



Appeal Decision

Site visit made on 21 March 2025

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 April 2025

Appeal Ref: APP/Q4245/W/24/3353139

61 Cressingham Road, Stretford, Trafford M32 9DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Jade Hardisty against the decision of Trafford Metropolitan Borough Council.
 - The application Ref is 111458/COU/23.
 - The development proposed is change of use of from residential, to mixed use residential and day nursery.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mrs Jade Hardisty against Trafford Metropolitan Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. The appeal documentation contains correspondence between the main parties agreeing to amend the description of the development provided within the planning application form. As such, the description in the above banner heading is taken from the decision notice and the appeal form.
4. Subsequent to the Authority issuing its decision the revised National Planning Policy Framework (the Framework) was published on 12 December 2024. The main parties were given the opportunity to comment on the implications of the revised Framework in respect of the appeal.
5. After the appeal had been submitted and the 'Appeal Start Letter' issued, the appellant sought to introduce new evidence through the submission of an updated Noise Impact Assessment (updated NIA). Whilst I recognise the appellant's comments that this updated NIA contains information pertinent to the appeal scheme, the procedural guidance¹ states that late documents should only be accepted where there is a change in circumstances.
6. In this case, and having regard to case law², accepting this late evidence would deprive both the Council and the interested parties an opportunity to comment on this new evidence. To accept this updated NIA would result in unlawful procedural unfairness to those involved in the appeal.

¹ Planning Inspectorate Procedural Guide: Planning Appeals – England (updated 17 September 2024)

² Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

7. Consequently, I have not accepted this updated NIA and have dealt with the appeal based on the Noise Report³ that was submitted with the planning application, and therefore before the Council at the time of determination.

Main Issue

8. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers, with particular reference to potential for noise and disturbance.

Reasons

9. The appeal relates to a two-storey, semi-detached dwelling, within a residential area. The appellant's submission details how in addition to its residential use the appeal property currently operates as a childminder for up to 4no. children, with 2no. staff members.
10. The appeal proposal seeks to change the use of the appeal property to allow for a mixed use consisting of residential and a day nursery for children. The submitted information explains that the proposed nursery use would operate between 08:00 – 17:00 and allow for the care of up to 15no. children, with 4no. members of staff. The submitted plans show that three downstairs rooms, and one upstairs room, would be in mixed use. Furthermore, the submission details that the rear garden area would be used by the children for outdoor play, and the driveway to the front of the property would be used for the parking of two vehicles.
11. The submission also comments that most of the children dropped off at the nursery in the morning would start school at 09:00 and finish school at 15:00, therefore reducing the number of children at the property between these hours. However, limited detailed information in respect of the exact number of children that would attend school has been provided, and the submission includes no details of how the proposed nursery use would operate during school holidays. In the absence of this information, I have determined the appeal on the basis that the proposed nursery use could accommodate up to 15no. children as per the submitted details.
12. The use of the appeal property by up to 15no. children has the potential to cause significantly greater levels of noise disturbance, both inside and outside the building, than the existing use of the property as a residential dwelling and childminder for up to 4no. children. In this particular case the potential for noise and disturbance for nearby occupiers is heightened by the semi-detached nature of the building, and the proximity of other residential dwellings whose rear gardens share a boundary with the rear garden of the appeal property.
13. The Council's Planning Guidance – Day Nurseries and Playgroups (1997) considers the main noise and disturbance effects of such uses arises i) from the comings and goings, particularly cars; ii) from within the building itself, especially if not detached; and iii) from outdoor play. As part of the planning application the appellant provided a Noise Report to consider these effects.
14. With regard to comings and goings, the submission details that drop-off would be between 08:00 - 09:30, with pick-up times staggered throughout the afternoon. It is also stated that a number of children attending the nursery will live within walking distance of the appeal site.

³ Prepared by WL Environmental (dated February 2024)

15. Whilst only a snapshot in time, during my weekday morning site visit I observed numerous vehicle movements outside the appeal site along Cressingham Road, noting that this highway provides an access route from Urmston Lane (B5213) into the wider residential estate within which the appeal site is located. As such, I find that the additional vehicle movements associated with the drop-off of up to 15no. children during a 1 ½ hour window in the morning, and the staggered pick-up throughout the afternoon, would not in themselves be especially noticeable, or harmful, for neighbouring occupiers.
16. In terms of associated noise during these drop-off and pick-up periods, including noise arising from car doors opening and closing, engines starting and the sound of voices, the properties on this street all have front driveway and / or garden areas which provide a buffer between the dwellings and the highway where cars are likely to park. This set back would therefore provide some screening distance from these associated noises.
17. Furthermore, general noises associated with the pick-up and drop-off of children would not be dissimilar to those which regularly take place in residential areas such as this, where residents and families will frequently be coming and going to and from their properties throughout the day. I therefore do not find noise associated with the drop-off and pick-up of children during these daytime hours would have a harmful impact upon the living conditions of neighbouring occupiers, when they are either within their properties or their rear garden areas.
18. Turning to noise arising from within the appeal building and from the rear garden area during outdoor play. The submitted Noise Report does not detail any existing background noise levels at the site; does not appear to have used any computer modelling to predict noise levels from the proposed development; and consequently has not provided a comparison between the existing and predicted noise levels to determine the potential impact of the proposal on neighbouring occupiers.
19. Additionally, the Noise Report includes no detailed information on the specification of the existing party wall between the appeal property and the adjoining dwelling at 63 Cressingham Road (No. 63), with this adjoining dwelling sharing a wall with three of the rooms proposed to be used by children attending the nursery. The Noise Report does not also include details of any structural noise mitigation measures that would be required or implemented within the appeal property. Instead, I find that the submitted Noise Report makes assertions and generic statements which do not relate specifically to the appeal site and its relationship with the adjacent properties.
20. I note the appellant's submission does state that staff will actively talk to children about not making too much noise. However, the behaviour of children can be inconsistent and unpredictable, making it difficult to manage, particularly when in larger groups. As such, the suggested management of noise by talking to children is not sufficient to alleviate my concerns about the potential levels of noise that 15no. children would generate inside the property and the potential harmful impact this would have upon neighbouring occupiers, particularly the occupiers of the adjoining property at No. 63.
21. Furthermore, the potential for noise and disturbance arising from within the building would be exacerbated in warmer weather when it is likely that the appeal property would have patio doors and windows open, as would neighbouring residential properties.

