

Marple Area Committee

13th September 2023

DEVELOPMENT APPLICATIONS

Report of the Deputy Chief Executive

ITEM 1

DC087790

SITE ADDRESS

Bowden House, 30 Bowden Lane, Marple, Stockport,
SK6 6ND

PROPOSAL

Variation of condition 2 of planning permission
DC013748/condition 1 of planning permission DC028534,
to increase the maximum number of children from 35 to
50, via the use of the upper floor of the building as part of
the Day Nursery.

INFORMATION

These applications need to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants [and those third parties, including local residents, who have made representations] have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Article 8 and Protocol 1 Article 1 confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Unitary Development Plan, the Head of Development and Control has concluded that some rights conferred by these Articles on the applicant(s)/objectors/residents and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. He believes that any restriction on these rights posed by approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

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ITEM 1

Application Reference	DC/087790
Location:	Bowden House 30 Bowden Lane Marple Stockport SK6 6ND
PROPOSAL:	Variation of condition 2 of planning permission DC013748/condition 1 of planning permission DC028534, to increase the maximum number of children from 35 to 50, via the use of the upper floor of the building as part of the Day Nursery.
Type Of Application:	Variation Of Conditions
Registration Date:	21/02/2023
Expiry Date:	18/04/2023
Case Officer:	Mark Burgess
Applicant:	Bowden House Day Nursery
Agent:	Garner Town Planning Ltd

DELEGATION/COMMITTEE STATUS

Marple Area Committee. Application referred to Committee due to receipt of more than 4 letters of objection, contrary to the Officer recommendation to grant. Application also called-up by Councillor Senior.

BACKGROUND

On the 6th May 2004, planning permission was granted subject to conditions for the change of use of Bowden House, 30 Bowden Lane, Marple from residential to a Day Care Nursery with a single storey extension to the side and a conservatory to the rear (Reference : DC013748). Condition 2 of planning permission DC013748 stated :-

- *The use hereby permitted shall be limited to a maximum of 30 children at any one time.*

A subsequent planning application (Reference : DC028534) for the variation of condition 2 of planning permission DC013748 to allow for an increase in number of childcare places to a maximum of 35, was granted on the 5th March 2008 subject to conditions. Condition 1 of planning permission DC028534 states :-

- *The number of children attending the day nursery at any one time shall not exceed 35.*

A subsequent appeal against the imposition of conditions 2, 3 and 4 of planning permission DC028534, which sought to control activity within the external play areas in the interests of the living conditions of neighbouring properties with regard to noise and disturbance was allowed on the 18th December 2008. In allowing the appeal, the Planning Inspector concluded that “.. *when considered against the existing lawful*

use of this site and the limited additional number of places proposed, ... they would be entirely disproportionate and unreasonable”.

DESCRIPTION OF DEVELOPMENT

Planning permission is sought for the variation of condition 2 of planning permission DC013748/condition 1 of planning permission DC028534, under the provisions of Section 73 of the Planning and Compensation Act, to increase the maximum number of children at the existing Day Care Nursery from 35 to 50, via the use of the upper floor of the building.

The proposed conversion of the first floor of the building from the existing self-contained flat which is currently occupied by one of the owners of the building, would allow the number of children being increased by 15 from 35 as restricted as part of condition 1 of planning permission DC28534 to a maximum of 50, which would require an additional member of staff. The first floor would be laid out as three classrooms, a staff room, a kitchen, a staff bathroom and a bathroom and would utilise the existing room layout, with no internal or external alterations proposed. The layout of the front curtilage of the site would be revised to provide 1 further drop off space, resulting in a total of 6 parking spaces and 3 drop off spaces.

Information submitted in support of the application states that the rationale behind the proposal is that the owner now wishes to move out of the existing first floor residential flat and as it has not proved possible to let the flat given its location and connection with the Day Care Nursery. This would allow the first floor to be utilised as part of the existing Nursery, which would facilitate the number of children being increased to a maximum of 50.

The application is accompanied by the following supporting information :-

- Planning Statement.
- Transport Statement.

The plans and drawings submitted with the application are appended to the report.

SITE AND SURROUNDINGS

The application site is located on the North Eastern side of Bowden Lane in Marple and comprises an existing Day Care Nursery at 'Bowden House' within a detached two storey traditional building. Vehicular access to the site is taken from Bowden Lane to the South West and the existing front curtilage of the site is laid out to provide 7 parking spaces and two drop off spaces. The North Eastern rear curtilage provides an area for external play and learning.

The site is adjoined to both sides by residential properties; to the North West and North by Numbers 34B and 34C Bowden Lane and to the South East by Numbers 32 and 34 Bowden Lane. Marple Sports Club adjoins the site to the East. To the front (South West) of the site is Bowden Lane, with further residential properties beyond.

POLICY BACKGROUND

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

The Statutory Development Plan for Stockport comprises :-

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

The application site is allocated within a Predominantly Residential, as defined on the UDP Proposals Map. The following policies are therefore relevant in consideration of the application :-

Saved UDP policies

- HP1.3 : AVOIDANCE OF LOSS OF DWELLINGS
- CDH1.2 : NON RESIDENTIAL DEVELOPMENT IN PREDOMINANTLY RESIDENTIAL AREAS
- CDH1.6 : DAY-CARE NURSERIES

Core Strategy DPD policies

- CS1 : OVERARCHING PRINCIPLES : SUSTAINABLE DEVELOPMENT - ADDRESSING INEQUALITIES AND CLIMATE CHANGES
- 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
- T-1 : TRANSPORT AND DEVELOPMENT
- T-2 : PARKING IN DEVELOPMENTS
- T-3 : SAFETY AND CAPACITY ON THE HIGHWAY NETWORK
- AS-2 - IMPROVING INDOOR SPORTS, COMMUNITY AND EDUCATION FACILITIES AND THEIR ACCESSIBILITY

Supplementary Planning Guidance and Documents

Supplementary Planning Guidance and Documents (SPG's and SPD's) do not form part of the Statutory Development Plan. Nevertheless, they do provide non-statutory Council approved guidance that is a material consideration when determining planning applications. Relevant SPG's and SPD's include :-

- DAY CARE NURSERIES SPG
- SUSTAINABLE TRANSPORT SPD
- TRANSPORT AND HIGHWAYS IN RESIDENTIAL AREA

National Planning Policy Framework (NPPF)

The NPPF, initially published in March 2012 and subsequently revised and published in July 2021 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.

In respect of decision-taking, the revised NPPF constitutes a 'material consideration'.

Paragraph 1 states *'The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied'*.

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

Paragraph 7 states *'The purpose of the planning system is to contribute to the achievement of sustainable development'*.

Paragraph 8 states *'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'*

Paragraph 11 states *'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'.

Paragraph 12 states *'.....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'.*

Paragraph 38 states *'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'.*

Paragraph 47 states '*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*'.

Paragraph 219 states '*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)*'.

