

<u>APPLICATION NO:</u>	23/00136/COU	<u>CASE OFFICER:</u>	Lee Osborne
<u>WARD:</u>	St Gabriels	<u>PARISH:</u>	
<u>LOCATION:</u>	Beech House, 10 Huyton Church Road, Huyton		
<u>PROPOSAL:</u>	CHANGE OF USE OF UPPER FLOORS FROM RESIDENTIAL DWELLINGS (USE CLASS C3) TO FORM CHILDREN'S DAY NURSERY (USE CLASS E(f)) ASSOCIATED WITH EXISTING GROUND FLOOR CHILDREN'S DAY NURSERY		

Site Description

The application site consists of a large Victorian detached building, originally a single dwellinghouse, set in grounds on Huyton Church Road within the Huyton Church Road Conservation Area, with a detached building in the rear garden area. The ground floor operates as a children's day nursery with 3 one bedroomed flats to the first and second floor. To the front and side of the building on the south-western side of the site is a tarmaced area used for parking. There is a vehicular access to the parking area, a separate pedestrian access point and planting to the frontage of the site.

Proposal

The application seeks consent to use the first floor as a children's day nursery as an expansion of the existing day nursery, and the second floor as ancillary offices. There are no proposed external alterations to the building. It is also proposed to mark out parking bays within the parking area which currently is tarmaced but unmarked.

Consultations

Highway Authority – No objections but request conditions relating to laying out the car park area and cycle/motorbike parking.

Environmental Health – No objections and note that the operating times are acceptable.

Conservation & Design Officer – No objections but advise that the proposal to formalise the car parking spaces would take away from what remains of the 'residential' appearance of the site and that the character of the area as a Victorian residential suburb should be maintained. However, they note that there may not be controls to require that this not be carried out.

Representations

This application has been publicised by letters sent to 13 neighbours. It has also been advertised by a Site Notice and a Press Notice. No representations have been received.

Relevant Planning History

94/00646/APP - CHANGE OF USE OF GROUND FLOOR OF PREMISES TO FORM DAY NURSERY. Granted: 13.04.1995.

99/00700/APP – CHANGE OF USE OF EXISTING DOUBLE GARAGE TO FORM GROUND FLOOR CHILDREN'S PLAY AREA/TOILET AND FIRST FLOOR PRE-EDUCATION LEARNING CENTRE. Granted: 17.12.1999.

01/00696/FUL - ERECTION OF KITCHEN EXTENSION TO SIDE OF DWELLING AND ACCESS RAMP. Granted: 19.12.2001.

Relevant Policy

Paragraph 11 of the National Planning Policy Framework (NPPF) states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally 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.

The development plan in Knowsley comprises the Saved Policies of the Replacement Unitary Development Plan, the Core Strategy Local Plan and the Joint Waste Local Plan. The following policies are relevant to the determination of this application.

Article 35 Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Assessment

The use of premises as a children's day nursery are often found in residential areas and an accepted use. This is demonstrated by the application site premises operating as a day nursery for over 25 years with no adverse impacts on the amenities of the area, and the current proposal raising no objections from residents. Therefore, the principle of the proposal is determined to be acceptable, subject to planning issues and concerns.

Visual Impacts

There are no external works proposed for the building and therefore the proposed change of use would not impact on the appearance of the building or the visual amenities of the area.

With regards the marking out of the car park this could be done without planning permission. It is therefore proposed to require the delineation of the parking spaces by an alternative means such as paviers installed within the existing tarmac or brass studs installed. This would minimise the visual impact of marking out the parking bays rather than painting out the bays, would be acceptable visually and would not have an adverse impact on the visual amenities of the area.

The application therefore complies with Policies CS2 and CS19 of the Core Strategy and saved Policy H5 of the UDP.

Highways

The proposed car park layout is a formalisation of the existing tarmaced parking area, rather than increased provision through the expansion of the parking area. The provision of 7 spaces is below the levels set out in the 'Ensuring a Choice of Travel' SPD which states that the maximum number of spaces should be 1 space per member of staff. The proposal would raise staff numbers from 16 full time and 2 part-time staff to 23 full time and 2 part-time staff. However, Huyton Church Road is subject to waiting restrictions (no parking between 8am and 6pm Monday to Saturday). Clearly limited duration parking for pick up and drop off would occur from the highway mostly, as currently happens for the ground floor nursery. Paragraph 111 of the NPPF states "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." The additional impact is considered limited in its potential to disrupt highway users and is not considered would be a severe highway concern and is therefore acceptable. The Highways Engineer concurs and has no objections to the proposal.

The application complies with Policies CS2, CS7 and CS19 of the Core Strategy and Saved Policy H5 of the UDP.

Residential Amenity

The proposed increased provision for 102 children is acceptable with regard residential amenity impacts given the size of the premises and the grounds. Environmental Health have no objections to the application, confirming the hours of operation are satisfactory. It is worth noting that no comments have been received from local residents.

The application complies with Policies CS2 and CS19 of the Core Strategy and Saved Policy H5 of the UDP.

Conservation and Heritage Issues

The proposed change of use does not involve external works to the building and therefore would not impact on the conservation area that the site is located within, and therefore the appearance and character of the conservation area would be preserved. The Principal Conservation Officer has no objections to the application.