22. In terms of potential noise and disturbance arising from the children's outdoor play, I observed on my site visit that the rear garden area of the appeal site provides various items of outdoor play equipment for children, including a covered play area, a wigwam, a slide and a swing. Whilst I acknowledge that such items could also be found in a family garden, the proposal would result in up to 15no. children potentially using this equipment on a frequent basis. This has the potential to create significantly greater noise levels than that of a residential property, or the existing mixed use of the appeal property.
23. In coming to this view, I note that the appellant states that outside play would be restricted until after 10:30, would be limited to 30-minutes and a maximum of 5no. children would be allowed out at any one time, with another 30-minutes of outdoor garden play taking place in the afternoon. It is however unclear whether these suggested 30-minute limits to the outside play would be 30-minutes per group of 5no. children, thereby resulting in a total of 1 ½ hours of outdoor play, or 30-minutes in total.
24. Nevertheless, I consider that the suggested condition in the submitted Noise Report to restrict the number of children that can play in the rear garden at any one time would not be enforceable. This is due to the full extent of the outdoor play area not being visible from outside the appeal site as a result of its location at the rear of the property and the existing boundary screening.
25. Additionally, the potential noise impacts arising from the outside play area would again be particularly harmful in the summer months when the demand for outdoor play would be greater. This would conflict with the likely need of neighbouring occupiers to have their own windows open, or a desire to sit out within their own rear garden areas.
26. In view of all the above, on the information before me it cannot be established that the proposal would be acceptable in terms of its effects on neighbouring properties and suitable mitigation measures to reduce or control the level of noise arising from the proposed use have not been put forward.
27. In conclusion, in the absence of evidence to the contrary, I find the proposal would cause significant harm to the living conditions of neighbouring occupiers by way of noise and disturbance, and this harm could be long lasting. Accordingly, the proposal conflicts with Policy L7.3 of the Trafford Local Plan: Core Strategy (2012) where it requires, among other things, that development proposals must not prejudice the amenity of adjacent properties by reason of noise and disturbance. The proposal would also fail to adhere to paragraph 135 (f) of the Framework which seeks to ensure a high standard of amenity is provided for existing users.

Other Matters

28. My attention has been drawn to a salon which operates at number 21 Cressingham Road. However, I have no details before me in respect of the planning history of this use and very limited information has been provided in respect of how it operates. I can therefore draw no direct comparisons between the appeal scheme and the operations at No. 21.
29. The appellant states that no issues have been raised in respect of the existing childminding business that currently operates from the appeal property. Even if this is

the case, concerns have been received from interested parties over the potential for greater levels of noise and disturbance arising from the proposed use.

30. In any case, as per the submitted details, the existing childminders takes 4no. children and employs 2no. members of staff. The proposal seeks permission for a mixed use that would allow for up to 15no. children and 4no. members of staff associated with the proposed nursery use. As such, there would be a significant difference in the amount of people, and therefore potential for significantly greater levels of noise and disturbance, arising from the proposed use in comparison to the existing use of the property. I therefore do not find the existing operations at the site are directly comparable to the appeal scheme before me.

Planning Balance

31. The appellant has stated that there is a lack of childcare services in the area and there is a waiting list for children wanting to attend the appeal premise. Whilst I have limited substantive evidence before me in support of this statement, the provision of early years education and out of school hours childcare would be of value to the community and in accordance with paragraph 100 of the Framework I attribute great weight to this benefit.
32. The proposal would generate some economic benefits, including the employment of staff and the support the use provides in enabling parents to work. I also acknowledge the social and mental health benefits for children attending the proposed nursery. These are therefore matters which weigh in favour of the appeal scheme.
33. However, for the reasons given above, in the absence of information to the contrary I find the adverse effects of the proposal on the living conditions of neighbouring occupiers would be significant and long lasting, and this matter is decisive. Consequently, when taken together, I find the above-mentioned benefits would not outweigh the harm I have identified and the conflict I have found with the development plan.

Conclusion

34. The proposal conflicts with the development plan taken as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, and having regard to all matters raised, the appeal is dismissed.

R Major

INSPECTOR