

## **ITEM 1**

<b>Application Reference</b>	<b>DC/075137</b>
<b>Location:</b>	Romiley Primary Sandy Lane Romiley Stockport SK6 4NE
<b>PROPOSAL:</b>	Retention of existing single storey modular building and external play area for use as a pre school and before and after school clubs.
<b>Type Of Application:</b>	Full Application
<b>Registration Date:</b>	04.12.2019
<b>Expiry Date:</b>	20200129
<b>Case Officer:</b>	Karyn Clarke
<b>Applicant:</b>	Network Nurseries Limited
<b>Agent:</b>	Mark Wolstenholme Consultant

### **DELEGATION/COMMITTEE STATUS**

Should Werneth Area Committee be minded to grant permission, under the Delegation Agreement the application should be referred to the Planning & Highways Regulations Committee as the application constitutes a 'Departure' from the Development Plan.

### **BACKGROUND**

The double mobile classroom subject of this application was originally granted a temporary consent in July 2005 on the basis that it was required to accommodate a short term deficit in accommodation whilst planning permission DC/023192 granted in August 2006 for a two storey extension at Romiley Primary School, was under implementation. The application was submitted as a result of the Primary Places Review whereby the former Springwood Primary School was closed in Sept. 2005, and in order to avoid a split site operation until such time the extension of Romiley Primary would be ready for occupation. At that time, it was understood that the nursery class associated with Romiley Primary would be accommodated within the new development and the double classroom would be removed from the site by September 2007 at the latest.

However, a further application DC/041401 (from the same applicant) was submitted and granted consent in June 2009 by Planning and Highways Regulation Committee, to retain the nursery building for a further temporary period of 10 years. This decision included a unilateral undertaking to secure an additional area of 'greenspace' on an area of existing playground (at that time) to the south of the nursery building together with a payment of £10,000 to fund the works. This was never implemented and that planning consent has now expired.

As such, this current application has been submitted to retain the double mobile classroom previously granted a 10 year temporary consent under DC/041401 (and which expired In October 2019) and which is occupied by a children's nursery

operated by Network Nurseries (the applicant) who are service provider to Romiley Primary School.

### **DESCRIPTION OF DEVELOPMENT**

Retention of existing single storey modular building and external play area for use as a pre school nursery and before and after school clubs for a temporary time period of 10 years.

### **SITE AND SURROUNDINGS**

Romiley Primary School lies within its own grounds on the eastern side of Sandy Lane within a predominantly residential area and overlooks an areas of public open space. The application site accommodates a double mobile classroom on a formerly grassed area with a hard surfaced play area to the east enclosed by a fence and gate. The site lies to the north of the main Romiley Primary School building and adjacent to the common boundary with no. 2 Sandy Lane , a detached residential property.

Whilst the existing school buildings and playground are designated as falling with a predominantly residential area, the school playing fields which abound Romiley Park, are zoned as Local Open Space on the Proposals Map of the UDP Review.

### **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**

CDH1.9 Community Facilities In Predominantly Residential Areas;  
CTF1.1 Development of Community Services and Facilities;  
UOS1.3 Protection of Local Open Space  
L1.1 - Land For active Recreation;

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

Development Management Policy SIE-1 ‘Quality Places’;  
Development Management Policy AS-2 ‘Improving Indoor Sports, Community and Education Facilities and their Accessibility’;  
Development Management Policy T-1 ‘Transport and Development’;  
Development Management Policy T-3 ‘Safety and 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.  
SMBC 'Sustainable Transport' SPD

## **National Planning Policy Framework**

A Revised National Planning Policy Framework (NPPF) issued by the Secretary of State for Housing, Communities and Local Government (MHCLG) on 19th February 2019 replaced the previous NPPF (originally issued 2012 & revised 2018). The NPPF has not altered the fundamental legal requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004 that decisions must be made in accordance with the Development Plan unless material considerations (such as the NPPF) indicate otherwise.

The NPPF representing the governments up-to-date planning policy which should be taken into account in dealing with applications focuses on achieving a lasting housing reform, facilitating the delivery of a greater number of homes, 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. If decision takers choose not to follow the NPPF, then clear and convincing reasons for doing so are needed.

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 97 “Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use”.

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)”.

