

Application No: 16/6197C

Location: Happy Days Club And Nursery School, Jubilee Walk, Holmes Chapel,  
CW4 7FN

Proposal: Removal of Condition 1 and Variation of Condition 3 on Approved  
14/5464C - Variation of conditions 1 & 2 on application 13/1064C-  
Construction of pre-fabricated pre-school and associated external works

Applicant: Mrs Helen Scott, Holmes Chapel Primary School

Expiry Date: 02-Mar-2017

## **SUMMARY RECOMMENDATION**

The application proposes the removal of Condition 1 of planning approval 14/5464C to enable the permanent retention of the single storey prefabricated modular building accommodating the Happy Days Club & Nursery School.

The retention of the nursery will result in the loss of a small part of the Primary School playing field adjacent to the northern boundary of its grounds adjacent to Jubilee Walk. Notwithstanding current footpath pitch provision at the School, Sport England have objected on the basis that as proposed the reduction in the area of the playing field will not allow a pitch to be provided of a size which accords with its technical requirements

The retention of this modular building in its current location is acknowledged to not represent the optimal design or preferred siting solution, but such concerns are outweighed by the significant benefits resulting from the continuing provision of these childcare facilities which are confirmed by the Councils Education officer to be important in continuing to meet local needs.

Whilst concerns have been raised by some neighbouring residents, it is considered that subject to the restriction of the nursery's operating hours and the provision of enhanced boundary treatment alongside Jubilee Walk that the amenities of nearby dwellings will be satisfactorily safeguarded.

The Council's Highway Engineer does not consider that the operation of the nursery has adversely affected highway safety or increased traffic management problems in the locality.

In summary whilst the proposal will result the loss of small part of the playing field contrary to the Development Plan, and to which Sport England have objected, it considered on balance that this is clearly outweighed by the significant benefits of maintaining these child care facilities on this site, given their confirmed importance in meeting local childcare needs.

In accordance with The Town and Country Planning (Consultation) (England) Direction 2009, in circumstances where a Local Planning Authority is minded to grant planning permission for a proposal, contrary to Sport England's objection, then the application is required to be referred to the Secretary of State.

## **RECOMMENDATION**

**Approve with Conditions; Subject to Referral to the Secretary of State further to the Statutory Objection of Sport England;**

## **DESCRIPTION OF SITE AND CONTEXT**

The application site lies within the grounds of Holmes Chapel Primary School that is situated on Middlewich Road the main route leading out of Holmes Chapel to junction 18 of the M6 Motorway. The school is situated within the Settlement Zone and the site is a protected by area of open space/recreational facility by way of policy RC2 of the Congleton Borough Local Plan.

Residential properties of Bessancourt lie to the north of the site beyond a pedestrian access way known as Jubilee Walk which runs between Middlewich Road and Westway passing along the northern boundary of the school grounds. The Primary School and Happy Days Nursery are accessed from separate points off Jubilee Walk.

## **DETAILS OF PROPOSAL**

The application proposes the removal of Condition 1 of planning approval 14/5464C to enable the permanent retention of the single storey, prefabricated modular building accommodating the Happy Days Club & Nursery School, and also the external play areas located on either side of the building. Planning approval was previously been granted in 2013 (13/1064C) and then subsequently in 2015 (14/5464C) for the siting of these facilities in this location on a temporary basis until July this year.

Happy Days is a private nursery which has been in situ since August 2013 and provides nursery care for children from 2 years of age on both a full time and part time basis with extended day care available from 8.00 am to 6.00 pm Monday to Friday. Happy Days also provide out of school and holiday clubs.

The building is positioned alongside the northern boundary of the school site on part of the school playing field immediately adjacent to a pedestrian access way known as Jubilee Walk which has street lighting, and from which the nursery is directly accessed.

There is also an existing pre-school facility with the school grounds on site provided by a community organisation and the new facility is immediately to the east along the footpath boundary

## **PLANNING HISTORY**

Numerous applications on site but most recent and relevant are:-

14/5464C - Variation of conditions 1 & 2 on application 13/1064C- Construction of pre-fabricated pre-school and associated external works. Approved 19<sup>th</sup> May 2015

13/1064C - Construction of pre-fabricated pre-school and associated external works. – Approved for two years – 11<sup>th</sup> June 2013

13/0133C – Extension of time (to 02/01/16) to previous approval (07/1102/FUL) for temporary planning permission for existing pre-school building (Holmes Chapel Community Pre-School) – Approved 29<sup>th</sup> April 2013

07/1102/FUL – Temporary permission for existing pre-school building – Approved 8<sup>th</sup> January 2008.

