

## **ITEM**

<b>Application Reference</b>	<b>DC/071714</b>
<b>Location:</b>	15 Mellor Road Cheadle Hulme Cheadle SK8 5AT
<b>PROPOSAL:</b>	Change of use from mixed retail and residential (Use Class A1 and C3) to a day nursery (Use Class D1) along with other associated works.
<b>Type Of Application:</b>	Full Application
<b>Registration Date:</b>	04.12.2018
<b>Expiry Date:</b>	20190129
<b>Case Officer:</b>	Jane Chase
<b>Applicant:</b>	Abacus Play Limited t/a Tiny Toes Children's Day Nursery
<b>Agent:</b>	Euan Kellie Property Solutions

## **DELEGATION/COMMITTEE STATUS**

Should the Area Committee be minded to grant permission under the Delegation Agreement the application should be referred to the Planning & Highways Regulations Committee as the grant of permission would be contrary to the Local Development Framework (UDP Review policy PSD2.3 "Use of Upper Floors in Shopping Centres").

## **DESCRIPTION OF DEVELOPMENT**

This application seeks full planning permission for the change of use of this vacant building from retail (A1) on the ground floor and residential (C3) at first floor to a D1 day nursery along with other associated works.

The application advises that Tiny Toes Children's Day Nursery has been operating successfully at the neighbouring property 17-19 Mellor Road, since 1998 and currently accommodates 117 pupils. Planning permission was secured in 2017 to convert 21 Mellor Road to a day nursery as an extension to that existing at 17-19 Mellor Road bringing the total number of places to 147. Due to continued local demand and the need to expand their operation, the nursery has acquired 15 Mellor Road and is seeking approval to change the use of the property to a nursery as an extension to that existing. If planning permission is granted then this will provide Tiny Toes with capacity for 40 additional children, therefore taking the total number to 187.

In relation to 15 Mellor Road, the existing shopfront is to be replaced and the new entrance to the front elevation will be used only as an emergency egress point. A new access point will be created in the side elevation to allow the building to be accessed within the site from the existing nursery at 17-19 Mellor Road. All children

arriving at the nursery will gain access through the main reception area in the existing building at 17-19 Mellor Road. The hedge to the front of the site which runs parallel to the road will be retained and the existing timber gate to this boundary will be replaced with a 1.8m timber gate/fence to provide emergency egress only. The hedge that forms the southern side boundary would be removed so that there is one large external space between the application property and the existing nursery at 17-19 Mellor Road. Internally, the building would be converted to provide storage at basement level and in roof together with 2 classrooms at ground floor level and 1 at first floor level.

In terms of operating hours, the classes in the existing nursery at 17-21 Mellor Road currently operate between 7.30am and 6.30pm. This planning application for 15 Mellor Road however seeks approval the hours of 7am until 6.30pm, Monday to Friday. The applicant advises that this is largely to fit with local train times and make it easier for commuting parents to drop children off and make the train. It will also have the added benefit of further spreading arrivals at the nursery to lessen any pressure on the surrounding highway network. It is advised that separate applications will be made in due course to vary the operating hours as defined by planning permissions DC/065614 and J56790 relating to the use of the existing nursery at 17-21 Mellor Road.

At present the nursery employs 30 no. people – a mix of 24 no. full-time and 6 no. part-time. Converting 15 Mellor Road will lead to 4 no. extra full-time staff (1 no. staff for every 10 children).

The application is supported by a Planning Statement and a Transport Statement.

## **SITE AND SURROUNDINGS**

The application site is located within Cheadle Hulme District Centre however is not within a designated frontage. The site comprises a vacant 2 storey detached property on the east side of Mellor Road with A1 retail floorspace on the ground floor and a flat above. To the front the property benefits from a hard surfaced forecourt. The property is enclosed to the southern boundary by a high conifer hedge which wraps around the side and rear of the building. The former rear garden to the property is now incorporated into the adjacent day nursery.

To the north of the site on Mellor Road is a former 3 storey office building which is currently undergoing extension and conversion to residential. To the south is Tiny Toes Day Nursery and opposite is a public car park adjacent to which are commercial and community uses. To the rear of the site is the railway line beyond which are commercial uses on Station Road.

## **POLICY BACKGROUND**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (“PCPA 2004”) requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

**The Development Plan includes-**

- Policies set out in the Stockport Unitary Development Plan Review adopted 31<sup>st</sup> May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; &
- Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document adopted 17<sup>th</sup> March 2011.