National Planning Practice Guidance (NPPG)

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

- DC028534 : Variation of condition 2 of planning permission DC013748 to allow for increase in number of childcare places to a maximum of 35 : Granted – 05/03/2008.
- DC017252 : Non-illuminated free-standing advertisement : Granted – 07/12/2004.
- DC013748 : Change of use from residential to day care nursery with a single storey extension to side and conservatory to rear : Granted 06/05/2004.
- J.44736 : Garage : Granted – 04/05/1989.

NEIGHBOUR'S VIEWS

The owners/occupiers of surrounding properties were notified in writing of the application.

Letters of objection from 11 properties have been received to the application. The main causes for concern raised are summarised below :-

Impact on Residential Amenity

- With the current limit of 35 children at the Nursery, residents already experience a number of residential amenity problems. The proposed increase in children numbers would inevitably exacerbate the existing problem.
- An increase in capacity will add to the noise which is not controlled by the Nursery.
- An increase of 43% of extra children will make existing problems worse.
- The proposal would result in 50 children playing, screaming crying and singing and a minimum of 11 staff shouting to be heard from 8am to 6pm, 51 weeks of the year.

- Council policy protects residential amenity and residents right to enjoyment of their homes and outdoor space from a further expansion. Policy acknowledges that children playing may cause disturbance to neighbours and states that protecting residential amenity and character can be achieved by limiting the number of places to an upper limit of around 30 children. Policy acknowledges that a small increase in numbers can have an effect on the character of a residential area and on the amenity of neighbours and beyond the upper limit, the effects on residential amenity would be such that permission for a further increase in numbers would be refused. Policy acknowledges that increased number of children will intensify the use of the site and will result on an increase in noise and general disturbance.
- The current level of 35 places has surpassed the number of places that would normally be considered acceptable in a residential area. A further increase of 40%+ would hugely affect residential amenity.
- In accordance with current Council planning policy, residential amenity should be protected with an upper limit of 35 places and not an increase of 40%+ in child numbers.
- There is a consideration and obligation under the Council policies to protect residential amenity and residents right to enjoyment of their homes and outdoor space from increased noise disturbance from an additional 40%+ children plus the required staff increase.
- Protection of residential amenity and character can be achieved by limiting the number of places to a maximum of 30 places. The Nursery currently has 35 places and a further increase in capacity to more than 35 would be a detriment to the amenity and residential nature of the neighbourhood and its long-serving residents.
- When the nursery opened there were 30 children. They want 50. That almost doubles the children and cannot be done without consequences. It would set a dangerous precedent.
- The Nursery uses outside spaces adding to the noise from the Primary School. The noise can last into the evening from the Nursery as their working day is longer.
- Noise is worse in the summer months when neighbours chose to have their bedroom windows open.
- Noise from children playing detracts from residents enjoyment of their gardens and residents cannot open their windows due to the noise.
- Along with children playing, staff have to speak loudly to make themselves hear. Many children are naughty and have to be told off. Others have meltdowns and will scream for a long time.

- It is important to maintain the residential nature and character of the area and safeguard the amenities of neighbouring residents. The scale and setting of business activity should remain appropriate and proportionate to the area.
- Disturbance would have an adverse impact on the residential character of the road. Many of the residents have lived on Bowden Lane for many years and being elderly.
- Residents are unable to make good use of their gardens and indoor rooms due to the level of noise created.
- Groups of children are brought into the play areas at the same time. Rather than structured play, children are encouraged to let off steam and sing along with loud nursery rhyme music, which was negatively referenced in a previous Ofsted inspection.
- The noise levels of the children, along with staff shouting above the noise to be heard, affects residents daily lives and right to their enjoyment of their homes and outdoor space.
- Many residents are retired and enjoy sitting out which is spoiled by the loud noise.
- Another 15 children will substantially increase the noise and the length of time children are outside. The Nursery is open every week day for most of the year so there is no break.
- Children spending more time outside will have an adverse effect on residents enjoyment of their properties.
- If children are inside, windows will have to be open which results on unacceptable noise.
- Residents should not have to tolerate the noise that the Nursery produces. They cannot enjoy sitting out in their gardens and have to keep windows closed.
- The noise created can be intolerable at times.
- The Planning Statement implying that the proposed increased number of children will not result in any impact and that noise from outdoor play can be managed is incorrect. A 40%+ increase in the volume of noise will be substantial and the proprietors are selling the Nursery and will therefore no be managing anything.
- Residents have tried to reason with the Nursery on many occasions about their noise levels and have been met with disappointing responses.

- Noise from children playing in the rear of the nursery makes it difficult to concentrate for those who work from home.
- Consideration should be given to residents who must work from home and should not be affected by a noisy and distracting environment. This will be difficult to achieve if there is an increase in the current number of children.
- Some residents work shifts and have to keep their windows closed.
- Planning policy specifies opening hours of 8am to 6pm. Why is the Nursery opening from 7.30am for commercial gain?
- The Nursery does not have a substantial garden for 50 children which will lead to constant small groups of children using the outside space and constant noise for residents.
- Increase in traffic would increase noise from vehicles manoeuvring, parking and reversing on the gravel car park, adjacent to neighbouring bedrooms and from early in the morning.
- Additional numbers will lead to more footfall from parents and children walking to the Nursery. The increased footfall to the side entrance which is predominantly used and push trolleys on the gravel driveway close to neighbours' properties and gardens at pick-up and drop-offs throughout the day will add to the intrusiveness and loss of amenity.
- Residents have suffered a significant increase in noise levels over the last three years when parents are dropping off and collecting children which has been intrusive.
- Over the last two years, the side door has been used as the main entrance which has resulted in a significant and intrusive amount of noise interference.
- The application states that there have been no complaints about noise so residents must be happy, which is far from the case.
- The Council have made clear that once planning is granted they can do nothing about the noise.
- The existing hedges do not stop the noise reaching residents' properties.
- Should the existing hedge be removed, this would be a great detriment and greatly reduce privacy and amenity.
- Is no consideration given to people's mental well-being?
- In 2008, it was documented that the 35 space Nursery was at its absolute limit for this site because there are no reasonable, enforceable restrictions on the Nursery on the residential amenity.