## **POLICY**

## **Cheshire East Local Plan Strategy – Adopted Version (CELP)**

PG2 – Settlement Hierarchy  
PG7 – Spatial distribution of development  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SC1 – Leisure and recreation  
SC2 – Indoor and outdoor sports facilities  
SC3 – Health and Well0-Being  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE 6 – Green Infrastructure  
SE14 – Jodrell Bank  
CO1 - Sustainable Travel and Transport

The Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There is however policies within the legacy Local Plan that still apply and have not yet been replaced. These policies are set out below.

## **Congleton Borough Local Plan First Review 2005**

GR6 - Amenity and Health  
RC2 - Protected Areas of open Space  
RC11- Indoor Recreation and Community Uses  
RC13 - Day Nurseries

## **Holmes Chapel Neighbourhood Plan – Made 18th April 2017**

Policy CW1: Outdoor Play and Recreational Areas  
Policy CW3: Primary Schools  
Policy CW4: Child Care Facilities  
Policy CE5: Character and Design  
Policy TT1: Promoting Sustainable Transport  
Policy TT3: Parking

## **CONSULTATIONS (External to Planning)**

**Strategic Highways Manager:** No objection

**Sport England:** Object

**Environmental Health:** No objection

## **VIEWS OF HOLMES CHAPEL PARISH COUNCIL**

No Objection conforms to Neighbourhood Plan.

## **OTHER REPRESENTATIONS**

Letters of objection have been received from the residents of 3 nearby properties on the following grounds;

- Planning permission was granted on a temporary basis only, and should not become permanent
  - Visual intrusion of an ugly prefabricated building combined with a loss of open outlook.
  - Building is imposing and highly visible
  - Loss of privacy and overlooking of adjacent dwellings (Bessancourt) as main entrance is main entrance is sited close to the rear of properties and the building is raised above external ground level by approximately 50 cm
  - Noise and disturbance caused by activity, proximity of play areas, congregation of people on footpath and loss of tranquillity to rear of Bessancourt.
  - Obtrusive security lighting
  - Increase in traffic, highway safety dangers and parking problems along Bessancourt
  - Car parking related to school drop off and pick was already a problem prior to relocation of Happy Days
  - Car parking at arrival and dispersal times causes a traffic hazard through obstruction on Westway
  - Imposition of yellow lines on Middlewich in 1999 displaced School parental traffic onto Westway due to the Jubilee Walk link and this has been exacerbated in recent years by the nursery traffic.
  - Lack of parking provision for staff
  - Other viable sites and alternative locations to accommodate nursery
- Building should be re-sited closer to school buildings or elsewhere on perimeter away from residential properties

8 letters have been received supporting the application on the basis of:

- Essential local service
- Vital services for working parents
- Safe and secure for children
- Good location for use near to school- The siting of Happy Days on Jubilee Walk within the school grounds allows a safe environment for parents to drop off and pickup their pre-school children
- Other childcare providers do not offer extent of activities or flexibility of Happy Days
  - The infrastructure of the village is already under severe pressure and the closure of Happy Days would make things worse.

This is a brief summary and the full contents of these extensive representations are available to view on the Council's website.

## **OFFICER APPRAISAL**

### **Principle of Development**

The site falls within the Holmes Chapel Settlement Zone Line. It is also designated as an area of protected open space under Local Plan policy RC2 (Protected Areas of Open Space). This policy allows for the development or extension of existing buildings associated with the use of the site, provided that there would be no significant loss of a recreational facility involved or where it would allow for improved facilities on site which would offset any loss.

The proposal does undoubtedly result in the loss of open space within the playing field and the original application (13/1064C) was initially subject to an objection from Sport England. At that time the

applicants submitted a drawing to indicate that a (reduced in size) football pitch could be repositioned in the remaining playing field space. This was considered satisfactory by Sport England who withdrew its objection on the basis that only a temporary permission would be granted, and the land would then revert back to a playing field. Sport England took the same position in respect of the subsequent approval (14/5464C) which enabled the facilities to be retained for an extended period until July this year. Given the permanent loss of part of the playing field now proposed by this application, Sport England has lodged a statutory objection, and the issues arising from this are addressed later in this report.

It is considered that there is clearly some synergy and sustainability in locating such a use within the School grounds as many children who use the facility will attend the primary school now and in the future. However it remains the case that some open space is lost contrary to policy RC2 (Protected Areas of Open Space). In addition to this conflict with Development Plan, the key considerations in the determination of the application is the contribution these facilities (Happy Days Nursery) make in meeting childcare needs in Holmes Chapel, as well as the impact of the permanent retention of the facilities on the appearance of the locality, amenities of neighbouring properties and the local highway network.