### **Saved policies of the SUDP Review**

CTF1.1 Development of Community Services and Facilities  
 HP1.3 Avoidance of Loss of Dwellings  
 PSD2.3 Use of Upper Floors in Shopping Centres  
 PSD2.5 Other Development in District Shopping Centres  
 CDH1.6 Day Care Nurseries

### **LDF Core Strategy/Development Management policies**

CS6 Safeguarding and Strengthening the Service Centre Hierarchy  
 AS-1 The Vitality and Viability of Stockport's Service Centres  
 AS-2 Improving Indoor Sports, Community and Education Facilities and Their Accessibility  
 CS7 Accommodating Economic Development  
 AED-6 Employment Sites Outside Protected Employment Areas  
 CS8 Safeguarding & Improving the Environment  
 SIE-1 Quality Places  
 SIE-2 Provision of Recreation and Amenity Open Space in New Developments  
 SIE-3 Protecting, Safeguarding & Enhancing the Environment  
 CS9 Transport & Development  
 T-1 Transport & Development  
 T-2 Parking in Developments  
 T-3 Safety & Capacity on the Highway Network

### **Supplementary Planning Guidance**

Supplementary Planning Guidance does not form part of the Statutory Development Plan; nevertheless, it does provide non-statutory Council approved guidance that is a material consideration when determining planning applications.

Day Care Nurseries SPG

### **National Planning Policy Framework**

The National Planning Policy Framework (NPPF) initially published on 27<sup>th</sup> March 2012, subsequently revised and published on 24<sup>th</sup> July 2018 by the Ministry of Housing, Communities and Local Government sets out the government's planning policies for England and how these are expected to be applied. The revised National Planning Policy Framework will be a vital tool in ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment.

N.B. In respect of decision-taking the revised NPPF constitutes a “material consideration”.

Para.1 *“The National Planning Policy Framework sets out the Government’s planning policies for England and how these should be applied”.*

Para.2 *“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise”.*

Para.7 *“The purpose of the planning system is to contribute to the achievement of sustainable development”.*

Para.8 *“Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

- a) an economic objective*
- b) a social objective*
- c) an environmental objective”*

Para.11 *“Plans and decisions should apply a presumption in favour of sustainable development.*

*For decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.*

Para.12 *“.....Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.*

Para.38 *“Local planning authorities should approach decisions on proposed development in a positive and creative way..... Decision-makers at every level should seek to approve applications for sustainable development where possible”.*

Para.47 *“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing”.*

Para.59 *“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.”*

Para.80 *“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”*

Para. 85 *“Planning policies and decisions should support the role that town centres play at the heart of local communities by taking a positive approach to their growth, management and adaptations.”*

Para.124 *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.*

Para.130 *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development”.*

Para.153 states *“In determining planning applications, local planning authorities should expect new development to:*

*a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*

*b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption”.*

Para.213 *“existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”.*

## **RELEVANT PLANNING HISTORY**

J56790 – 17-19 Mellor Road – Change of use from licensed club to children's day nursery – Approved 1993

J74731 - 15 Mellor Road Cheadle Hulme - Change of use from B1 office to A3 Café – Approved 2000

DC/045281 - 15 Mellor Road, Cheadle Hulme - Change of use to a restaurant and hot food takeaway – Approved 2010

DC/065614 – 21 Mellor Road - Change of use from offices (Use Class B1) to nursery (Use Class D1) along with other associated works – Approved 2018

## **NEIGHBOUR'S VIEWS**

The owner/occupiers of neighbouring properties have been notified by letter. To date no representations have been received.

## **CONSULTEE RESPONSES**

Highway Engineer - The proposal is effectively an extension to the existing nursery at 17-21 Mellor Rd. It is proposed that the development will provide facilities for up to 40 additional children.

The site lies within the district centre and is well served by public transport. Short term on street parking is available on Mellor Rd and there is a pay and display car park opposite the development site.

Cycle storage and buggy storage is already provided within the current nursery.

It is stated within documents supporting the application that no staff currently cycle to work. A staff travel plan should therefore be implemented to encourage increased use of sustainable modes of transport by both new and existing staff.