Traffic Generation, Parking and Highway Safety Issues

- With the current limit of 35 children, residents already experience a number of problems. The proposed expansion would exacerbate the existing problems.
- It is important to promote pedestrian and highway safety by mitigating hazards. Traffic caused by businesses can increase congestion, hazard and danger along with affecting residents going about their day-to-day activities.
- Planning policies require that Nurseries in a residential area should operate at a maximum of 30 places. The current Nursery has 35 places. To increase the capacity to more than 35 places would create further traffic and safety issues.
- In 2008, it was documented that the 35 space Nursery was at its absolute limit for this site because there are no reasonable, enforceable restrictions on the Nursery on highway safety. It has meant that Bowden Lane has hugely deteriorated and needs protection.
- The increased capacity by 15 extra children/parents or 43% will significantly impact on vehicle traffic, on and off site parking and safety issues.
- The site is in a residential area where parking and access are already compromised by the local Primary School.
- Parents dropping off and collecting children park badly, on both sides of the road, on pavements and grass verges. Added capacity will exacerbate this problem.
- An increase in capacity will add to traffic which is not controlled by the Nursery.
- Bowden Lane is used as a vehicle short cut to Stockport Road and Marple Hall School and is the main walking route to Rose Hill and Marple Hall Schools. Nursery staff park on the pavement and grass verge all day as it is free and legal. This makes residents leaving their homes difficult as they cannot see traffic, pedestrians, mobility scooters and prams who are forced onto the highway as access is tight on the pavements.
- Bowden Lane is used as a rat-run. There is a problem with double parking often obstructing the pavements. Additional places will add to this problem.
- Despite being a 20 mph zone, Bowden Lane is already used as a 'rat run' by commuters and parents taking their children to Marple Hall School so there is already a large volume of traffic on the road. Due to Rose Hill Primary school, Bowden Lane has peak traffic at drop off and pick up times. Traffic builds between 08.15 and lasts until 09.00. By adding even more traffic, this is an accident waiting to happen with children on bikes, scooters and many older children walking alone without adult supervision.
- The parking situation is worse when parents are dropping off and picking up from Rose Hill School.

- It will lead to more congestion, double-parking and grass verge parking on an already congested school restricted road, particularly at Primary School drop-off and collection times.
- Since 2008, the main entrance and drop off to Rose Hill School was diverted from Elmfield Drive to Bowden Lane. Drop off times for the School and Nursery coincide, resulting in residents being unable to leave their driveways due to blocked access, inconsiderate parking and stand still traffic. The issues have increased significantly since the access to Rose Hill Primary School was restricted from Elmfield Drive and redirected to Bowden Lane.
- There are issues for neighbours with visibility, access and egress from driveways from parents parking on the road and footpaths. People also park across driveways.
- Parents are unable/choose not to use the Nursery car park at drop-off and pick-up times.
- Due to limited staff and visitor parking, the road is often narrowed to a single lane, particularly at School drop-off and pick up times. This affects residents and causes problems for larger vehicles, such as School buses, delivery and refuse vehicles and Emergency Services.
- The two sets of speed humps (junction of Norbury Drive/Bowden Lane and the School Entrance/Bowden Hall) do little to help with cars parking on them. Drivers pick up speed between them, ignoring the 20mph School restriction.
- The lack of visibility because of parked cars for pedestrians and those entering and exiting the Nursery car park and residents' driveways are a real hazard.
- Bowden Lane is a major route for children walking to and from Rose Hill Primary School and Marple Hall School, where children cross the road to reach parked cars.
- Residents regularly experience problems with parents dropping off children such as double parking, making it difficult for traffic to pass and residents driveways being blocked.
- There is a real issue with traffic on Bowden Lane and the Bowden House Nursery currently contributes significantly to the problem by staff and drop off's parking cars on the pavements of Bowden Lane. Over the years this problem has increased and it is well documented that Bowden Lane has a problem with traffic with the introduction of traffic calmers, child crossing warnings and a 20 mile an hour speed limit, etc.
- Increasing the Nursery provision by 43% would cause undue pressure on a road already ill equipped for the current volume of traffic and increase congestion in the area, inconveniencing residents further. This increase in traffic and footfall could lead to dangerous road situations having potentially dire consequences for children and residents.

- Bowden Lane parking at school times is chaotic. No emergency vehicle would be able to gain access at speed. Any unnecessary or additional parking on Bowden Lane should be avoided.
- There is serious traffic congestion at School/Nursery drop off and pick up time. The level of traffic goes up from a quiet side road to a very busy and congested road. Extra children being dropped off at the Nursery will make matters worse.
- Staff park on Bowden Lane outside residents houses and close to driveways. This is dangerous as residents cannot see if traffic is approaching due to the parked cars. Cars travel above the speed limit and additional places could result in a serious accident.
- Although Bowden Lane is residential, there is a busy Primary School and the Nursery. Collectively, this creates traffic and parking problems which is dangerous.
- Staff park on the roadside, often double parking. One member of staff is dropped off and picked up, with the driver often parking over driveways whilst they wait.
- Residents have to leave their properties earlier than they need to when going to work to avoid the problems.
- The small additional amount of on-site parking with limited additional spaces will not alleviate the issues.
- The proposal to increase parking on site for one additional member of staff and a further visitor drop-off point is unmanageable and will further add to the access/egress problems as the entrance exit is planning-restricted and only allows one car at a time to enter/leave the site. This increases the hazard of cars stopping on Bowden Lane to turn in whilst another car is attempting to leave the Nursery.
- At present, only one car (the Resident's) parks at the side of the property. It is proposed that this is increased to two, nose-to-tail. This is impractical as one car will be 'locked-in' and neither vehicle can be accessed if a car parks in spaces 3 and 4 as proposed.
- Planning policy for a 50 place Nursery requires 12.5 parking spaces, a disabled parking space of an appropriate size, an EV charging space of an appropriate size and adequate drop-off facility. Where is this all going to go? In the proposal, on site staff parking is reduced from 7 to 6 spaces to accommodate the additional drop off space from 2 to 3. The proposed onsite parking therefore does not comply with policy.
- A dedicated pedestrian walkway has been removed to make way for more vehicles. Pedestrian drop offs are forced to access the site through the 'one car at a time' access point which is shared by staff, supply vehicles and parents dropping children off in their vehicles. Children and carers walking

have not alternative than to enter the site where vehicles will be reversing and manoeuvring.

- The site currently offers inadequate parking spaces for even a 35 place Nursery, evidenced by cars being parked on the highway. No drop off arc can be achieved, resulting in cars having to reverse around the site and onto the highway used by pedestrians and onto a very busy Bowden Lane.
- The submitted plans are not to scale and incorrectly show the elusion of space throughout. The width and length of the parking spaces are incorrect. The plans do not accurately show the statutory requirement for a cycle storage facility or a disabled parking facility, along with manoeuvrability space. The required parking spaces are not achievable.
- There is no abundance of room for manoeuvring, especially if a car has arrived and another is entering the parking area. There are also 2 cars that are 'blocked in' that can only be used by moving cars in spaces 3 and 4. The width of the vehicular entrance is also not wide enough to easily allow two cars to pass and therefore cars are often forced to reverse, either back into the nursery or out onto a busy Bowden Lane. The problem is not curable because the driveway cannot be widened due to the protected status of two beech trees either side on the opening which at this stage would benefit from a Tree Health Survey, certainly before thinking of expansion to a 50 place nursery which could easily see daily increases to over 100 vehicles including Tesco delivery trucks/other supply vehicles entering the site.
- As parents cannot currently drive their cars in and out of the site in a forward motion (it is impossible to drop off in the parking space without reversing) it is easier for them to park on the pavements to unload their children. This results in increased danger to the public and to the children when unloading them onto a very busy Bowden Lane.
- The Planning Statements reference that 2 additional spaces are available once the resident vacates the premises is untrue. The Planning Officers recommendation to Area Committee in 2008) had recommendations of 9 bays to include 2 for parent drop off and 7 for staff and made no reference for the allowance of parking for residents of the flat, as the resident was already a member of staff. There are no 'extra' spaces after vacating the premises.
- The proprietors claims that they have not received complaints about staff parking is entirely false.
- The argument that staff members will use public transport should be taken with a pinch of salt.
- The suggestion that less than half of parents and staff drive to the site is not true, evident in the number of staff using Bowden Lane to park and parents pulling over as opposed to navigating into the site. Throughout the day not all parking spaces are used at the site due to limited manoeuvrability and it is easier for the staff to park on the public highway. This usually totals 5 or 6 vehicles, although for the past few weeks they have been dispersed to other