### **Planning Practice Guidance**

The Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on various topics into one place (launched in March 2014) and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

### **RELEVANT PLANNING HISTORY**

DC/058153: Romiley Primary School, Sandy Lane, Romiley, Stockport, Proposal New storage building for sports equipment - GRANTED 05-MAY-15;

DC/043866 Romiley CP School, Sandy Lane, Romiley, Stockport, Proposal Single storey extension to main school and single storey extension to nursery school - GRANTED 13-APR-10;

DC/041401 Romiley Primary School, Sandy Lane, Romiley, Stockport, Proposal: Removal of condition one of Planning Permission DC/019890 to allow for retention of the temporary classroom, - GRANTED 24-JUN-09;

DC/026749 Romiley Primary School, Sandy Lane, Romiley, Stockport, Proposal: Mesh fencing to two boundaries including access gates - GRANTED 25-JUL-07;

DC/026410 Address: Romiley CP School, Sandy Lane, Romiley, Stockport, Proposal Deletion of condition 15 of Consent DC/023192 requiring removal of temporary classroom.; WITHDRAWN 20-JUN-07;

DC/023192: Romiley Primary School, Sandy Lane, Romiley, Stockport, Proposal: Two storey extension, landscaping/play area development, car park & entrance alterations, all weather pitch & fence. Plus a temporary classroom for use during construction - GRANTED 23-AUG-06;

DC/019890 Romiley Primary School, Sandy Lane, Romiley, Stockport; Proposal: Erection of double mobile classroom, playspace and appropriate ramps- GRANTED 28-JUL-05 ;

DC/001107 Romiley Primary School, Sandy Lane, Romiley, Stockport; Proposal: Two storey extension with glazed link corridor to existing building to form library, computer room and music room - GRANTED 19-JUN-00;

J/72012 Romiley Primary School Sandy Lane; Proposal: SINGLE STOREY EXTENSION TO CREATE NEW MILLENNIUM LIBRARY WITH COMPUTER AND MUSIC ROOM - GRANTED 25-FEB-99 ;

J/68597: Romiley Primary School Sandy Lane; Proposal: ADDITIONAL DEMOUNTABLE CLASSROOM UNIT - GRANTED 20-NOV-97 ;

J/62394 Romiley Primary School Sandy Lane; Proposal: PROPOSED DEMOUNTABLE CLASSROOM UNIT TO BE SITED ON PART OF THE SITE PREVIOUSLY OCCUPIED BY THE KITCHEN/DINING ROOM - 26-MAY-95; GRANTED 26-MAY-95 ;

## **NEIGHBOUR'S VIEWS**

The owners/occupiers of surrounding properties were notified in writing of the proposal. The neighbour notification period expired on the 2<sup>nd</sup> January 2020. No representations have been received.

The application has also been advertised as a Departure from the Development Plan by way of a press and site notice. The consultation period expires on March 25<sup>th</sup> 2020. Any representations received will be orally reported to Committee.

## **CONSULTEE RESPONSES**

### ***Sport England***

Thank you for consulting Sport England on the above application.

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (particularly Paragraph 97) and against its own Playing Fields Policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

[www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy)

Having assessed the application, it is disappointing to note the location of the module classroom and how the playing field has changes over the years to reduce the amount of usable playing field. We acknowledge the current status of the site and therefore whilst it is noted that there is a loss in playing field, it would be of no sporting benefit if the mobile classroom was to be removed. We would therefore ask that in order to compensate for the loss of the playing field, the school enter into a Community Use Agreement (CUA) to outweigh the detriment caused by the loss of playing field. Further information regarding Community Use Agreements can be found via the link below:

This being the case, Sport England **does not wish to raise an objection** to this application.

### **Highway Engineer**

The application is for retention of modular building previously given temporary consent for a period of 10 years (now expired). I have no objection in principle with the continued use with the proviso that an updated travel plan be produced to better reflect changed policies since the original approval.