The proposed future change in operational hours would be likely to spread what is the morning peak period in respect of traffic to/from the site and fit better with carers who wish to drop off children and subsequently continue their journey by train.

A parking survey was undertaken as part of the supporting information. This demonstrates that there is spare capacity in both on street short term parking and within the adjacent pay and display car park. At what are peak periods in respect of the nursery users, adequate space currently exists to accommodate the additional vehicles resulting from the additional children/staff with the new development.

Early Years And Childcare Project Manager – I would like to ask that you agree to this application. The nursery has a good Ofsted grade and continues to have high numbers of funded children. There are high numbers of working parents in the area who need childcare and the expansion will improve their opportunity to finding something appropriate

## **ANALYSIS**

### **Principle of Development**

The existing property comprises retail on the ground floor with a residential flat above and the change of use to a day nursery would clearly result in the loss of this floorspace.

In relation to the loss of the existing floorspace, UDP Review policy PSD2.5 confirms that the Council will permit proposals for other commercial, leisure and community uses which are appropriate in scale and character, in or immediately adjoining the District Centre. Proposals should actively maintain or enhance the vitality and viability of the District Centre. Adequate account must be taken of traffic generation, highway capacity, road safety, car parking and servicing, design and environmental matters.

The supporting text to this policy advises that District Centres perform a valuable role not just in a retail sense but also as a community focus for commercial, leisure and community uses. Without their wide range of outlets for many other activities the general public would not be as well served. The District Centres are accessible by foot and public transport and therefore have an important role to perform in minimising journey distances by car. The Council will encourage the development for commercial, leisure and community uses which are appropriate in scale and character within or immediately adjoining District Centres.

Applying this policy position to the proposed development, it is noted that that there is no objection to the loss of the existing uses provided that the proposed development is appropriate in scale and character and maintains or enhances the vitality and viability of the Centre. The application property is relatively small in size and whilst its change of use will expand the existing day nursery further, it is not considered that this will be out of keeping with the predominantly commercial character of the locality. The expansion of this nursery in a sustainable location will excellent links to public transport and other facilities is to be encouraged and will enhance the vitality and viability of the Centre. It is therefore considered that the proposal complies with policy PSD2.5 of the UDP Review.

Policy HP1.3 states that in determining planning applications which would result in the loss of existing dwellings the Council will have regard to the balance of the following factors:-

- The restricted housing supply in Stockport.
- Whether the redevelopment is some form of community facility.
- Whether the development is small scale and is a source of employment or service for the local residential community.
- The extent to which the existing dwellings suffer from adverse environmental conditions and
- Whether the loss of the dwellings would be justified to facilitate regeneration or the environmental improvement of an area.

In response to this policy position it is accepted that the Council is in a position of housing undersupply and as such, the loss of the existing first floor flat is regrettable. This loss is however restricted to only one dwelling and when weighed against the benefits arising from the proposed development is not considered unacceptable. The development proposes the expansion of a community facility, is of a small scale and will be a source of employment and service for the local residential community. It is noted that although being located within a District Centre where background noise levels are generally higher than those in wholly residential areas, the existing flat does not particularly suffer from adverse environmental conditions however its conversion will bring about the re-use of this vacant building which will in turn facilitate the regeneration or improvement of the area. Having regard to these factors and noting that the proposed development would enhance the vitality and viability of the District Centre, it is not considered that the proposal is in conflict with policy HP1.3.

Policy PSD2.3 confirms that the change of use of upper floors in shopping centres will be permitted provided that:-

- The scale of the proposal would not lead to parking problems
- Residential amenities would not be adversely affected
- There would not be a net loss of residential accommodation and
- Separate access can be provided.

In response to this policy position, the comments of the Highway Engineer are noted. Having regard to the proximity of the site to the railway station and bus routes on Station Road together with the parking available in the District Centre, it is not considered that the demand for additional parking would give rise to an adverse impact.

The adjacent office building immediately to the north of the site is currently undergoing extension and conversion to residential. The application property is however detached from this building and the external areas/access into the nursery would be on the opposite side of the building to this newly formed residential accommodation. On this basis and subject to the imposition of a condition to ensure the hours of operation being conditioned, it is not considered that there will be a loss of residential amenity.