side streets. Also given that the Nursery is currently up for sale, the new owners, staff and clients could have to drive. Furthermore, the current proprietors are using the minimum Ofsted Staffing Guidelines on the required staff numbers and the new owners might want to employ a sensible number of staff. Will the new owners be bringing in their own staff and how will they be travelling to the site?

- Bearing in mind the new owners might want to run with a higher level of staff than the proposed low numbers, or the current Proprietors may realise that they have underestimated their staff requirements and their modes of transport, which will only compound the problems out onto Bowden Lane.
- The presence of builders vehicles and associated building equipment and facilities will exacerbate the already problematic parking situation.
- There has been an increase in food delivery vehicles and service vehicles to the site accessing the car park. They are unable to turn round and have to back out on to Bowden Lane. This is only likely to increase with an increased nursery population and add further to the problems.
- It is understood that the Nursery owners have made arrangements for parking spaces at the nearby Cricket Club. How will this be managed, monitored and enforced? The Cricket Club are not allowed/not able to rent or sublet their parking spaces. This cannot be considered as a solution as it may not happen. This arrangement is unenforceable as is not an alternative to having the statutory required onsite parking facilities. The Cricket Club is a good walk from the Nursery. Parents will not park here and walk during inclement weather and will continue to park on Bowden Lane. The arrangements will do little to address traffic problems on Bowden Lane as the vehicle access to the Cricket Club is on Bowden Lane itself.
- The application should be refused as there is no solution to cater for the statutory on site requirement of 12.5 staff places, 1 disabled place, adequate drop off, bicycle storage and EV charging facility at this site. The only option is to use the curb side parking on Bowden Lane and bearing in mind the realistic scenario of at least 100 visits by parents each day to drop off and pick up, along with an increase in staff vehicles, delivery goods vehicles, garden maintenance, visitors and refuse collection and other, is not an option because it will be dangerous.
- The proposal for 50 places is not slightly pushing Council policy, it is blowing a great big hole through it. Based on the policy, how can the application be approved? If it is, what is the point of the policy?

Other Issues/Concerns

- The previous application for 35 places was refused by the Council but granted on appeal. The Inspector rules that an increase from 30 to 35 was only slightly pushing the boundaries of policy CDH1.6. The applicant now wants to add an additional 20 places above the limit defined by Council policy. If the original application had been for 20 additional places, it would have been refused.

- The application implies that conditions 2, 3 and 4 were 'imposed' on planning permission DC028534 which is not true. The condition was a result of mediation between Councillors, the applicant and neighbours wishing to protect their residential amenity, parking problems and highways issues. Members of Committee noted that the decision to increase from 30 to 35 places was 'finely balanced' before a decision was made. The conditions were proposed to work for all parties in relation to siting and a timetable for outside play and management of parking and were agreed by the applicant. After the permission was granted, the applicant appealed to remove the conditions which was upheld. As such, such restrictions are not enforceable and expansion of the business in terms of raising the number of children and staff with no conditions will impact on residential amenity, parking and highways.
- As part of the previous application, Committee Members commented that *"a limit of 35 children is felt to be the maximum number of children that the site can accommodate in its given location, without being duly detrimental to amongst other things residential amenity and highway safety"*.
- The increase of 1 member of staff for an additional 15 children does not satisfy any equation and is unrealistic. It is likely to be the case that many more staff would be required to achieve an acceptable Ofsted rating. As part of the previous application for increased numbers from 30 to 35, the application stated that there would be no further members of staff, which is not the case as increased staffing has taken place. The number of staff required to run a 50 place Nursery is between 17 and 20 members.
- The submitted plans are not to scale as they show clear space between the building and the boundary with a neighbouring property. The reality is that the building has, at some stage, been extended into the boundary wall.
- There is no need for the proposed increase in numbers. The Council Childcare Sufficiency Report 2022 states that Nurseries have occupancy under 80% and Stockport has sufficient places available to meet demand. Marple has 5 Nurseries, all of which are under occupied.
- The applicant is actively selling the business and rationale is about getting planning permission rather than managing structured play, car parking and local amenities.
- The planning application has been made as the owner wishes to move out and believes that the expanded Nursery will be a better use of the land.
- With the expansion of free childcare, more Nurseries will be required. The restriction reduces value and if the owners wish to sell the removal will increase the value, forgetting why the restriction is there.
- Concerns over less cooperation and consideration regarding the impact of expanded activities, as the applicant is intending to move out.
- The burden would be onerous on all local residents, the majority of whom are retired and do not avail themselves with the services provided by the Nursery.
- A business contributes nothing to a residential area.

- The SPG is clear that there is a presumption that where a nursery is in a residential area there will be a continued use by the property/business owner as a home. This is to ensure they realise the impact the nursery is having on neighbouring properties.
- There have been problems with the Nursery alarm when the occupant is away which could worsen if nobody is living there. An unmonitored alarm will lead to more disturbances.
- If the Nursery is not occupied at night, this could lead to anti-social behaviour, affecting neighbours and putting them at risk.
- Significant affect on wildlife whose habitat it is.
- Neighbours have suffered sewerage discharge into gardens from blockages at the Nursery which would be exacerbated by the increase in population. United Utilities should be approached.
- Where will any cycle shed be located? If it is the same side as the trolley shed, this will aggravate the situation.
- Whilst the applicant sent a courtesy letter to neighbours, it was not sent to all affected neighbours and was only delivered the day before the application was submitted.
- Not all properties in the vicinity received a notification letter from the Council and had to be informed by neighbours.

Letters of support from 2 properties have been received to the application which assert the following :-

- A nursery with more space is what the community needs.
- It would benefit parents looking for a childcare setting for their children in the local area.
- The waiting list for places can be long and the demand for places is high.
- The proposal would create more spaces and opportunities for children to attend the Nursery.
- Having a capacity of 50 children would mean that children would not be turned away due to lack of space.
- The site is in high demand as it is located across the road from the Primary School where siblings might attend.
- The proposal would create more spaces for children to explore which can help with their development.

