

## ITEM 2

<b>Application Reference</b>	<b>DC/077334</b>
<b>Location:</b>	47 Dean Lane, Hazel Grove, Stockport SK7 6DH
<b>PROPOSAL:</b>	Variation of conditions 2 (hours) and 3 (number of children) of planning approval APP/C4235/A/09/2104123 / DC/040309 to allow an increase in opening hours from Monday-Friday 08:00-18:00 to Monday-Friday 07:45-18:00, with the maximum number of children attending to increase from 15 children to not exceed a maximum number of 18 children attending.
<b>Type Of Application:</b>	Application for Variation of Conditions
<b>Registration Date:</b>	09.07.2020
<b>Target Date:</b>	Extension of time
<b>Case Officer:</b>	Helen Hodgett
<b>Applicant:</b>	Street, Sarah's Little Angels, 47 Dean Lane, Hazel Grove SK7 6HD
<b>Agent:</b>	N/A

### **DELEGATION/COMMITTEE STATUS**

This application is before Stepping Hill Area Committee, as there is significant public interest in this application, which seeks to vary conditions, regarding the hours and maximum numbers of children, of a planning consent for an existing day nursery, which was approved on Appeal in 2009. The Local Planning Authority have received 11 representations of support and 8 representations of objection to the application.

Stepping Hill Area Committee can make a decision upon this application.

### **SITE AND SURROUNDINGS**

This application relates to an established Day Nursery, known as 'Sarah's Little Angels,' with living accommodation above, located at 47 Dean Lane, Hazel Grove. The day nursery is situated upon the corner of Matlock Drive and the A5143/Dean Lane, within a Predominantly Residential Area.

The two-storey, detached, day nursery premises are located within a curtilage, which is bounded with mature landscaping and close-boarded timber fencing. The curtilage includes outside space for the day nursery to the rear, with parking and drop-off to the Dean Lane frontage of the site, with the vehicle ingress and egress via Matlock Drive.

Residential houses are located to the eastern side and to the rear of the day nursery along Sudbury Road, and also to the opposite side of Matlock Avenue to the west, and to the opposite side of the A5143/Dean Lane. Adjacent houses are set within individual bounded curtilages, including garden space and off-street parking provision.

## **DESCRIPTION OF DEVELOPMENT**

Planning permission is sought for the variation of conditions 2 (hours) and 3 (number of children) of planning approval APP/C4235/A/09/2104123 / DC/040309 to allow an increase in opening hours from Monday-Friday 08:00-18:00 to Monday-Friday 07:45-18:00, with the maximum number of children attending to increase from 15 children to not exceed a maximum number of 18 children attending.

In summary, it is proposed that the day nursery would open 15 minutes earlier Monday to Friday (7:45 to 18:00), and there would be a maximum of 3 more children at any one time (maximum total of 18 children). The applicant manages the day nursery and would continue to employ 5 members of staff at the premises at any one time, with one staff member living at the premises.

The applicant has submitted a statement, available in full upon the Council's website for the application, and advised within the application, the reasons for the proposed increase in opening time and maximum number of children at any one time, and details of the operation of the day nursery.

As way of background, the applicant advises that the application was sought in response to the Coronavirus pandemic and the need to ensure that children and parents can socially distance effectively over a slightly longer drop off time. Additionally, the increase in the maximum number of children and earlier opening time, would, for example, allow for the accommodation of further siblings, and provide more flexible child-care for parents.

The day nursery is reportedly not full to capacity every day, with many parents typically wanting 1 or 2 days of care per week. It is stated that the day nursery is closed outside of school term-time. The proposal is that the day nursery would retain the small-scale setting, whilst offering greater flexibility for care.

Regarding the operation of the day nursery, and demand for, for example, vehicle parking, we are advised that there are a number of siblings cared for within the nursery and it is estimated that approximately a third of families live within the local area and walk to drop off/collect. During the busiest time of the day (8.00pm-8.45am) around 9 parents drop off children by car. In the afternoon, pick up is more spaced out (taking place between 4pm -5.30pm).