### **Provision of Childcare Facilities.**

An objective of the Holmes Chapel Neighbourhood Plan supports the provision of childcare facilities, including day nurseries and pre-schools, play schools and out of school clubs adjacent to primary schools. Policy CW4 states;

*A. Development at the existing primary schools that provides for associated pre-school and afterschool activities will be supported, provided adequate provision is made for the increased traffic flow and parking.*

*B. Proposals, subject to other policies in the Neighbourhood Plan, for new child care facilities will be supported.*

This policy reflects the growing need for Childcare facilities within the Borough and also saved Policy RC13 of the Congleton Local Plan which supports the provision of day nurseries where they will not have a detrimental impact on the amenities of residents or the character and appearance of the area and satisfactory highway arrangements for dropping off/collecting children.

Cheshire East Council has duties under the Childcare Act 2006 in relation to childcare and the free early education entitlement. This requires that there must be sufficient provision to enable children to access their free entitlement and childcare to support the needs of working parents. Approximately 98% of eligible 3 and 4 year olds in the borough access their free entitlement. Over 80% of the free entitlement is delivered by the private, voluntary and independent sectors.

The Council's Education Officer has been consulted and has confirmed that Happy Days Nursery is now the largest single provider of the free early education entitlement and childcare in Holmes Chapel. The Education Officer has advised that the closure of Happy Days would result in children not being able to access their entitlement and insufficient childcare to meet the needs of working families and as a result the Council would not be able to meet its statutory duties.

It is further advised that this is a critical time for stability in the childcare market following the extended free entitlement in September 2017. Children aged 3 and 4 years in working families will see an increase in their entitlement from 15 hours to 30 hours per week. All available provision will be required to satisfy this new demand.

Therefore a significant benefit resulting from the permanent retention of Happy Days Nursery on this site is its important role in maintaining childcare facilities in Holmes Chapel, as recognised by the Holmes Chapel Neighbourhood Plan. Nevertheless, this important consideration must also be balanced against the impact from the loss of part of the existing playing field, the permanent retention of this modular structure, and the impact on residential amenity and highway safety.

### **Impact on Playing field**

Sport England have objected to the application on the basis that the permanent retention of the Nursery will result in the unjustified loss of part of the school playing field contrary to Paragraph 74 of the NPPF which states that;

*Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

Sport England consider that the loss of this part of the playing field will prevent an existing U9/U10 (7 v 7) football pitch being provided in full compliance with the dimensions as set out in the FA Guide to Pitch and Goal Post Dimensions (2012). The recommended size for 7v7 (u9/10) pitch is 61m x 43m (including 3m run off areas surrounding the pitch) which equates to a 55mx 37m pitch area.

In this case, the existing marked out pitch has been in situ for several years within the area between the nursery and a line of trees which defines a sharp change in level of the School Playing field. The current pitch area measures 55m x 29.81m, with run-off areas between 2m and 3m being provided.

However, the FA handbook Season 2017-2018, which is stated to be, "the essential guide to the rules and regulations of football" also set outs minimum pitch sizes for U9/U10 (7 v 7) which are 45.75m x 27.45m. The currently marked out pitch would comply with this minimum requirement.

In any event, it is the case that the pitch has been used for home matches by a local youth football team (Holmes Chapel Hurricanes U9s) for several years without any issues being raised concerning the size of the pitch. This has been confirmed in correspondence received as part of the application from the club secretary of Holmes Chapel Hurricanes, who further adds that the pitch is fully compliant with the required dimensions of the FA and the Mid Cheshire Youth Football Leagues.

Whilst, the current pitch does not accord with the technical requirements of Sport England who maintains its objection to the loss of the small part of the playing field, it has nevertheless provided satisfactory 7 v 7 provision for several years. In these circumstances it is considered that the loss of this part of the playing field, does not result in the loss of, or inability to, make use of the pitch.

In accordance with The Town and Country Planning (Consultation) (England) Direction 2009, in circumstances where local planning authority are minded to grant planning permission for a proposal, contrary to Sport England's objection, then the application is required to be referred to the Secretary of State.

## **Amenity**

The building is sited adjacent to the adopted and lit pedestrian access way that abuts the rear boundary of houses of Bessancourt. As a result there is a separation distance of approximately 18 metres from the nearest point of the proposed building and the nearest houses on Bessancourt.

The rear boundaries Bessancourt are defined with 1.8m high fencing, and for most properties located opposite the building also by maturing vegetation/hedging alongside the footway. It is therefore considered as a result the visibility of the Nursery Building from the rear gardens of Bessancourt is limited, being mitigated by existing boundary treatment. Whilst, it is accepted that open views of the school grounds from first floor bedroom windows of adjacent dwellings would be affected from the permanent retention of the nursery building in this location, it is not considered that such an impact would warrant permission being withheld.