CONSULTEE RESPONSES

Conservation Officer

No comments made.

Highway Engineer

The proposal involves increases child numbers at the nursery from the 35 previously conditioned to a maximum of 50. The self-contained apartment within the building is to be converted into additional nursery floorspace. With the increase in children is a proposed increase in staff of 1 person.

I note previous applications/appeals made little if any reference to traffic or parking provision or concerns.

Parking spaces previously allocated to the residential element are now available for use in connection with the nursery, providing an additional drop off space and an additional parking space for staff. Staff parking therefore increases in line with the increase in staff numbers.

Child numbers will increase by approximately 45% with a commensurate increase in drop off space from 2 to 3, which would seem appropriate, as pro-rata.

No alterations to access are proposed.

There is also reference to an agreement to facilitate staff parking on the nearby cricket club. Whilst welcomed, such an agreement cannot be considered as permanent as it is made with a third party.

A Transport Statement has been submitted outlining anticipated vehicle numbers following increased childcare provision and commenting on the adequacy of the proposed parking provision. The anticipated increase in traffic from the development would not result in any significant impact on the operation of the local highway such as to warrant refusal on highway grounds.

On street parking generally does not appear to be an issue in the area, other than at school opening/closing; local houses have in-curtilage parking available. Though junctions are protected by no waiting at any time restrictions, and there are further waiting restrictions on Seven Stiles Drive which lies opposite Rose Hill School, there are no road markings restricting parking across driveways which might be expected where inconsiderate parking is prevalent.

Being aware of concerns expressed by local residents, I visited the site personally, between 8am (opening time) and 9am on Thursday 29th June and observed visitor numbers and general traffic conditions. During that period there were a minimum of 2 parking spaces available within the site at all times; generally, 3 spaces were available and for two brief periods 4 spaces were free. It appears therefore that there is more than adequate provision for parking/drop off with the current situation, and with the proposed increased parking provision there would be adequate parking/drop off for the proposed increased size of facility.

During my observation there were only two separate instances where parent/carers stopped on street to drop off children. This was despite space being available within the site. Vehicles were parked for less than 5 minutes.

I noted two vehicles parked on Bowden Rd close to the Nursery entrance at 8am and still there at 9am. These *may* have belonged to staff members as marked staff parking within the Nursery car park was underused.

There was considerable on-street parking taking place up to about 8:40 with parent/carers dropping children off to Rose Hill Primary School. These parked vehicles and the presence of the school crossing patrol did result in some disruption to the free flow of traffic in the area. There was no evidence that any disruption resulted from visitors to the Nursery.

Whilst it appears from the relatively low numbers of trips to the site that staff and visitors are supportive of using non-motorised modes to access the Nursery, I would recommend that a Travel Plan be developed to maintain and potentially increase support for sustainable travel.

Details of the proposed cycle store for staff and scooter store are required and I recommend a suitable condition to secure adequate provision.

- Recommendation : No objection subject to the following conditions :-

The approved development shall not be occupied until the car parking facilities for the development have been provided in accordance with the approved drawings, hard surfaced (in tarmac, block paving or other non-loose material), drained (to a soakaway / SuDS system), marked out (with carriageway markings, or similar) and are available for use. The car parking facilities shall thereafter be kept clear and remain available for parking of vehicles for the development.

Reason: To ensure that adequate parking facilities are provided and that they are appropriately located and are of a safe and practical design, in accordance with Policies SD-6 'Adapting to the impacts of climate change', SIE-1 'Quality Places', T-1 'Transport and Development', T-2 'Parking in Developments' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD, supported by Chapter 10, 'Parking', of the SMBC 'Sustainable Transport' SPD

No work shall take place in respect to the provision of cycle parking within the site until details of proposals to provide the following cycle parking facilities within the site have been submitted to and approved in writing by the Local Planning Authority :-

- 1) Long-stay cycle parking (a covered and secure cycle store/s) for a minimum of 2 cycles

The development shall not be occupied until the cycle parking facilities have been provided in accordance with the approved details. The cycle parking facilities shall then be retained and shall remain available for use at all times thereafter.

Reason: To ensure that safe and practical cycle parking facilities are provided so as to ensure that the site is fully accessible by all modes of transport 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 and the cycle parking facilities are appropriately designed and located in accordance with Policies SIE-1 'Quality Places' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD, supported by paragraphs 10.9-10.12 'Bicycle Long and Short Stay Parking', of the SMBC Sustainable Transport SPD.

The approved development shall not be occupied until a travel plan for the development has been submitted to and approved in writing by the Local Planning Authority and has been brought into operation. The approved travel plan shall 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 current national and local best practice guidance and shall include details on the method of operation, appointment of a Travel Plan Coordinator/s, targets, infrastructure to be provided, measures that will be implemented, monitoring and review mechanisms, procedures for any remedial action that may be required and a timetable for implementing each element of the plan.

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.

Environmental Health Officer (Noise and Amenity)

This service has NO OBJECTION to the above proposal, in relation to impact upon the environmental quality of life to existing sensitive receptors, in proximity to the day nursery.

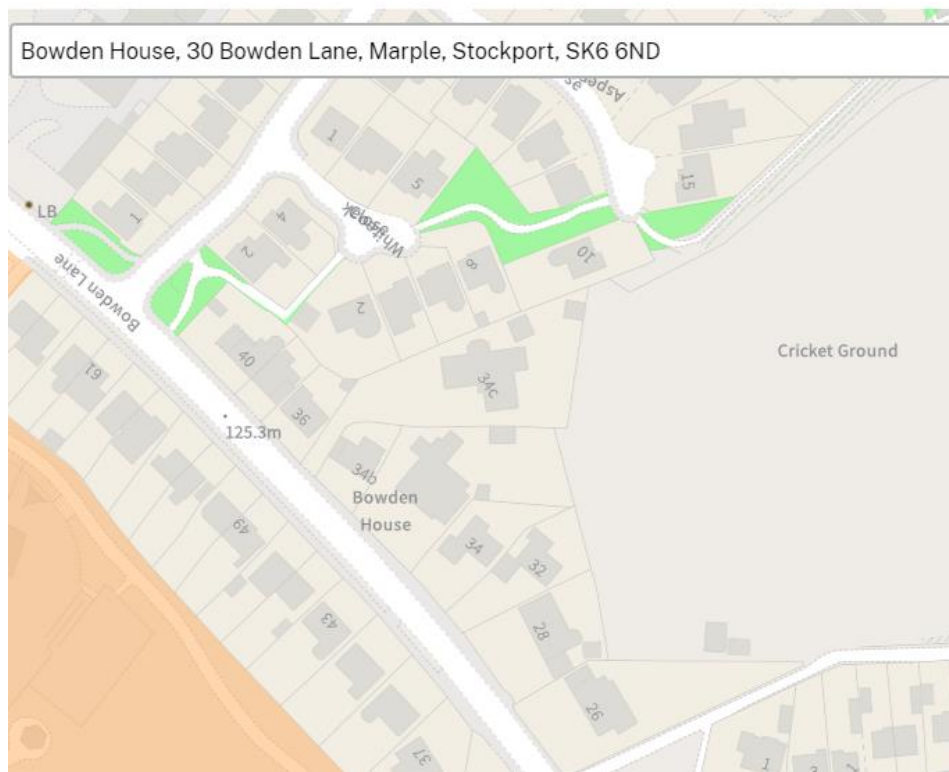
A marginal impact on neighbouring amenities may occur from the proposed increase in child capacity by 15 spaces, from the existing permitted 35 to 50. However, this service does not consider that a significant negative impact upon residential amenity from noise or disturbance, would occur, when take into consideration :-