The applicant advises that normally staff wishing to park, do so on the front/rear driveways, although if they arrive just before 8am and parents are already occupying the driveway, they may need to park on the road. Parents park primarily on the driveway, but if a large number arrive at exactly 8am, some may have to park on Matlock Drive.

It is explained that the day nursery offer a drop off/pick up service for the local primary school (Norbury Primary) and they are looking to increase the numbers of before and after school children that are cared for. Many of these would be expected to be children who have siblings at the nursery. As such, not all 3 extra places would be expected to be children of new families which would generate additional vehicle movements. There is stated demand to keep siblings and children together to reduce the number of 'bubbles' they are part of.

The applicant states that they believe the opening hours of 8am to 6pm Monday to Friday, no longer have the capacity to support working parents effectively, with many families having two working parents. It is also stated that many other nurseries, which operate within residential areas in Stockport, have permitted opening at 7:30am or before.

As part of their submission, the applicant also states that a knock on effect of allowing an earlier drop off would be to stagger drop-off and, therefore, any vehicle traffic associated with drop off.

## **POLICY BACKGROUND**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications/appeals to be determined in accordance with the Statutory Development Plan unless material considerations indicate otherwise.

### **The Statutory Development Plan includes:-**

Policies set out in the Stockport Unitary Development Plan Review (SUDP) 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 (CS) adopted 17<sup>th</sup> March 2011.

N.B. Due weight should be given to relevant SUDP and CS policies according to their degree of consistency with the National Planning Policy Framework ('NPPF') (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given); and how the policies are expected to be applied is outlined within the Planning Practice Guidance ('PPG') launched on 6<sup>th</sup> March 2014.

<https://www.stockport.gov.uk/topic/current-planning-policies>

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

CDH1.6 – Day-Care Nurseries

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

CS1: OVERARCHING PRINCIPLES: SUSTAINABLE DEVELOPMENT – ADDRESSING INEQUALITIES AND CLIMATE CHANGE

SD-1: Creating Sustainable Communities

CS8: SAFEGUARDING AND IMPROVING THE ENVIRONMENT

SIE-1: Quality Places

SIE-3: Protecting, Safeguarding and Enhancing the Environment

CS9: TRANSPORT AND DEVELOPMENT

CS10: AN EFFECTIVE AND SUSTAINABLE TRANSPORT NETWORK

T-1: Transport and Development

T-2: Parking in Developments

T-3: Safety and Capacity on the Highway Network

### **Supplementary Planning Guidance**

Supplementary Planning Guidance (Saved SPG's & SPD's) does not form part of the Statutory Development Plan; nevertheless it does provide non-statutory Council approved guidance that can be a material consideration when determining planning applications.

Relevant guidance is as follows:

The Day Care Nurseries SPG <https://www.stockport.gov.uk/topic/current-planning-policies>

### **National Planning Policy Framework (NPPF)**

A Revised National Planning Policy Framework (NPPF) issued by the Secretary of State for Housing, Communities and Local Government (MHCLG) on 19th February 2019 (updated 19th June 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".

Extracts from the National Planning Policy Framework (NPPF) – link to full document - <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

#### 1. Introduction

Para 1. The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced.

Para 2. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

## 2. Achieving sustainable development

Para 7. The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

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 – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Para 10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).

### The presumption in favour of sustainable development

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. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. 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.

#### 4. Decision-making

Para 38. Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. 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.

Para 54. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Para 55. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

Para 56. Planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

#### 8. Promoting healthy and safe communities

Para 91. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and

c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Para 92. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;

c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;

d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and

e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

94. It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and

b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

## 9. Promoting sustainable transport

Para 108. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Para 109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 110. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

## 11. Making effective use of land

Para 117. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

## 12. Achieving well-designed places

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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is



effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Para 127. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Para. 180. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life<sup>60</sup>;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation

#### Annex 1: Implementation

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 HISTORY**

Reference: DC/014866; Type: FUL; Address: 47 Dean Lane, Hazel Grove, Stockport SK7 6DH; Proposal: Single storey side extension and alterations to existing boundary wall; Decision Date: 21-MAY-04; Decision: Granted