Potential overlooking of adjacent properties from windows and the ramped main entrance to the building from Jubilee Walk will be very limited given existing boundary treatment, and also that the pedestrian access way running between the site boundary and residential properties is 6m in width. It should also be noted that other than the main entrance, windows within this side of the building only serve ancillary accommodation including a small office, kitchen, and toilet and storage facilities.

It is recognised that some dis-amenity was experienced by adjacent residents during the temporary trial period which was permitted for the operation of the Nursery. The Council's Environmental Health Officers investigated noise complaints regarding the premises in 2013/2014 these were resolved at this time. A subsequent complaint was received in 2015 regarding obtrusive lighting and in this case the Environmental Health Officer has advised that this matter was then resolved directly between the complainant and Happy Days Nursery. The Council's Environmental Health team have confirmed that no further complaints have been received concerning the operation of the Nursery and have raised no objection to this application.

It is therefore considered that there would not be such an adverse impact on the amenities of neighbouring properties from the operation of the nursery to warrant approval being withheld. This is however subject to a condition being imposed limiting the hours of operation from 8.00 pm to 6.00pm Monday to Friday.

## **Siting and Design**



The nursery building is in good condition, and has a uniform and unobtrusive colour scheme. However, the siting of the Nursery closer to the school complex in purpose built accommodation would be the preferred solution.

The applicant has considered alternative locations for Happy Days Nursery at the Primary School to minimise the impact on the school playing field which would address the objection from Sport England, but also achieve an improved visual relationship of the facilities with the existing complex of school buildings.

The applicant has considered the option of relocating the nursery to the existing school playground, which is the most practical alternative siting for the nursery facilities. However, this was concluded to not to be a viable solution as it would result in significant operational difficulties for the Primary School including access issues, supervision/ safeguarding of school pupils and also the significant loss of important play space. The applicant has pointed out that the main advantage of the current location, is the nursery having its own independent access for parents during opening hours (0800 – 18:00). The current location therefore ensures that the nursery does not impede the operation of the Primary School, whilst being easily accessible for nursery and pre- school child care as well as for both before and after -school clubs.

The existing school complex includes a range of permanent and temporary buildings of no specific character. The development is typical of modular type buildings commonly found within school premises, and are functional by their nature. The nursery building is also similar in height to the two adjacent buildings within school grounds.

To mitigate the visual impact of the building and play areas alongside the Jubilee Walk, and also nearby properties, it is recommended that a condition be imposed requiring the implementation of a boundary treatment scheme, incorporating hedge type planting and 2m high timber screen fencing.

## **Highways**

The Council's Highway Engineer has advised that no safety issues have arisen since the nursery has been operated from the School grounds.

In particular it is considered that pick-up and drop-off times associated with nurseries are staggered throughout the day and usually peak outside of school pick-up/drop-off times. It is further considered that this activity would be spread so not to significantly exacerbate any inconvenience for local residents who live near the site.

In addition, the location of the nursery enables parents to children drop off at nursery and also if required at the school without having to make an additional vehicle trip. Furthermore, whilst the nursery site itself has no direct highway access and consequently no adjacent parking provision, some car parking is available within the Primary School car park for a number of its staff.

The Highway Engineer has therefore raised no objections to the permanent retention of the nursery in this location.

## **CONCLUSION**

It considered that given the importance of the nursery in maintaining childcare places in Holmes Chapel, and the current football pitch provision at the School, that the resulting harm from the loss of a small part of the school playing is outweighed in this case.

Furthermore the retention of this modular building in its current location is acknowledged to not represent the optimal design or preferred siting solution. However such concerns are clearly outweighed by the significant benefits resulting from the continuing provision of these childcare facilities which are confirmed by the Council's Education officer to be important in continuing to meet local needs.

Whilst concerns have been raised by some neighbouring residents, it is considered that subject to restriction on the nursery's operating hours and the provision of enhanced boundary treatment alongside Jubilee Walk that the amenities of nearby dwellings will be satisfactorily safeguarded.

Finally, as regards the impact of on-street car parking issues at Nursery drop off and collection times, the Council's Highway Engineer does not consider that these proposals have adversely affected highway safety or increased traffic management problems in the locality.

In summary whilst the proposal will result the loss of small part of they playing field contrary to the Development Plan, and to which Sport England have objected, it is considered on balance that this is clearly outweighed by the significant benefits of maintaining these child care facilities on this site given the confirmed importance in meeting local childcare needs.

## **RECOMMENDATION**

**Approve with Conditions; Subject to Referral to the Secretary of State further to the Statutory Objection of Sport England;**

- 1. Approved Plans**
- 2. Boundary treatment scheme**
- 3. Hours of Operation limited to 08.00 until 18.00 Mondays to Fridays**

**In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**