- An existing day nursery, with capacity for 35 children;
- Bowden House is a detached property, with an outdoor area provided at the rear of the nursery measures 528 sqm (Applicants Planning Statement);
- Operating in excess of 15yrs on this location without generating noise complaint to this service;
- The hours of operation are weekdays, 7.30am - 6pm. No weekend or evening activity;
- As an existing use, noise from children at play during weekdays (daytime hours) is considered part of the soundscape at this location.

Location and Residential Receptors

Planning Appeal Ref: APP/C4235/A/08/2082917, Section 5, details current lawful position.

garden area. Number 34C Bowden Lane is in particularly close proximity to the outdoor play equipment but other nearby residents have also raised concerns. Despite the substantial fence along the boundary with number 34C and the boundary treatment closest to numbers 34 and 32, noise associated with play would be evident to those residents. However, this is the current lawful position.



From the D&A

The property is currently utilised as a day care nursery for up to 35 children, as limited by a planning condition on the 1 December 2008 appeal consent, other than the first floor which is occupied by one of the owners of the business as a self-contained flat. The rationale behind the scheme is that the owner now wishes to move out of the property, and as it has not proved possible to let the flat given its location and clear connection with the day care nursery it makes land use sense for the upper floor to be utilised as part of the existing nursery, which in turn facilitates the number of children being increased by 15 up to a maximum of 50 with only one additional member of staff being required.

The upper floor would be laid out as four classrooms, a kitchen, a staff bathroom and a bathroom and uses the existing layout with no internal or external changes required. The site layout would be revised to provide one further drop off space

6.4 In addition, the increased number of children from 35 to 50 would not result in any increased outdoor activity by virtue of the method and considerate manner in which the nursery operates during outdoor play times, meaning that there is no detrimental impact on adjacent occupiers by way of noise or disturbance.

6.14 The additional area upstairs could provide three large classroom for 2-3 years children,

6.16 The additional space upstairs would then enable more space and facilities to be provided downstairs for the babies and Pre-School

Outdoors

6.17 The existing outdoor play area is more than large enough to accommodate the numbers of children, but as with the existing arrangement the nursery would not

propose to have all 50 children outside at once. Outdoor play has always been very carefully managed to Bowden House in the 17 years they have been open and have had no complaints about noise from their neighbours. The different rooms have different outdoor times and go out in their groups, and babies use the play area near the building which is all weather and suitable for them to crawl and explore without getting wet and dirty, and is a safe environment for them to learn about the outdoor world.

(v) operates from 8 a.m. to 6 p.m. and open on weekdays only Other than opening at 0730 hours for a very small number of children to attend a breakfast club for parents who need to start work early, the proposed hours of use are in line with above.

Arboricultural Officer

The proposed development is not within a Conservation Area.

There is legally protected tree within this site or affected by this development (Bowden House, Bowden Lane, Marple 1989).

The proposed development will potentially have a minor negative impact on trees located on site with encroachment and potential damage from machinery working in close proximity of the trees within the site. The sites front and rear boundary has a fair level of vegetation and trees and as such there cannot be any loss of trees on site as this will have a negative impact on amenity and biodiversity.

The proposed works should not have a negative impact on the existing trees as it is not extending outside the footprint and patio/shrub planted areas. The construction methods may impact on the trees and as such a temporary protective fencing should be required to be erected to make contractors aware of the protective trees and limit access to these areas to prevent compaction, accidental damage or spillage of chemicals on the root zones of all trees in the rear of the property and also the front of the site, if this is conditioned and complied with then the extension would not have a negative impact on the site and surrounding environment.

The main concern for this site is the protection of the highway trees fronting the site and the requirement for these trees to be protected prior to any works commencing on site and then all the trees in the rear of the property and in the neighbouring property and as such no machinery, materials or temporary facilities should be stored within the root zone of the tree whether it's hard-standing or not.

In principle the scheme will have a minimal negative impact on the trees in the area and with the protective fencing restricting all access to the protected trees in the property and adjoining the property area then this will resolve any tree related issues.

The following conditions are required if the scheme is approved :-

Condition Tree 1

- No existing tree within the site shall be cut down, topped, lopped, uprooted, wilfully damaged or wilfully destroyed without the prior written approval of the local planning authority, with the exception of those indicated otherwise on the approved plan. Any hedgerows, woody plants or shrubbery removed without

such consent or dying or being severely damaged or being seriously diseased, within 5 years of the development commencing, shall be replaced within the next planting season with trees of such size and species as may be approved in writing by the local planning authority.

Condition Tree 2

- No development shall take place until all existing trees on the site except those shown to be removed on the approved plans, have been fenced off in accordance with BS 5837:2012 "Trees in relation to construction - Recommendations". The fencing shall be retained during the period of construction and no work, excavation, tipping or stacking of materials shall take place within any such fence during the construction period.

Early Years Team

The Early Years team in the Local authority would be very keen to support this application.

This nursery is an outstanding provision and provides high quality nursery places to the Marple area.

The application addresses the issues around parking facilities and staffing and the fact that many local families use the provision.

I can confirm that there is a need in the area for siblings of existing families and that we are going to see an increase in younger siblings taking up nursery places and parents returning to work. This will be driven by the government budget announcement about extending the free/funded early years entitlements to younger children to encourage the use of nursery places and making them affordable.

This nursery works well with the Local Authority and supports local and government agendas and the high quality and professionalism for the owners and managers are the types of nursery provisions that we are keen to maintain and grow.

ANALYSIS

Background

On the 6th May 2004, planning permission was granted subject to conditions for the change of use of Bowden House, 30 Bowden Lane, Marple from residential to a Day Care Nursery with a single storey extension to the side and a conservatory to the rear (Reference : DC013748). Condition 2 of planning permission DC013748 stated :-

- *The use hereby permitted shall be limited to a maximum of 30 children at any one time.*

A subsequent planning application (Reference : DC028534) for the variation of condition 2 of planning permission DC013748 to allow for an increase in number of childcare places to a maximum of 35, was granted on the 5th March 2008 subject to conditions. Condition 1 of planning permission DC028534 states :-

- *The number of children attending the day nursery at any one time shall not exceed 35.*

A subsequent appeal against the imposition of conditions 2, 3 and 4 of planning permission DC028534, which sought to control activity within the external play areas in the interests of the living conditions of neighbouring properties with regard to noise and disturbance was allowed on the 18th December 2008. In allowing the appeal, the Planning Inspector concluded that “.. *when considered against the existing lawful use of this site and the limited additional number of places proposed, ... they would be entirely disproportionate and unreasonable*”.