Conditions:

### **School Travel Plan**

Within 6 months of any approval a travel plan for the development shall be submitted to and approved in writing by the Local Planning Authority and be brought into operation. The approved travel plan shall then be operated at all times that the development is occupied and shall be reviewed and updated on an annual basis in accordance with details that shall be outlined in the approved plan. The travel plan and all updates shall be produced in accordance with national, regional and local best practice guidance and shall include the following:

- i) Details of existing car and cycle parking within the site (for staff, pupils and visitors) and details of additional cycle parking to be provided, if required, to encourage cycling to the site and proposals to reduce or reallocate car parking spaces to car sharers, if required;
- ii) Details of shower, changing, locker and drying facilities to be provided for the use of staff and, if applicable, pupils, to encourage walking and cycling to the site;
- iii) Details of vehicle, pedestrian and cycle routes to the school from the surrounding highway and footway network and within the site, including any proposed improvements;
- iv) Survey information about pupils' current travel habits and targets for the future;
- v) Details of measures and initiatives to reduce car usage and promote sustainable, healthier and safer travel to school, a timetable for their implementation and how these will be reviewed and amended over time, if required, to take into account changes in staff or pupil numbers or other changes that may effect travel to / from the site;
- vi) Details of initiatives to discourage parents from dropping off and collecting children (notably individually) and staff, visitors and, if applicable, students, from driving to school;
- vii) Details of how affected parties will be consulted, how the travel plan will be publicised, operated and how staff and pupils will be encouraged to adopt 'green travel' measures; and
- viii) Details of how the travel plan will be monitored, reviewed and updated.

Reason: To ensure that measures are implemented that will enable and encourage the use of alternative forms of transport to access the site, other than the private car, in accordance with Policies CS9 'Transport and Development', T-1 'Transport and Development' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD, supported by Chapter 4 'Travel Plans' of the SMBC Sustainable Transport SPD.

*INFORMATIVE*

A condition / obligation of this planning approval requires the submission and approval by the Council of a Travel Plan. For further information, the applicant / developer should contact the Highways Section of Planning Services (0161 474 4905/6).

### **Planning Policy – Open Space**

Comments awaited.

### **ANALYSIS**

The existing school buildings and playground are designated as falling within a predominantly residential area and the double mobile classroom for the nursery use occupies land identified as Local Open Space.

Saved UDP policy UOS1.3 states that within areas of Local Open Space development will not be permitted unless:

1. It is clearly needed in connection with the outdoor recreational use of the land or is otherwise appropriate to the maintenance of the open nature of the land, and it would clearly enhance the overall quality of Local Open Space provision in the area;
2. It can be demonstrated that there is an adequate provision of open space in the local area and that the loss of the site would not be detrimental to the well being of the local community or the amenities of the area; or
3. The open space that would be lost as a result of the proposed development would be replaced by open space of equivalent or better quantity, quality, usefulness, and attractiveness, in a location at least as accessible to current and potential users.

The proposal therefore requires assessment in terms of the loss of local open space under the terms of Saved RUDP policy UOS1.3. In consideration of this, Members are reminded of the obligations of the now lapsed unilateral undertaking (UU) associated with temporary planning approval DC/041401. As part of this current proposal, the applicant has proposed to renew such an undertaking to provide a green area to offset any loss of local open space to satisfy the provisions of RUDP policy UOS1.3.

Discussions with planning policy officers confirm that the applicant is no longer required to enter in a UU. It is considered that suitable replacement has been provided to offset the loss of LOS. This is on account of the development to the east of the school buildings which has taken place, since the last temporary application was approved in 2009, whereby improvements for outdoor play and green planted areas have been provided as well as a netball court marked out on the playground to the north of the school buildings (which also allows for the playing of football).

As such, the proposal is considered to accord with Saved policy UOS1.3 of the RUDP.

Saved RUDP policy CTF1.1 requires adequate provision to be made for community facilities, services and utilities (including education) to meet the needs of the borough's population through the plan period. In addition, policy CTF1.1 indicates that development which would result in the loss of existing community services and facilities or loss of urban open space will only be permitted where adequate replacement is provided or special justification can be shown.

Proposals for the provision of additional community services and facilities will be permitted provided that:

- they are well located to serve the relevant population by sustainable transport methods;
- satisfactory access, parking, design and landscaping standards would be achieved;
- there would be no harm to the living conditions of neighbouring residents;
- there would be no harm to Employment ~Areas as shown on the Proposals Map, and no harm to the vitality and viability of existing centres;
- there would be no harm to the openness of or purposes of including land within the Green Belt;
- there would be no net loss of urban open space.

