
Land at Okell Drive (to the Rear of Elworthy Avenue), Halewood, Knowsley

Full Planning Application for the Erection of a Children's Day Nursery together with the Construction of a Single Vehicular Access / Egress off Okell Drive

Planning Statement

Issue: For Full Planning Permission
Rev: P01
Date: November 2024

Date	28/11/2024			
Project Reference	P30003310			
Prepared by	DS			
Checked by	DM			

PAGE INTENTIONALLY BLANK

Contents

1.0	Introduction.....	1
1.1	Context.....	1
1.2	Purpose of this Planning Statement.....	1
1.3	Planning Application Documents	1
1.4	Structure	2
1.5	About Rockbourne Day Nursery Limited	2
2.0	Site Description and Context.....	3
2.1	The Site.....	3
2.2	Planning Application History	3
3.0	The Proposal.....	5
4.0	Planning Policy Context.....	8
4.1	Introduction	8
4.2	Policy Framework	8
4.3	Knowsley Local Plan Core Strategy	8
4.4	Knowsley Replacement Unitary Development Plan	11
4.5	Supplementary Planning Documents.....	13
	<i>Design Quality in New Development SPD (January 2016)</i>	<i>13</i>
4.6	National Planning Policy Framework (2023)	14
4.7	Planning Practice Guidance (2023)	17
5.0	Assessment.....	18
5.1	Introduction	18
5.2	Principle for Development.....	19
5.3	Design and Visual Amenity – Impact on the Character and Street Scene of the Area.....	19
5.4	Need	32
5.5	Open Space	33
5.6	Noise.....	33
5.7	Highways	36
5.8	Flood Risk and Drainage	38
5.9	Ecology / Biodiversity Net Gain	39
5.10	Arboriculture.....	41
5.11	Air Quality	42
5.12	Contamination.....	43
5.13	Summary and Conclusion.....	44
6.0	Conclusion	45

1.0 Introduction

1.1 Context

- 1.1.1 This Planning Statement has been prepared by BDP on behalf of our client, Rockbourne Day Nursery Limited, in support of a Full Planning Application for the erection of a Children's Day Nursery together with the construction of a single vehicular access / egress, on land at Okell Drive (to the rear of Elworthy Avenue), in Halewood, Knowsley.

1.2 Purpose of this Planning Statement

- 1.2.1 This Statement provides an introduction and context to the planning application and the various documents that form part of this submission.
- 1.2.2 Its purpose is to provide an overview to the location, development proposal and planning application and assess the development proposal against the relevant local and national planning policy, as well as important planning policy guidance, which will form relevant material considerations in the determination of this application.

1.3 Planning Application Documents

- 1.3.1 This Planning Statement is supported by several technical assessments and reports, which have been prepared on the basis of the validation requirements of the previous planning application/s on the site, and include the following:
- Planning Application Forms, duly signed and dated;
 - Design and Access Statement, prepared by Smith Young Architects;
 - Air Quality Assessment, prepared by EnviroSolution Limited;
 - Arboricultural Statement, prepared by Cheshire Woodlands Limited;
 - Drainage Strategy, prepared by EnviroSolution Limited;
 - Drainage Flow Calculations, prepared by EnviroSolution Limited;
 - Preliminary Ecological Assessment, including Biodiversity Net Gain Assessment, prepared by BDP;
 - Statutory Biodiversity Metric Tool, prepared by BDP
 - Noise Impact Report, prepared by Spratt and Hamer Limited;
 - Transport Statement, prepared by Axis.
- 1.3.2 The planning application is supported by the following drawings:

Title	Drawing Number
Site Location Plan and Existing Site Plan	24.027 001
Proposed Site Plan	24.027 002
Proposed Ground Floor in context	24.027 003
Proposed Floor Plans	24.027 004

Proposed Elevations	24.027 005
Proposed Sections - A-A & B-B	24.027 006
Proposed Sections - C-C & D-D	24.027 007
Existing & Proposed Site Sections	24.027 008
Landscape Layout	4736 101
Planting Plan	4736 201

1.4 Structure

1.4.1 The remainder of this Planning Statement adopts the following structure:

- **Chapter 2: Site Description and Context** – provides the background to the planning application, including the site's location and characteristics and planning history;
- **Chapter 3: The Proposal** – provides a description of the development proposal;
- **Chapter 4: Planning Policy Context** – provides the planning policy context, at a local and national level;
- **Chapter 5: Assessment** – demonstrates how the proposal accords with relevant local and national planning policy and guidance; and
- **Chapter 6: Conclusion** – provides an overview, setting out the key points of the planning application and the planning policy assessment.