Reference: DC/040309; Type: FUL; Address: 47 Dean Lane, Hazel Grove, Stockport, SK7 6DH; Proposal: Change of use from dwelling to private day nursery/dwelling. Nursery to have upper limit of 15 children; Decision Date: 25-AUG-09; Decision: Granted on Appeal ref. APP/C4235/A/09/2104123

Reference: DC/041818; Type: FUL; Address: 47 Dean Lane, Hazel Grove, Stockport, SK7 6DH; Proposal: Part change of use from domestic dwelling to childcare on domestic premises / childminding for 9 children. Conservatory to rear west of the property. Small extension to front porch.; Decision Date: 16-JUN-09; Decision: Granted

Reference: J/41412; Type: XHS; Address: 47 Dean Lane, Hazel Grove.; Proposal: Side extension.; Decision Date: 29-MAR-88; Decision: Granted

## **CONSULTATION RESPONSES**

### **NEIGHBOURING PROPERTIES**

The occupiers of neighbouring properties were notified of this planning application by letter.

A site notice was additionally publically displayed adjacent to the site to advertise the application.

Representations have been received from contributors at 19 addresses in response to consultation upon the application. Contributors at 8 addresses object to the application and Contributors at 11 addresses support the application.

The matters raised in the individual representations received can be reported as follows:

### **Objections:**

#### **Highways/parking**

There is a 'near miss' involving vehicles entering and exiting the nursely and turning into Matlock Drive, usually at speed, every day. An increase in the number of children might add to the danger.

Customers and staff park on both sides of the road making it dangerous to turn into Matlock Road from Dean Lane. Customers turn around in driveways.

It will only be a matter of time before an accident occurs or a child is knocked over.

The proposed cycle way may have an impact upon the traffic movement between Dean Lane and Matlock Drive.

We object as regards road safety and not the proposed increase in hours.

Since 2009 traffic volume and weight has increased, including more deliveries due to internet shopping.

An extra 3 children will have an incremental risk factor.

An increase in the amount of vehicles will make it more difficult for blue badge holders to park.

### Amenity

An increase in the number of children will increase the noise already generated at the property, and will ruin the quiet and peaceful enjoyment of residential gardens.

An increase in the number of children would increase the noise and disturbance materially affecting our residential amenities.

The nursery has grown bigger and bigger over the years.

The area is a residential area and not a business/commercial area.

The Planning Inspectorate imposed conditions, including the hours and number of children, to try and protect what residential amenities we had left. These conditions should not be revoked.

We would not have chosen to live adjacent to a day nursery. Families have since moved into the area who have chosen to live near to a nursery.

### Other matters

Coronavirus has nothing to do with this application, as parents could and do drop off and pick up at various times of the day. People are being encouraged to work from home, so cannot understand the need for more places. Staggered drop off could be carried out without opening earlier.

There is no guarantee that this will be the final application to extend the nursery hours and numbers. The applicant originally wanted a 20 place nursery and to open at 7:45am.

The applicant does not live at the day nursery any longer.

The applicant advertised that vacancies are anticipated in September 2020, therefore, demand does not exceed capacity.

### **Support:**

An earlier opening time would allow greater flexibility for working parents to manage drop offs and travel to start working earlier.

Many workers, including a number of teachers, use the nursery and would benefit from being able to drop off before 8am.

We walk to and from the nursery and it would reduce the stress of drop off and getting to work on time if we could drop off at 7:45am.

It is not possible to travel into Manchester for work if dropping off at 8am at the earliest.

Work places require people to be available from 8am, which is not possible with the current drop off time, which has repercussions for working life and careers.

A nursery located within an area that people can walk to should be able to open as early as those outside of residential areas.

The proposal would support a local business and a smaller child care setting. The larger chains of day nurseries offer much longer opening hours.

This day nursery provides a small setting with excellent and personal childcare, including for siblings.