The proposed development will result in the loss of a self contained flat and as such is contrary in part to policy PSD2.3. Noting however that this loss is restricted to one dwelling only and that the proposed development will make a contribution to employment and will enhance the vitality and viability of the District Centre through the enhanced offer, it is not considered that a refusal based on the loss of the existing dwelling could be justified. As the application proposes the conversion of the entire building there is no requirement for separate access to be maintained to the first floor.

If Members are inclined to agree with this position, the application will however have to be referred to the Planning & Highways Committee on account of the conflict with policy PSD2.3.

In relation to the proposed nursery floorspace, UDP Review policy CTF1.1 confirms that proposals for the provision of additional community facilities will be



permitted provided that they are well located to serve the relevant population by public transport, achieve satisfactory access, parking and landscaping; cause no harm to residential amenity, no harm to the vitality and viability of existing Centres or to the openness of Green Belt and cause no loss of open space. The proposed development is considered to fully comply with this policy position.

UDP Review policy CDH1.6 confirms that day care nurseries will be permitted subject to compliance with parking standards, provision of drop off facilities, is of an appropriate scale to be accommodated within a residential area, is in sufficiently spacious grounds, operates 8am to 6pm on weekdays only, is in a detached property and is landscaped.

In response to this policy position it is noted that 2 parking spaces are proposed on the existing hardstanding to the front of 15 Mellor Road. Other than these 2 spaces, no dedicated drop off area is proposed nor given the constraints of the site is it possible to provide. As such any demand in this respect arising from the conversion of 15 Mellor Road will have to be met on street.

The site is not within a residential area, however for the reasons set out previously it is not considered that the change of use will result in a loss of residential amenity. In respect of the hours of operation proposed, these are considered to be appropriate having regard to the location of the site within a District Centre. Indeed the Council's SPG in relation to nurseries confirms that outside of predominantly residential areas a more flexible attitude to opening hours will be adopted. This approach will allow the Council to support the provision of childcare for those workers who do not work regular office hours (e.g. outside 9am -5pm, weekdays) and need childcare provision to cover shift work and nightshifts etc.

The SPG advises that 7 sq.m of space should be provided for every 2 child places proposed; as such for the 40 spaces proposed there should be 140m<sup>2</sup> of external play space provided in addition to that existing. Within the application site as edged red circa only circa 30m<sup>2</sup> of additional play space as an extension to that existing at 17/19 Mellor Road is proposed. This clearly falls short of the advice contained within the SPG. Members are however reminded that this application seeks an extension to an existing nursery rather than a new standalone facility and as such children will have access to the existing play areas within the wider nursery. Given the location of the site within the District Centre it is also accepted that there is not the same opportunity for provision of external play space as may be the case in less dense residential locations.

Noting the support for the proposed development from the Early Years and Childcare Project Manager, it is considered that the proposal is acceptable having regard to the provisions of policy CDH1.6.

Core Strategy policy AS-1 confirms that outside designated frontages community uses will be permitted in the District Centre. Policy AS-2 seeks to secure a comprehensive network of childcare provision that is well located to serve the relevant population. The provision of additional nursery floorspace complies with this policy position.

Finally it should be noted that the NPPF places great emphasis upon the need to help businesses to invest and grow confirming that significant weight should be placed on the need to support economic growth and productivity. Furthermore, planning decisions should support the role that town centres play at the heart of local communities by taking a positive approach to their growth, management and adaptations. Whilst the proposal results in the small loss of retail floorspace and a first floor flat, the development sought complies with this policy position set out in the NPPF.

#### Impact on Residential Amenity

The nearest residential occupiers will be those immediately adjacent in the converted office building, this building is however detached from the application property and the majority of activity will take place away from the boundary with this neighbouring site. The hours of operation sought whilst longer than those permitted in relation to the existing nursery are not unacceptable given the location of the site within a District Centre. Subject to the imposition of a condition to control the hours of operation, it is not considered that a loss of residential amenity will arise.

#### Parking and Highway Safety

The application is supported by a Transport Statement which notes that parking in the locality is controlled mainly by single yellow lines which permit on street parking before 8am and after 6.30pm as well as the dropping off of passengers between these hours. Parking bays are present outside the application site which allow short-stay parking for one-hour (no return in two hours) Monday to Saturday between 8am and 6.30pm. Opposite the site is a pay and display public car with 64 spaces, including 58 standard bays, two parent and child bays, and four disabled bays.