1.5 About Rockbourne Day Nursery Limited

- 1.5.1 The applicant, Rockbourne Day Nursery Limited, is an independent provider of high-quality childcare, who pride themselves on a warm, friendly and inviting environment, with staff who are dedicated to the children in their care.
- 1.5.2 Rockbourne Day Nursery Limited currently operate two existing nurseries - Rockbourne Day Nursery on Rockbourne Avenue in Woolton and Upton Day Nursery on Arley Drive in Widnes.
- 1.5.3 The business model at their existing facilities is the same as that which is proposed for the Okell Drive Nursery, consisting of a facility comprising three separate age rooms – 0 to 2 years (Baby Room), 2 to 3 years (Toddler Room), and 3 to 5 years (Pre-School Room) – together with an external play area.
- 1.5.4 Rockbourne Day Nursery Limited's existing facilities comply with the Early Years Foundation Stage Framework (EYFS), which is government guideline that practitioners follow to make sure they are supporting the care, learning and development of the children in their care. Their facilities are inspected by the Office for Standards in Education, Children's Services and Skills (Ofsted), who check that, as a provider, they are delivering a service which enhances the individual development for the children in their care.
- 1.5.5 Rockbourne Day Nursery Limited pride themselves on the service they offer and do their utmost to ensure that they create a home-from-home environment for the children under their care. The staff are extremely passionate about the job they do and are always seeking to ensure children receive the best possible care, to enable them to thrive.

2.0 Site Description and Context

2.1 The Site

- 2.1.1 The site is an open, mown grassed area, which is roughly triangular shaped and covers an area of approximately 0.3ha. It is bounded by Okell Drive to the south-east / south, the rear garden boundary fences of dwellings on Elworthy Avenue to the west, Church Road to the north, and the Church Road / Cartbridge Lane / Okell Drive four-arm roundabout junction to the north-east.
- 2.1.2 Part of the site also incorporates an area of grass 'verge' between the gable of 40 Elworthy Avenue and Okell Drive. This grass verge extends from the site along the northern side of Okell Drive and is intermittently intercepted by footways and / or highways along its length.
- 2.1.3 The site comprises of mature trees along the northern boundary, close to the roundabout and adjacent to 40 Elworthy Avenue, some of which are protected by a Tree Preservation Order (TPO). As is identified in the accompanying Arboricultural Statement, one of the TPOed trees has fallen, believed to have been caused by high winds. Its roots and part of its trunk remain on site.
- 2.1.4 The surrounding area comprises predominantly of two-storey post-war residential development. To the north of the site, on the opposite side of Church Road, is agricultural land within the Green Belt.

2.2 Planning Application History

- 2.2.1 A review of the Council's statutory planning register has been undertaken:

Reference	Proposal	Decision (Date)
20/00360/FUL Appeal: APP/V4305/W/22/3301426	Erection of a Children's Day Nursery, together with the construction of a single vehicular access / exit off Okell Drive.	Refused (15.06.2022) Appeal dismissed (21.11.2022)
14/00631/FUL Appeal: APP/V4305/W/15/3004010	Erection of 6no. two-storey dwellings, together with associated access.	Refused (16.01.2015) Appeal dismissed (19.08.2015)
14/00193/FUL	Erection of 11no. two-storey dwellings, together with associated works.	Refused (08.08.2014)

- 2.2.2 In June 2022, planning permission for a Children's Day Nursery was refused by Members at Planning Committee, against officers' advice, because the proposal was deemed: 1) to have an unacceptable impact on residential amenity; and 2) to have an adverse impact on the character and street scene of the area (Local Planning Authority, LPA reference 20/00360/FUL).

- 2.2.3 The refusal was appealed. In November 2022, the Inspector dismissed the Appeal, agreeing with the Council's second reason for refusal (only) that the proposal would '*alter the spacious, open character and appearance of the site*' (Planning Inspectorate, PINS reference APP/V4305/W/22/3301426).
- 2.2.4 This Planning Statement does not shy away from acknowledging that the site has three previous refusals and two Appeal dismissals. Whilst the earlier residential proposals are perhaps of lesser relevance to the latest proposal, the Assessment chapter of this Planning Statement provides commentary on the site's history and the previous reasons for refusal, explaining how we have sought to overcome previous concerns or, where we disagree with officers' and / or Inspectors' previous assessments, why we believe the latest proposal is acceptable.