### **CONSULTEE RESPONSES**

**SMBC Highways** – Recommendation: No objection, subject to a condition, as follows.

Whilst the increase in the number of children that would be cared for will increase slightly (by 3), the vehicle movements associated with this will not be significant, and the proposed increase in opening hours should spread out the morning drop-off slightly, so as to ensure that parking demand is not materially greater than at present.

It is, however, considered that the increase in children should go hand in hand with the extension in opening hours and that measures are implemented to try and ensure that parents do not all drop off and pick up at the same time and to encourage parents and staff to travel by sustainable modes of transport. As such, I would recommend that any approval granted is subject to a condition in respect to this.

Condition:

The number of children cared for at the nursery shall not be extended from 15 to 18 until details of a series of measures to be provided and implemented to minimise parking demand and vehicle movements to / from the site and encourage the use of sustainable modes of transport have been submitted to and approved in writing by the Local Planning Authority and have been brought into operation. Measures shall include:

- 1) Increasing the hours for drop-off and pick up so as to spread demand (notably by opening at 7:45am)
- 2) Agreeing slots for drop-off and pick up with parents so as to spread demand
- 3) Marketing the nursery to attract children from the local area (within walking distance of the site) and the care of siblings
- 4) Continuing to operate before and after school care
- 5) Encouraging staff and parents to travel by sustainable modes of transport (e.g. by e-mail newsletters, offering staff a cycle-to-work cycle purchase scheme, providing travel information on the nursery's website, providing staff with travel information packs etc.).
- 6) Providing cycle parking

The measures shall be operated at all times that the development is occupied and shall be reviewed on an annual basis in accordance with details that shall be included in the submitted details (which shall include the provision of up-to-date transport information, if applicable).

Reason: To ensure that measures are implemented that will to minimise parking demand and vehicle movements to / from the site and 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

**SMBC Environmental Health** – No objection to the application.

## **ANALYSIS**

### **The 2009 consent**

This planning application seeks to vary two conditions attached to the 2009 planning consent for the now established day nursery, to allow the nursery to open 15 minutes earlier, from 7:45am in the morning to 18:00, Monday to Friday; and to allow an additional 3 children at the nursery at any one time, to take the maximum to 18 children.

The 2009 decision notice, (available upon our website for this application), specifies the reasons for the decision. Regarding the number of children, the Inspector cites saved UDP policy CDH1.6 regarding day nurseries and notes that, as a guide, this provides that day nurseries in residential areas should operate at an upper level of about 30 child places, and should also operate from 8am to 6pm on Weekdays.

The Inspector conditions the number of children to a maximum of 15, as this was the number applied for in the planning application, stating that “It seems to me that the house is capable of accommodating a day nursery for 15 children. Whilst there would be more activity associated with a day nursery than a domestic dwelling, I do not share the view of objectors that the amount of traffic would have a harmful effect on this residential area. Nor do I consider that noise from children playing outdoors would be unduly disturbing. I am mindful that permission has already been granted for 9 children and I consider it highly unlikely that neighbours would be adversely affected by the activity associated with 15 children as proposed.”

The matter of operating hours is discussed by the Inspector in paragraph 10 of their decision. The Inspector states “I note why the appellant would prefer a slightly earlier time, but see no real reason why the opening time of 8:00 to 18:00 Monday to Friday as indicated in policy CDH1.6 and the SPG should not be applied here.”

### **The National Planning Policy Framework (NPPF)**

The National Planning Policy Framework (NPPF) was published after the Council’s development plan and after this 2009 decision, and is a material planning consideration. The following is considered to be of specific relevance to the consideration of this application.

Section 8 of the NPPF advises that we should plan positively to create mixed and inclusive communities, sustainably providing the services needed within a community. It is also specifically stated that “it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.”

Paragraph 109 of the NPPF states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

Paragraph 127 of the NPPF states that “Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

Paragraph 180 of the NPPF states “Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;”

### **Residential Amenity**

Saved UDP policy CDH1.6 confirms that day care nurseries are acceptable uses in residential areas. It is additionally confirmed that the Council seeks to control the scale of development at, and the resulting impact of, day nurseries.