Furthermore, the requirements of a school for additional accommodation to improve facilities of the community it serves and to meet legislative obligations carries significant weight in accordance with the aims of CS policy AS-2.

However, in terms of the impact on the potential loss of part of the school playing field, the comments of Sport England are also a material consideration and they raise no objection acknowledging the current status of the site, and how the playing field has changed over the years to reduce the amount of useable playing field. They also acknowledge there would be no sporting benefit if the mobile classroom was removed. These comments are in reference to the current position of the mobile nursery building as well as the condition of the land to the north has become a 'wilded planted area' by the Primary School, which whilst is open and free from development, has not been maintained for use of formal/informal sports. Members are advised that the remainder of the playing field is maintained and used for such purpose by Romiley Primary School. Indeed as part of the comments previously received from Sport England in respect of DC/019890 and DC/041401 where they acknowledged that there will be no impact upon the playing pitch (or its safety margins) at the school, but recommended that the mobile classrooms, base and hard play surface be removed by and the land reinstated to its previous condition as the end of the set temporary time period.

To compensate for the loss of the playing field (occupied by the nursery building) Sport England request that the school enter in to a community use agreement to outweigh the detriment caused by the loss of the playing field.

The use of a community use agreement (CUA) has been explored with the applicant who has confirmed their agreement to this approach. The requirements to produce a CUA can be secured though an appropriate worded condition.

A CUA would set out how the playing field could further benefit the community over and above the use enjoyed by the primary school pupils of Romiley Primary. In general terms such an agreement would include:

- what is being made available;
- when it is available;
- who its available to; and
- what would be costs associated and the duration of the agreement and the process for review.

The suggestion of a Holiday Club has been put forward by the applicant. At present the applicant's business currently only operates the daytime nursery and

'before and after' school clubs, which means the building is not currently used during the school holidays. The introduction of holiday clubs in the future could provide the opportunity for community use of the playing fields during school holidays under an organised set up operated by the nursery, which could be independent of the use of the school buildings. Clearly, the nursery would need to secure the permission of the head teacher/governors in implementing any agreed measures. The nursery building has a separate access from Sandy Lane for staff, parents and pupils to that of the Primary school. In addition, the nursery site also has direct access to the playing fields from its playground to the east of the building. Internally, the nursery building also contains its own kitchen and toilet facilities.

In support of their application the applicant states that:

- There is a clear educational and community need to continue the wrap around care facility. This cannot be provided within the school buildings themselves, and the existing building offers a resource which can simply be continued to be used;
- There is on going demand from parents for this nursery facility and Network have regular requests from parents for places in both the pre school and the out of school clubs. There is also support from the School Governors;
- The policy on the loss of open space should not be applied over rigidly. There will be circumstances where judgement on the advantages to the community should be brought into the equation. The retention of our building is an example of a situation where a balanced view can be taken, and that is exactly what happened 10 years ago when our previous application was dealt with.

The applicant seeks a temporary consent for 10 a year time scale, as per the previous lapsed temporary consent. The nursery building is a modular building and such buildings which are not considered to be of permanent construction are usually considered for temporary consents given how they weather against the elements and their condition can deteriorate far more quickly compared to buildings of permanent construction. The building is presently of good appearance and from a visual amenity standpoint would accord with CS policy SIE-1.

The highway engineer raises no objection in principle with the continued use with the proviso that an updated travel plan be produced to better reflect changed policies since the original approval. The development would accord with CS policies CS9, T-1, and T-3.

Overall it is considered that the proposal accords with Saved RUDP policy UOS1.3. The drawing up of a community use agreement would satisfy the shortfall in loss of playing fields to address the concerns of Sport England. The applicant is applying for a further 10 temporary planning consent.

Members are recommend to grant a temporary consent for 10 years conditional upon removal of the building and hard play surface and reinstatement the land back to playing field at the end of the temporary 10 year period. It is also recommended that such a consent would be conditional on the drawing up and submission of a community use agreement.

As the application is a departure form the development plan, if Committee are minded to grant a temporary consent, Members are advised that the application

will be required to be go before the Planning and Highways Regulation Committee for decision.

**RECOMMENDATION**

**Grant.**