3.0 The Proposal

- 3.1.1 Full Planning Permission is sought for the erection of a 50 place Children's Day Nursery, together with vehicular egress and access from Okell Drive and the provision of car parking and a drop off area. The proposal also includes children's play areas, landscaping and boundary treatments.

Nursery Building

- 3.1.2 The Nursery building will be T-shaped, comprising of a two-storey central element and single-storey 'arms'. The two-storey central area will measure 5.7m high and comprise a lobby, reception, kitchen, plant / laundry and a toilet on the ground floor and a staff room, office and storeroom on the first floor. The single-storey 'arms' of the building will measure 3.3m high and comprise rooms for different age ranges: 0-2 years (Baby Room); 2-3 years (Toddler Room); and 3-5 years (Pre-school Room), each of which will have their own toilets / changing areas.
- 3.1.3 The 0-2 years (Baby) room is divided into an area for younger, less mobile babies, who explore the use of floor toys and sensory resources, and an area for older, more mobile babies, which is equipped with resources to allow the children to walk and explore their surroundings with the use of aided toys. There is a large floor area for arts and crafts, mealtimes, physical play and role play. The room also has a separate sleeping area, where cots and sleep beds are provided. The room is made cosy, providing the children with comfort for sleep or resting periods. The ratio in the Baby room is one staff member to every three children.
- 3.1.4 The 2-3 years (Toddler) room is a large open-play room, which is split into different areas, to stimulate the children, enhance their learning and development, offering space for them to safely explore.
- 3.1.5 At 2 and 3 years old, the children are starting to learn basic skills, through play. Activities available include construction and creative role play, with access to the outdoor area. The children follow a daily routine, which involves both adult-led and child-initiated activities, such as songs and stories, arts and crafts, dance, music and movement, as well as garden time. The Toddler room runs on an adult to child ratio of one staff member per five children.
- 3.1.6 The 3-5 years (Pre-school) room is a large, open plan area, offering a safe and stimulating working environment, both indoors and out, allowing the children to access continuous play provision.
- 3.1.7 Through play, the 3 - 5 years old children are given the opportunity to be independent, explore throughout the day and gain new experiences. Staff also prepare the children for when they are ready to go to school and give them the confidence they need for that next big step. In the Pre-school room, there is one member of staff for every eight children.
- 3.1.8 The Nursery has a contemporary design, including differently shaped windows, and would be finished in a modern palette of materials.
- 3.1.9 The main entrance into the building will be on the south-west façade, adjacent to the main car park.

- 3.1.10 The vehicular access into / egress out of the site is proposed from and onto Okell Drive, to the south-east.

External Area

- 3.1.11 A grassed outdoor play area is proposed to the north-east and north-west of the building, which will be accessible from each of the Nursery rooms. The Nursery will be enclosed by a chain link fence with hedging adjacent to the play areas. The chain link fence will be central to the hedge, which will grow on both sides.
- 3.1.12 The building line of the Nursery building will align with that of the gable end property line of 40 Elworthy Avenue.
- 3.1.13 The grass verges, adjacent to both Okell Drive and Church Road, are to be retained, as are all of the existing trees.
- 3.1.14 16 car parking spaces, including six drop-off and one accessible space/s, are proposed to the south-west of the building. Motorcycle and cycle parking is also proposed at the north-western end of the car park. A vehicular turning head is proposed at the north-eastern end of the car park.
- 3.1.15 Hedging is also proposed adjacent the existing ad-hoc fencing along the rear boundaries of properties on Elworthy Avenue, to ensure an aesthetic finish along the western edge of the site.

Operation

- 3.1.16 The Nursery will be open from 07:30 until 17:30 on weekdays for 51 weeks of the year – it will be closed for one week over the Christmas period, and on Bank Holidays.
- 3.1.17 Children will arrive between 07:30 and 10:00. Those attending for the morning (only) will start to leave and those attending for the afternoon (only) will start to arrive between 12:30 and 13:30. In the afternoon, the children will leave between 15:00 and 17:30.
- 3.1.18 There will be one food delivery on a Monday, between 10:30 and 11:00 (or on Tuesday, following a Bank Holiday).
- 3.1.19 The bins will be emptied once a week by a private refuse company.

