the 8no. members of staff. Nor does it explain how measures would be delivered to stop staff from driving to work, or in the event that they do what action would then be taken."*

Applicants Commitments

To address this issue the applicant will require all staff to not use their car when they travel to work. This will be a contractual obligation.

All staff will also receive a 'Welcome Pack' to promote sustainable travel by suitable means such as public transport, walking and cycling. Implementation, monitoring and management of the TP would be undertaken by an appointed travel plan co-ordinator (TPC) who would work in partnership with Hillingdon and stakeholders namely attending parents – this will be the nursery manager.

Highways DC consider the following fundamentally flawed: *"The Traffic Management Plan would manage drop off/pick up demand through the operation of a 'window booking system' for parents/carers. Over the period 07:30 to 09:00 hours there would be 6no. 15-minute windows, each parent/carer would be allocated one of these windows within which they must drop off/pick up their child. By spreading vehicular arrivals and departures in the morning and afternoon the Traffic Management Plan would spread demand for the 3no. on-site and 1no. overspill parking spaces, there would be no spikes in demand and hence no pick up/drop off activity being displaced on-street."* This approach was considered fundamentally flawed because: *"For the Traffic Management Plan to work smoothly, every parent/carer must strictly adhere to their allotted drop off/pick up time. This is considered highly unlikely in practice. Some parents/carers will inevitably arrive either late or early whether for personal reasons or because of delays caused by traffic congestion, road works, and road traffic accidents conversely some journeys will be quicker than expected. Situations will then occur whereby demand for the 3no. on-site car parking spaces and 1 no. overspill will exceed supply resulting in either vehicles queuing along Forge Lane waiting for a space to become available, dropping*

off or picking up on-street on Holloway Lane or 'driving around the block' until one of parking spaces becomes available."

This potential issue was explored by Highways DC when they supported the nursery proposal granted planning permission. The officers report stated: *"Notwithstanding this point, even when assuming up to 50% of parents would, in the unlikely event, arrive or depart from the site area at the same time i.e. 12-13 cars, it is considered that local road network would cope with the relatively 'short term' duration of parking imposition. However in order to safeguard this assumption it is recommended that a planning condition be imposed to ensure that child 'drop-off and pick up' times are staggered by a 15-30 minute time window by at least 50% of the parents to help ensure minimal traffic impact on the locality."*

The approach criticised by Highways DC is wholly unreasonable because the planning condition requires *"staggered drop off and pick up times"* and when granting planning permission it was accepted that staggered drop offs could not be 100% enforced but if 50% of parents complied then this would be considered acceptable

Therefore, the council when granting planning permission supported the approach now being criticised through the previous discharge application. The council cannot now reasonably object to the proposed staggered drop off and pick up strategy because this approach was agreed as part of the planning permission justification and is a specific requirement of the planning condition. However, this proposal seeks to strengthen enforceability of pick up and drop off allocated slots for parents.

Applicants Commitments

Therefore, in line with the planning condition requirement, the applicant again proposes the pick-up and drop off strategy as stated in the Traffic Management Plan but with additional enforceable powers.

A 15-minute slot will be allocated for each parent to drop-off/pick-up - Drop-off begins at 7.30 am until 9am. Pick-up starts at 4pm until 6pm.

A traffic management log will be used on site to record parent pick-up and drop-off at the site. The arrival slot and child collection times will be allocated to each parent on a first come first served booking system. Vehicle registration will be logged for monitoring purposes and wider safeguarding.

Parents will still be expected to book a space in a drop off and pick up window and arrive promptly. If parents are likely to miss their allocated slot, then they will be required to advise the nursery and rearrange drop off or pick up times.

Parents will be advised that their contractual duties include complying with the stated drop off and pick up procedures. And failure to comply can result in financial penalties (£50 per repeat non-compliance) and in cases of repeated offences then cancellation of nursery contract with the offending parent(s).

The ongoing monitoring of the plan will be undertaken by the nursery manager.

A traffic management log will be implemented and the operation of the Transport Management Plan (TMP) including demand for parking from parents and compliance with the arrangements of the TMP will be reviewed on a regular basis including compliance to the pick-up drop off windows.

Any near misses or other serious road safety or parking concerns will be recorded and inform the review of the TMP and its associated operational practices.

The following safety measures will also be implemented:

- 5mph speed limit observed (Signage Required)
- Introduction of convex safety mirror to aid visibility
- Member of staff present on Forge Lane at all times (Road Safety Training Required)
- All staff provided a copy of the Traffic Management Plan and advised of pick-up drop-off process as part of induction training
- All parents provided a copy of the Traffic Management Plan as part of nursery welcome pack