The current application seeks permission for the variation of condition 2 of planning permission DC013748/condition 1 of planning permission DC028534, under the provisions of Section 73 of the Planning and Compensation Act, to increase the maximum number of children at the existing Day Care Nursery from 35 to 50, via the use of the upper floor of the building.

Impact on Residential Amenity

The application site is allocated within a Predominantly Residential Area, as defined on the UDP Proposals Map. Saved UDP policy CDH1.2 and Core Strategy DPD policies SIE-1 and SIE-3 seek to ensure that development and uses within such areas can be accommodated with causing detriment to the amenity of adjacent residential properties. Specifically, saved UDP policy CDH1.6 and the ‘Day Care Nurseries’ SPG indicate that such uses will be permitted provided that the proposal, amongst other considerations :-

- Is of an appropriate scale in terms of number of children,...noise, general disturbance to neighbours and opening hours, to be accommodated within a residential area without materially lowering the residential amenity for neighbouring occupiers or causing a loss of residential character. As a guide, day nurseries in a residential area should operate at an upper limit of about 30 child places;
- Is in sufficiently spacious grounds for the applicant to be able to meet the Council’s requirements for outdoor children’s play space without prejudicing the amenity of neighbouring occupiers through unacceptable levels of noise and general disturbance;
- Operates from 08:00 to 18:00 and open on weekdays only;
- Implements an approved scheme for the landscaping of the site. The landscaping scheme to include provision for the screening from neighbours of parking, drop-off and play areas at the nursery;
- Is located in a detached property, unless the premises attached to the property are in a non-residential use.

The explanation to saved UDP policy CDH1.6 confirms that Nurseries are acceptable uses in residential areas, however acknowledges that children playing and traffic may cause disturbance to neighbours. Larger Nurseries could also have an adverse impact on the residential character of an area. The Council therefore seeks to control the scale of...and the resulting impact of Nurseries. The protection of residential amenity and character can partly be achieved by limiting the number of child places to an upper limit of around 30 children. The policy does, however,

acknowledge that the exact number of children that a property can suitably accommodate will depend upon factors such as the proximity of neighbouring dwellings and the size of the Nursery's grounds. The policy accepts that there will be properties, for example some larger properties with spacious gardens, which are suitable for more than 30 children.

The proposal would result in an increase in children numbers from 35 as approved to 50 as currently proposed. Whilst the recommended limitation of the number of children to 30 as defined by saved UDP policy CDH1.6 and the Day Care Nurseries SPG is acknowledged, this should be treated as guidance rather than an inflexible set of rules and the acceptability of proposed additional children is dependent upon factors such as the proximity of neighbours dwellings and the spaciousness of the Nursery's grounds.

It is noted that residential properties adjoin the application site to the North, North West and South East, with further residential properties on the opposite side of Bowden Lane to the South West. The significant concerns raised by neighbouring properties as to the additional impact on residential amenity by reason of noise and disturbance as a result of the proposed increase in children numbers are noted and acknowledged.

The detailed comments received to the application from the Council Environmental Health Officer are contained within the Consultee Responses section above. Members are advised that no objections are raised to the proposal from the Environmental Health Officer in relation to impact upon the environmental quality of life to existing residential properties in proximity to the site. Whilst it is acknowledged that a marginal impact on residential amenity may occur from the proposed increase in children numbers, the Environmental Health Officer does not consider that a significant negative impact on residential amenity by reason of noise and disturbance would occur when consideration is taken of the existing Nursery use at the site with a capacity of 35 children; the fact that the property is detached with an large external play area; the use has been operating for 15 years without generating noise complaints to the Environmental Health Service; the hours of operation/use (weekdays, 08.00 to 18.00 with no weekend or evening activity); and, as an existing use, noise from children at play during weekday and daytime hours is considered to be part of the soundscape and at this location.

In terms of the provision of outdoor play space, the site would retain approximately 500 square metres of external learning space/play space within the existing area to the rear of the building. This comfortably exceeds the 'Day Care Nurseries' SPG requirement for 7 square metres of outdoor play space for every 2 children and provides additional weight to justify that the site is of an appropriate size and scale to accommodate the increased number of children proposed.

In view of the above and in summary, the neighbour objections on the grounds of noise and disturbance from the proposed increase in number of children for which permission is sought are noted and acknowledged. However, in the absence of objections from the Environmental Health Officer, a reason for refusal on the grounds of loss of residential amenity would be difficult to justify. As such and on balance, the proposed increase in the number of children is considered to be acceptable from an impact on residential amenity perspective, in accordance with saved UDP policies CDH1.2 and CDH1.6, Core Strategy DPD policies SIE-1 and SIE-3 and the 'Day Care Nurseries' SPG.

Traffic Generation, Parking and Highway Safety

A Transport Statement has been submitted in support of the application. The detailed comments received to the application from the Council Highway Engineer are contained within the Consultee Responses section above.

In terms of access and parking arrangements within the site, the Highway Engineer notes that no alterations are proposed to the existing access to the site. Parking spaces allocated to the existing first floor flat would be made available for the Nursery, providing an additional drop off space and an additional parking space for staff. Staff parking would therefore increase in line with the proposed increased staff numbers. Child numbers would increase by approximately 45% with a commensurate increase in drop off space from 2 to 3, which is considered appropriate by the Highway Engineer. A condition is recommended by the Highway Engineer to ensure that the proposed amended car parking facilities are provided in accordance with the submitted plans prior to the increase in children numbers being brought into use and subsequently retained thereafter. Whilst the Highway Engineer notes reference to an agreement with the adjacent Sports Club to facilitate staff parking, whilst this is welcomed, such an agreement could not be considered as permanent as it would be made with a third party.

The Transport Statement submitted in support of the application outlines anticipated vehicle numbers following the proposed increased childcare provision, along with the adequacy of the proposed parking provision. The Highway Engineer considers that the anticipated increase in traffic resulting from the proposed increase in child numbers would not result in any significant impact on the operation of the local highway to justify refusal of the application on highway grounds.

It is clear from the neighbour responses received to the application that significant concerns are raised by local residents as to existing on-street parking issues which would be exacerbated as a result of the proposal, which are noted and acknowledged. The Highway Engineer however considers that on-street parking generally does not appear to be an issue in the area, other than at opening/closing hours of the nearby Rose Hill Primary School. The Highway Engineer notes that surrounding residential properties have curtilage parking facilities available. Although junctions are protected by no waiting at any time restrictions, and there are further waiting restrictions on Seven Stiles Drive which lies opposite Rose Hill School, there are no road markings restricting parking across driveways which might be expected where inconsiderate parking is prevalent.