Staff

- 3.1.20 The Nursery will employ 12 members of staff. Indicatively:
- 3no. full-time / part-time staff will work in the Baby Room;
 - 4no. full-time / part-time staff will work in the Toddler Room;
 - 3no. full-time / part-time staff will work in the Preschool Room;
 - 1no. full-time Manager will oversee the operation; and
 - 1no. part-time Cook will prepare the children's meals.
- 3.1.21 Typically, staff will work in shifts, inductively as follows:
- 07.30 to 16.30 – 4no. staff members;

- 08.00 to 17.00 – 3no. staff members;
- 08.30 to 17.30 – 4no. staff members.

3.1.22 The children's daily attendance will reflect how many staff are on site (in each room and in total).

Staff-to-Children Ratios (Maximum Allowances)

Room	No. Staff	Ratio (Staff : Children)	No. Children (Maximums)
Baby (0-2 yrs)	3	1 : 3	9
Toddler (2-3 yrs)	4	1 : 5	20
Pre-school (3-5 yrs)	3	1 : 8	24
Manager	1	/	/
Cook	1	/	/
Total	12	/	53*

* This table is intended for indicative purposes (only), to help Officers understand how the Nursery rooms might operate. The figures in the 'No. of children' column are maximums based on the staff-to-children ratios for each room. Planning Permission is sought for a 50 place Nursery. As such, it is recognised that the rooms cannot all operate at a maximum ratio capacity at the same time because this would exceed the number of places applied for.

4.0 Planning Policy Context

4.1 Introduction

- 4.1.1 This chapter of the Planning Statement sets out the local and national planning policy and guidance that is of relevance to the site and the proposal, which Knowsley LPA will have regard to when determining the application.

4.2 Policy Framework

- 4.2.1 Section 38(6) of the Planning and Compulsory Act 2004 requires all planning decisions to be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.2.2 The Development Plan for Knowsley consists of the Local Plan Core Strategy (adopted 6 January 2016) and the 'saved' policies of Replacement Unitary Development Plan (UDP, adopted June 2006, saved June 2009).
- 4.2.3 The site is identified on Knowsley's Local Plan Policies Map as falling within a *Primarily Residential Area*.
- 4.2.4 The relevant policies of the Development Plan are summarised below. The proposal is then assessed against the relevant provisions of these policies in the Assessment chapter of this Statement.

4.3 Knowsley Local Plan Core Strategy

- 4.3.1 The Knowsley Local Plan Core Strategy was adopted in January 2016.

Policy SD1 - Sustainable Development

- 4.3.2 When considering development proposals, a positive approach will be taken, which reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Work will be undertaken pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then permission will be granted unless material considerations indicate otherwise, taking into account whether:

- a) Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- b) Specific policies in that Framework indicate that development should be restricted.

Policy CS1 – Spatial Strategy for Knowsley

- 4.3.3 The spatial development of Knowsley will be achieved by: a focus on development within existing urban areas, with emphasis upon areas that are within or easily accessible from areas in need of regeneration; Maintenance of the existing settlement hierarchy, including the role of Halewood as larger suburban centre.

Policy CS2 – Development Principles

- 4.3.4 New development in Knowsley will be expected to support the following development principles:
1. Promote sustainable economic development;
 2. Reduce carbon emissions and adapt to the effects of climate change;
 3. Reduce the need to travel and increase accessibility;
 4. Protect and enhance environmental assets, enhance local character and promote quality of place;
 5. Make the most efficient use of available resources and infrastructure.

To protect and enhance environmental assets, enhance local character and promote quality of place, new development should understand and respect the character and distinctiveness of places and landscapes; promote good quality design and ensure that development respects its setting, taking into account relevant design requirements and best practice; and minimise any negative impact and / or ensure any negative impacts are appropriately mitigated.

Development that will have an unacceptable impact will only be permitted where the benefits of the proposal clearly outweigh the harm.

Policy CS4 – Economy and Employment

- 4.3.5 Planning, site assembly and other available interventions will be used to: support sustainable economic growth and meet the development needs of established and emerging employment sectors; improve accessibility to an appropriate range of jobs, for example by encouraging mixed use employment / residential schemes where appropriate and improving transport linkages between housing and employment areas; encourage recruitment targeted towards communities living in and around the development site; and support new start-up businesses.

Policy CS7 – Transport Networks

- 4.3.6 New development will be required to be located and designed to: prioritise accessibility and sustainable modes of travel through a choice of walking, cycling, public transport, and incorporate access for private vehicles; in compliance with adopted cycle, car, disabled and service vehicle parking standards; and inclusive of measures that will mitigate carbon emissions and improve air quality, where appropriate.