A parking survey was undertaken of parking demand on Mellor Road and in the public car park on Monday 5th November. A Monday was chosen for the survey as this is the busiest day of the week, in terms of child attendance at Tiny Toes Day Nursery. The parking survey study area included the full length of Mellor Road and the public car park. The survey also recorded the number of vehicles parked in the four spaces at the front of the proposal site (15 Mellor Road) and Tiny Toes Day Nursery. The survey was undertaken during the following time periods to coincide with the nursery's key morning arrival and late afternoon departure periods. A survey was also included in the middle of the day at the request of Stockport MBC:-

- 7am to 9am
- 12pm to 2pm
- 4.00pm to 6.30pm

The Statement also notes the connection of the site with sustainable modes of transport (walking, cycling and public transport) with the train station being only 300m from the site and bus services 5 minutes' walk away. Surveys of how/when staff and parents travel to the site have also been carried out and are included in the Statement.

The parking survey recorded the use of the areas of the study area controlled by single and double yellow lines. All vehicles recorded using these stretches of

Mellor Road were legitimate loading/unloading activity. None of the vehicles using these areas were associated with the nursery. The parking survey also recorded the use of the hardstanding/parking area in front of the proposal site and existing nursery. This showed that a maximum of two cars were parked in this area at any one time. These vehicles were all staff at the nursery.

The survey shows that at no point during the survey is the capacity of the short stay bays outside the nursery or the public car park exceeded and that at all times spaces are available for use. As such it is concluded that there is sufficient capacity to meet the current parking demand in the area, including demand created during nursery drop-off/collection periods and nursery staff.

Applying the data collected in relation to how/when existing staff and parents travel to the site and the level of car occupancy (1.2 children per car) it is estimated that there will be a maximum additional arrival parking demand of six vehicles occurring between 7.15am and 7.29am, and a maximum additional departure demand of three vehicles occurring between 4.30pm and 4.44pm, 5.30pm and 5.44pm, and 5.45pm and 5.59pm. The Statement advises that this level of change is not substantial and can easily be accommodated in the marked bays and public car park), which are both operating under capacity. The Transport Statement therefore concludes that the proposal will not have a significant impact on highway operation or inappropriate effects on road safety when considered in the context of the NPPF.

The Council's Highway Engineer has considered the submission and in general concludes with the findings thereof. Subject to the imposition of conditions to restrict the number of children attending the nursery accommodation at 15 Mellor Road, the accommodation being used only as an extension to the existing nursery (and not as a standalone nursery) and the hours of operation, it is not considered that the proposal will give rise to conditions prejudicial to highway safety. The Highway Engineer has requested that a condition be imposed to secure the creation of a Travel Plan. No such condition is in force in relation to the existing nursery and if applied would only relate the extension proposed to nursery by way of this application (and not the wider existing nursery). On this basis it is not considered that such a condition would prove sufficiently effective to justify its imposition.

### Conclusions

Having regard to the above, with the exception of the issues relating to policy PSD2.3 "Use of Upper Floors in Shopping Centres", the proposed change of use is considered to be policy compliant. There will be no unacceptable impact on the amenities of the locality, nor conditions of highway safety. Conditions should however be imposed to ensure that the nursery remains ancillary to that at 17/19 & 21 Mellor Road, with the hours of operation and number of children attending the nursery also controlled.

### **RECOMMENDATION** GRANT SUBJECT TO CONDITIONS

**BRAMHALL AND CHEADLE HULME SOUTH AREA COMMITTEE 31<sup>ST</sup>**  
**JANUARY 2019**

The Planning Officer introduced the application, reporting the receipt of a late letter supporting the application. Members heard representations from Mr Kellie the agent for the application.

In commenting on the application Cllr Wyatt noted that it was good to see that the business was so successful and did not consider that there is sufficient on street parking or parking in the public car park as outlined in the report. It was suggested by Cllr Wyatt that the staff need to start adhering to the Travel Plan and travel to the site by bicycle or public transport.

Cllr Hunter commented that if further survey work is to be done then Officer should liaise with the Ward Members to get their opinion on the timing and duration as they may consider it necessary to carry it out at different times to Officers. Cllr Hunter also asked questions about the proposed shopfront and security grill in terms of the material proposed and commented that the existing shopfront is quite pleasant and if replaced it should be with something comparable in quality. The Officer advised that a condition would be imposed to secure the details of materials.

Members agree the recommendation.