It is assessed that the proposed increase in the maximum number of children at any one time from 15 to 18 children, and an increase in the opening hours by 15 minutes from 8:00am to 7:45am Monday to Friday, would not have an unduly detrimental

impact upon the amenities of the occupiers of adjacent residential accommodation, pursuant to policies including, saved UDP policy CDH1.6 “Day-care Nurseries”, and Core Strategy policies SIE-1: “Quality Places” and SIE-3: “Protecting, Safeguarding and Enhancing the Environment,” together with policies of the National Planning Policy Framework (NPPF).

An additional 3 children, including any parking associated with the additional 3 children, and an earlier opening time of 7:45am Monday to Friday, would not generate a level of noise and disturbance from, for example, earlier drop off, or the activities of children at the premises, which would have an unacceptable impact upon the residential amenities of the occupiers of nearby dwellings.

This is due to the proposed time, the minimal cumulative increase in the number of children, which may be siblings, the character of the use and context, as the day nursery is appropriately located within a detached premises, within a residential area, within a bounded curtilage, including mature landscaping, with off-road parking, but also accessible by pedestrians from the surrounding housing.

It is confirmed that 7:45am in the morning Monday to Friday is classified as ‘daytime,’ and also, as the premises are located on the A5143/Dean Lane, background noise levels from 7:45am to 18:00 would be commensurate with the location on a main road.

It is usual for day nurseries to be located in residential areas, with an appropriately commensurate level of noise occurring during the day. The Council’s Environmental Health Officer has assessed the application and has advised there is no objection.

As discussed above, the Inspector in the 2009 consent, conditioned the number of children to a maximum of 15, as this was the number applied for in the planning application. The Council’s day nursery policy CDH1.6 and SPG provide guidance that effectively every site should be considered on its own merits, but that an upper limit of 30 children is likely to be appropriate in a residential area.

Also as discussed above, the matter of operating hours is discussed by the Inspector in paragraph 10 of their decision. The Inspector states “I note why the appellant would prefer a slightly earlier time, but see no real reason why the opening time of 8:00 to 18:00 Monday to Friday as indicated in policy CDH1.6 and the SPG should not be applied here.”

The applicant has now provided reasons for the need for an earlier opening time within this application submission. Reasons include, (as also evidenced within the representations of support received), the need for greater flexibility for parents/carers, who genuinely need to be at work earlier, including a number of teachers who use this nursery. Also, additional time for drop off would assist the current need to facilitate social distancing due to the Coronavirus pandemic. As also noted within the report, an extended drop off time could also inherently serve to stagger the drop off for any children arriving in cars.

As advised, we also now need to take into account the provisions of the National Planning Policy Framework (NPPF), which advises that we should plan positively to create mixed and inclusive communities, sustainably providing the services needed within a community, including development that will widen choice in education, and

creating places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users.

This application was advertised as a departure from the development plan, in order to allow for that eventuality, however, further to assessment of the application and specifically as regards saved UDP policy CDH1.6 regarding day-care nurseries, it is concluded that this application is not a departure, and accords with the Council's development plan. Saved UDP policy CDH1.6 provides that "day care nurseries will be permitted provided that the proposal... is of an appropriate scale in terms of the number of children, traffic generation, noise, general disturbance, to neighbours and opening hours, to be accommodated within a residential area without materially lowering residential amenity for neighbouring occupiers or causing a loss of residential character." As advised within the accompanying Day Nurseries SPG, "the opening hours of nurseries in predominantly residential areas will normally be limited by condition. In general, the hours of operation of a day nursery located in a residential area will be limited to 8.00am - 6.00pm, Monday to Friday only." In land use terms, it is specifically the case that day nurseries are acceptable uses in residential areas. The Council seeks to control the scale of development at, and the resulting impact of, day nurseries.

The suggested revised conditions 2 (hours) and 3 (number of children), are required to be imposed upon the operation of the day nursery in order to appropriately control the scale of development at, and the resulting impact of, the day nursery, in accordance with the NPPF, including Paragraph 180; saved UDP policy CDH1.6; together with Core Strategy policies SIE-1: "Quality Places" and SIE-3: "Protecting, Safeguarding and Enhancing the Environment."