Policy CS8 – Green Infrastructure

- 4.3.7 Site allocations for greenspace will be identified in the Local Plan: Site Allocations and Development Policies document.

To achieve the above, planning powers and other interventions will be used to: protect and enhance strategically important areas of greenspace; and ensure an appropriate quantity and improved quality of locally important open spaces

Policy CS19 – Design Quality and Accessibility in New Development

- 4.3.8 To enhance the local distinctiveness, identity and accessibility of places, new development be expected to:

- Respond to and integrate positive characteristics of immediate surroundings, including local materials, scale, mass, form, layout, alignment and density of the existing built environment;
- Complement and enhance existing landscape, topography, Green Infrastructure and features of local importance and historic interest;
- Create spaces and places as a focal point, accommodating social interaction and active lifestyles and landscaping which promotes biodiversity;
- Provide safe, secure and convenient routes for movement, with priority for walking, cycling and public transport, to meet the access needs of all users;
- Integrate effectively with existing development and link to existing provision.

To maintain a good standard of amenity for all existing and future occupants of land and buildings, development proposals will be required to:

- Avoid unacceptable impacts on existing residents, business occupiers, and future occupiers;
- Minimise crime, fear of crime and anti-social behaviour, including good levels of natural surveillance and security; and
- Accommodate future maintenance and long-term management requirements.

Policy CS21 – Greenspaces and Trees

- 4.3.9 New development which would result in the loss of urban greenspace will not be permitted unless at least one of the following criteria are met:

- a) A surplus of provision of all types of greenspace would be maintained relative to local standards;
- b) The land is considered unsuitable in terms of size, location or character to prevent or address individual deficiencies of different types of greenspace relative to local standards.

Policy CS22 – Sustainable and Low Carbon Development

- 4.3.10 New development will be required to meet high standards of sustainable design and construction and minimise carbon emissions.

Policy CS24 – Managing Flood Risk

- 4.3.11 New development that may cause an unacceptable risk of flooding on the site or elsewhere will not be permitted. New development should preferably be located in areas of low probability of flooding.

The drainage of new development shall be designed to reduce surface water run-off rates to those associated with a green-field site by treating it at its source. The chosen method of implementation should take account of site size, ground contamination or conditions, and potential damage to adjacent buildings or sites.

Policy CS26 - Waste Management

- 4.3.12 The Council will promote sustainable forms of waste management in accordance with the waste hierarchy. It will work to encourage good design in new development in order to minimise waste, promote the use of reclaimed and recycled materials and to facilitate the collection and recycling of waste.

Policy CS27 – Planning for and Paying for New Infrastructure

- 4.3.13 Communities will be supported by an appropriate range of infrastructure, including any additional infrastructure which is required as a result of new development.

4.4 Knowsley Replacement Unitary Development Plan

- 4.4.1 The Knowsley Replacement UDP was adopted in June 2006.
- 4.4.2 In the transition to the Local Plan system, 78 out of the original 82 UDP policies were ‘saved’ in June 2009. Three additional UDP policies were replaced upon the adoption of the Merseyside and Halton Joint Waste Local Plan. Subsequently, 36 policies were deleted with the adoption of the Local Plan Core Strategy. As a result, 39 UDP Policies remain in effect.

‘Saved’ Policy H5 – Development Within Primarily Residential Areas

- 4.4.3 New development within the Primarily Residential Areas, which is for uses appropriate to a residential area, will be permitted provided that the development (either by itself or in conjunction with other developments) would not (of relevance):
- a) Have an unacceptable impact on the amenity of neighbouring occupants; or
 - b) Adversely affect the character or street scene of the area.

‘Saved’ Policy DQ2 – Security in the Built Environment

- 4.4.4 New development should be designed so as to provide good levels of personal and property security, as follows:
- a) All public highways, footpaths and cycle routes, and car parking areas should be highly visible (including at night) and have good levels of natural surveillance from nearby properties;

- b) The design of buildings and of landscaping areas should avoid creating potential hiding places whilst providing defensible space by giving definition between the public and private realm;
- c) Features such as gates and fencing should be included where necessary to prevent inappropriate access;
- d) The buildings themselves should be securely designed, with main entrance doors and windows, enjoying good levels of natural surveillance.
- e) Long lengths of blank or uniform fencing or walls should be avoided where these would create dead frontages.

‘Saved’ Policy DQ4 – Trees and Development

- 4.4.5 Proposals for new development should include appropriate planting of trees or other soft landscaping, the location and details of which should be determined as an integral part of the development, and which shall have regard to the character of the surrounding area.