The Highway Engineer acknowledges concerns raised by local residents and has therefore undertaken a site visit between 08.00 and 09.00 to observe visitor numbers and general traffic conditions. During that period there were a minimum of 2 parking spaces available within the site at all times (generally, 3 spaces were available and for two brief periods 4 spaces were available). It therefore appears that there is more than adequate provision for parking/drop off as existing and with the proposed increased parking provision, the Highway Engineer considers that there would be adequate parking/drop off facilities for the proposed increased size of the Nursery.

As part of the site visit, the Highway Engineer observed that there were only two separate instances where parent/carers stopped on street to drop off children, despite space being available within the site. Vehicles were parked for less than 5 minutes. The Highway Engineer noted two vehicles parked on Bowden Lane close to the Nursery entrance at 08.00 which were still there at 09.00. These vehicles may have belonged to staff members, as marked staff parking within the Nursery car park was underused.

The Highway Engineer noted that there was considerable on-street parking taking place up until about 08:40 with parent/carers dropping children off at the nearby Rose Hill Primary School. These parked vehicles and the presence of the school crossing patrol did result in some disruption to the free flow of traffic in the area. There was however, no evidence that any disruption resulted from visitors to the Nursery.

In order to potentially increase support of sustainable travel to the site by non-motorised modes, conditions are recommended by the Highway Engineer to require the development of a Travel Plan for the site and require the provision of a cycle store and scooter store.

In summary, the significant number of neighbour objections raised to the proposal are noted and acknowledged. However, on the basis of the submitted information and following a site visit, no objections are raised to the proposal from the Council Highway Engineer, in relation to on-site parking provision, traffic generation, on-street parking availability and the associated impacts on the highway network and highway safety. In the absence of objections from the Highway Engineer, the proposal is considered acceptable in respect of these matters and the proposal is considered to comply with saved UDP policy CDH1.6, Core Strategy DPD policies SD-6, SIE-1, CS9, T-1, T-2 and T-3, the Day Care Nurseries SPG, the Sustainable Transport SPD and the Transport and Highways in Residential Areas SPD.

Impact on Trees

Existing trees on the site are protected by way of a Tree Preservation Order (Bowden House, Bowden Lane, Marple 1989). The detailed comments received to the application by the Council Arboricultural Officer are contained within the Consultee Responses section above.

In raising no objections to the application, the Arboricultural Officer notes that the proposal should not have a negative impact on existing trees within the site. Conditions are recommended by the Arboricultural Officer to ensure that no existing tree is worked to and to require the provision of protective fencing to existing trees during any external works.

In view of the above, in the absence of objections from the Arboricultural Officer and subject to conditional control, the proposal is considered acceptable in terms of its impact on protected trees within the site, in accordance with Core Strategy DPD policies SIE-1 and SIE-1.

Other Matters

The proposal would result in the loss an existing first floor flat and is therefore subject to assessment against the requirements of saved UDP policy HP1.3. This policy states that in determining planning applications which would involve the loss of existing dwellings, the Council will have regard to the balance of factors including the restricted housing land supply in Stockport; whether the change of use or redevelopment is for 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 dwellings suffer from adverse environmental conditions; and whether the loss of dwellings would be justified to facilitate regeneration. Information submitted in support of the application states that the existing first floor self-contained flat is currently occupied by one of the owners who

now wishes to move out and it has not been possible to let the flat. Whilst the current housing under-supply position that the Borough is currently experiencing is acknowledged, it is noted that the proposal would provide a community facility in relation to childcare provision and would be a source of employment and service for the local residential community. As such, the proposed loss of the existing first floor flat is considered to be justified in this particular case and does not conflict with saved UDP policy HP1.3.

Bowden House is a locally listed building on the Councils Historic Environment Database and therefore comprises a non-designated heritage asset. It is noted that the proposal would not require any external alterations to the existing building and, in the absence of objections from the Council Conservation Officer, is not considered to result in harm to the locally listed building, in accordance with Core Strategy DPD policy SIE-3.

Comments have been received to the application from the Council Early Years Team, who offer support to the proposal. It is stated that the Nursery is an outstanding provision and provides high quality nursery places to the Marple Area. The Nursery works well with the Local Authority and supports local and government agendas and the high quality and professionalism of the owners and managers are the types of Nursery provisions that the Early Years Team are keen to maintain and grow. It is confirmed that there is a need in the area for siblings of existing families and that there will be an increase in younger siblings taking up nursery places and parents returning to work, which will be driven by the government budget announcement about extending the free/funded early years entitlements to younger children to encourage the use of nursery places and making them affordable. As such, there is considered to be a genuine need and demand for additional child places within the Marple area as recognised by the Early Years Team, which is considered to provide additional weight in justification of the proposal.

SUMMARY

At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 8 of the NPPF establishes three dimensions to sustainable development – economic, social and environmental and indicates that these should be sought jointly and simultaneously through the planning system.

The application seeks permission for the variation of condition 2 of planning permission DC013748/condition 1 of planning permission DC028534, under the provisions of Section 73 of the Planning and Compensation Act, to increase the maximum number of children at the existing Day Care Nursery from 35 to 50, via the use of the upper floor of the building.

The site is located within a Predominantly Residential Area, where Day Care Nursery uses are considered to be appropriate, provided that they can be accommodated without causing a detrimental impact on the amenity of surrounding residential properties by reason of noise and disturbance and are of an appropriate scale in respect of traffic generation, parking and highway safety. The significant concerns raised by local residents in respect of these matters as a result of the proposal are noted and acknowledged. Clearly the proposed increase in children using the Nursery from 35 to 50 as a result of the proposal would have a certain degree of additional impact in respect of these issues.

Nevertheless, Members are advised that no objections are raised to the proposal from the Council Environmental Health Officer in relation to impact on residential

amenity. Furthermore, no objections are raised to the proposal from the Council Highway Engineer in relation to traffic generation, parking and impact on highway safety. In the absence of objections from the above consultees, a refusal of the application on these grounds is considered to be difficult to justify and sustain at appeal.

The proposed loss of the existing flat at the site is considered to be justified and the proposal would not result in harm to the existing locally listed building. Additional weight in justification of the proposal is that there is considered to be a genuine need and demand for additional child places within the Marple area, as recognised by the Council Early Years Team.

In view of the above, the proposal is considered to comply with relevant saved UDP and Core Strategy DPD policies and relevant SPD's and SPG's. In considering the planning merits of the proposal against the requirements of the NPPF, on balance the proposal is considered to represent sustainable development. On this basis, notwithstanding the objections raised to the proposal, in accordance with the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application is recommended for approval.

RECOMMENDATION

Grant.