### **Parking and highway safety**

Policy CS9 of the Core Strategy states that the Council will require that development is located in locations that are accessible by walking, cycling and public transport. Policy T1 reiterates this requirement, with this policy setting out minimum cycle parking and accessible parking standards.

Policy T2 of the core strategy states that developments shall provide car parking in accordance with maximum car parking standards for each type of development as set out in the existing adopted parking standards, stating that developers will need to demonstrate that developments will avoid resulting in inappropriate on street parking that has a detrimental impact upon highway safety or a negative impact upon the availability of public car parking.

Policy T3 of the core strategy states that development which will have an adverse impact on the safety and/or capacity of the highway network will only be permitted if mitigation measures are provided to sufficiently address such issues. It also advises that new developments should be of a safe and practical design, with safe and well-designed access arrangements, internal layouts, parking and servicing facilities.

Para 109. of the National Planning Policy Framework (NPPF) states "Development should only be prevented or refused on highways grounds if there would be an



unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

The application has been assessed by one of council’s senior engineers with regards to Highways matters. Whilst the increase in the number of children that would be cared for will increase slightly (by 3), the vehicle movements associated with this will not be significant, and the proposed increase in opening hours should spread out the morning drop-off slightly, so as to ensure that parking demand is not materially greater than at present.

It is, however, considered that the increase in children should go hand in hand with the extension in opening hours and that measures are implemented to try and ensure that parents do not all drop off and pick up at the same time and to encourage parents and staff to travel by sustainable modes of transport. As such, it is recommended that any approval granted is subject to a condition in respect to this.

Having regard to the assessment of the highway engineer, it is considered that the proposed development would support sustainable travel options, and the proposal would not have an unacceptable impact on highway safety, or severe impact on the road network. In mitigation, the proposed condition should be imposed to stagger drop off and pick up and to encourage sustainable transport, pursuant to policies. The proposal is accordingly considered to be in accordance with policies including, CS9, T1, T2 and T3 of the Stockport Core Strategy, and the National Planning Policy Framework (NPPF), including paragraph 109.

## **Conclusion**

The proposed variation of conditions 2 and 3 of the planning consent for the existing established day nursery, to permit the nursery to open from 7:45am Monday to Friday, and to permit an additional 3 children at any one time, to a maximum of 18 children, would constitute a sustainable form of development, and would be acceptable in terms of impacts and relevant planning policies.

An additional 3 children, including any parking associated with the additional 3 children, and an earlier opening time of 7:45am Monday to Friday, would not generate a material increase in traffic to result in an unacceptable impact upon highway safety or the road network; or a level of noise and disturbance from, for example, earlier drop off, or the activities of children at the premises, which would have an unacceptable impact upon the residential amenities of the occupiers of nearby dwellings.

This is due to the proposed opening time in the morning during the week, the minimal cumulative increase in the number of children, which may be siblings, proposed mitigation, and the character of the use and context. The day nursery is appropriately located within a detached premises, within a residential area, within a bounded curtilage, including mature landscaping, with off-road parking, but also accessible by pedestrians from the surrounding housing. It is usual for day nurseries to be located in residential areas with an appropriately commensurate level of noise occurring during the day. The premises are additionally located on the A5143/Dean

Lane, and, as such, background noise levels from 7:45am to 18:00, Monday to Friday, would be commensurate with the location on a main road.

The start time of 7:45am would increase the flexibility of the childcare offer for parents/carers, would stagger drop off time for children arriving by car, and would assist with social distancing requirements. The increase in the number of children would also permit further flexibility for parents/carers, for example, allowing siblings to attend and greater choice and flexibility as regards required days for care.

The proposal would support the creation of mixed and inclusive communities, sustainably providing the services needed within a community, including development that will widen choice in education, and creating places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users.

Overall, the proposal is considered to comply with the development plan and the NPPF for the reasons set out within the report and therefore, the NPPF requires the development to be approved without delay.

### **RECOMMENDATION**

Grant; subject to conditions.