The tarmaced parking area is proposed to be marked out with 7 parking bays. The Principal Conservation Officer has expressed concern with regard the marking out, stating that the marking out will take away from the remains of the 'residential' appearance of the site, but acknowledges that there may be little control over this. However, as the application is for the expansion of the nursery and car park rationalisation has been included on the site plan it is reasonable to require details of

the car park bays demarcation to be agreed in writing which would allow consideration of final appearance in the context of the conservation area siting. It is recommended that the parking bays be delineated in an agreed way by condition, and this could be paviers set within the existing tarmac or brass studs for example. Such would minimise the visual impact of marking out the car park and it is considered would not have a negative impact on the appearance and character of the conservation area, particularly given the context that the lawful use of the ground floor is as a nursery, and that there is an existing parking area consisting of an expanse of unmarked out tarmac which could be painted on.

The application complies with Policies CS2, CS19 and CS20 of the Core Strategy and saved Policies H5 and DQ5 of the UDP.

Conclusion

The closure of the children's day nursery at The Orchard has increased demand for nursery places within the local area and the proposal help with the supply of such places. The proposed expansion of the nursery into the first and second floors of the building would have no impact on the visual amenity of the area as no external alterations are proposed. Whilst the car park has been identified to have parking spaces marked out the recommended condition would allow such demarcation to be low key and appropriate to the location within the conservation area, particularly given the context that the ground floor has lawful use as a day nursery. The proposal would not lead to significant loss of residential amenity. With regards to highways implications the application is acceptable under the terms of paragraph 111 of the NPPF. The application conforms to local and national planning policies, would help mitigate the loss of a local nursery which has closed and is therefore recommended for approval.

Recommendation

That Planning Permission be granted subject to the following condition(s):-

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2) The development hereby permitted shall be carried out in accordance with the approved plans and documents listed in Schedule 1.

Reason: For the avoidance of doubt.

- 3) The number of children present at the site, including the existing ground floor day nursery and the proposed expansion into the first floor hereby permitted together with the detached building at the rear, shall not exceed 102 children at any time.

Reason: In the interests of residential amenity and highway safety and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policy H5 of the Knowsley Replacement Unitary Development Plan adopted in June 2006.

- 4) The children's day nursery as hereby permitted to be expanded shall not operate outside the hours 8am - 6pm on Mondays - Fridays and the use shall not operate at all on Saturdays, Sundays or Public Holidays.

Reason: For the avoidance of doubt, to safeguard the amenities of nearby residents and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policy H5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 5) Notwithstanding any details submitted the first floor of the premises hereby permitted for use as part of a children's day nursery shall not be brought into use until a scheme for the provision of cycle and motorcycle parking, in accordance with the Council's current standards, has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, long stay cycle parking must be covered and offer a means to secure the cycles. Motorbike storage should provide a means for securing the motorbike. The cycle and motorcycle parking proposed should take account the location of the site within a conservation area.

The approved scheme shall be implemented before the first floor of the premises is brought into children's day nursery use and shall be retained as such thereafter.

Reason: To ensure that adequate provision is made for parking cycles and motorcycles on the site, to preserve or enhance the character and appearance of the conservation area and to comply with Policies CS2, CS7, CS19 and CS21 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policies H5 and DQ5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 6) Notwithstanding any submitted details prior to the first floor of the premises coming into use as a children's day nursery a car parking layout scheme shall be submitted and approved in writing by the Local Planning Authority for the layout of the existing tarmaced parking area. The scheme shall also include details of the delineation of the car parking spaces, which shall not be white paint but appropriate for the conservation area location of the site (for example: brass studs' lines, inlay to the tarmac with paviers delineating the spaces etc). The scheme shall also show the cycle and motorcycle provision required pursuant to Condition 5 of this planning permission where appropriate.

The agreed scheme shall be implemented prior to the first floor of the premises coming into children's day nursery use and shall be retained thereafter.

Reason: In the interests of highway and pedestrian safety, to preserve or enhance the character and appearance of the conservation area and to comply with Policies CS2, CS7, CS19 and CS20 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policies H5 and DQ5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 7) No drop off or other signs should be erected within the curtilage of the building, and no drop off or other signage should be painted on or within the curtilage of the application building or on the highway.

Reason: In the interests of the character and visual amenity of the Huyton Church Road Conservation Area, for the avoidance of doubt and to comply with Policies CS19 and CS20 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policies H5 and DQ5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 8) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the premises to which this permission relates shall be used for a children's day nursery and for no other purpose, including any other use falling within Class E of the Schedule to that Order or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, except with the prior grant of a further planning permission.

Reason: To enable the Local Planning Authority to assess any proposal for a further change of use whether or not it falls within the same Use Class and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policy H5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
09/03/2023	129-00	-	Location and Site Plan (1:1250 and 1:500)
09/03/2023	129-01	-	Existing and Proposed Site Plan
09/03/2023	129-02	-	Existing and Proposed Floor Plans

Signed Case Officer¹: **Lee Osborne**

Signed Authorising Officer²: **K Foster**

Date: **3 July 2023**

¹ I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

² I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