Development proposals affecting existing trees, woodlands and other vegetation, which make a positive contribution to amenity, should make provision for their retention.

Applicants for planning permission will be required to provide a detailed survey of all existing trees on the site and the likely effects on them of the proposed development.

‘Saved’ Policy ENV2 – Noise and Vibration

- 4.4.6 Development that will cause an unacceptable increase in noise will not be permitted. Where developments are permitted, conditions may be attached to the planning permission to ensure effective noise insulation or other required mitigation measures are carried out.

‘Saved’ Policy ENV5 – Contaminated Land

- 4.4.7 New development will not be permitted if there is existing contamination on the site which could, as a result of the proposed development, place the occupiers or users of the development, ecological systems, the water environment or surrounding land uses at unacceptable risk.

Where there is evidence that a site may be unacceptably affected by contamination, proposals shall be accompanied by a site investigation report and schedule of remedial measures.

Where remedial measures are necessary then a verification report must be submitted before the development is brought into use to demonstrate that remedial work has been satisfactorily completed.

Where ongoing monitoring and risk assessment are necessary, reports must be submitted to the Council on an agreed basis. The developer must undertake any further investigations or remedial measures which the risk assessment shows to be required.

4.5 Supplementary Planning Documents

- 4.5.1 In addition to the statutory Development Plan, local authorities can issue Supplementary Planning Documents (SPDs) to provide further guidance and support for the Local Plan's policies.
- 4.5.2 SPDs are non-statutory documents that can elaborate on specific sites, particular issues or general planning principles. They serve as additional tools for ensuring that development aligns with the overall vision and objectives outlined in the Local Plan.
- 4.5.3 The following SPDs are deemed to be of relevance:

Ensuring a Choice of Travel (September 2010)

- 4.5.4 This SPD provides guidance about the Council's transport policies. Its main objective is to ensure a good choice of travel modes to all new developments in Knowsley. It can be used by developers to ensure that their proposals are accessible, promote sustainable travel patterns and minimise the congestion and pollution caused by vehicles. It will be used to assess planning applications in relation to transport requirements.

Design Quality in New Development SPD (January 2016)

- 4.5.5 This SPD identifies the overarching context for design in the Borough, and highlights Borough-wide issues which should be taken into account in designing new development.
- 4.5.6 This includes guidance relating to placing buildings, density and form, accessibility, landscaping, public open space, sustainable design, minimising crime, and preserving the built heritage.

Developer Contributions SPD (June 2016)

- 4.5.7 This SPD supplements the Core Strategy policies by providing detailed guidance on how developer contributions will operate in Knowsley. This guidance is designed to be of particular use to developers, planning officers, stakeholders and local residents, and seeks to provide greater certainty at the earliest stages of the planning process, before a planning application is submitted or a development site is purchased, so that the cost implications of developer contributions can be fully taken into account.
- 4.5.8 It provides a transparent framework for how the Council's expectations with respect to developer contributions can be met in practical terms, and to ensure legislative compliance with the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).

Trees and Development SPD (June 2016)

- 4.5.9 This SPD explains the Council's approach in relation to Trees and Development setting out guidance relating to: promoting best practice for incorporating trees and landscaping within new developments; proposals affecting trees, woodlands and other vegetation; requirements for detailed survey of all existing trees; and requirements for provision of replacement trees.

4.6 National Planning Policy Framework (2023)

Introduction

- 4.6.1 The National Planning Policy Framework (NPPF) was revised on 19 December 2023 and sets out the Government's planning policies for England and how these are expected to be applied.
- 4.6.2 This revised NPPF replaces the previous versions published in March 2012, updated in February 2019 and revised in July 2021.
- 4.6.3 As the time of submission, proposed reforms to the NPPF are being consulted on, which close on 24 September 2024. None of the proposed reforms to the NPPF are envisaged to be of direct relevance to this proposal, nor will they affect the LPA's ability to determine this proposal.

Achieving Sustainable Development

- 4.6.4 Chapter 2 of the NPPF sets out how the Government aims to achieve sustainable development. Paragraph 7 of the NPPF advises that, *'The purpose of the planning system is to contribute to the achievement of sustainable development.'*
- 4.6.5 Paragraph 8 continues, *'Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways:*
 - a. *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
 - b. *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
 - c. *an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'*
- 4.6.6 Paragraph 11 continues, *'Plans and decisions should apply a presumption in favour of sustainable development... For decision-taking this means:*
 - *approving development proposals that accord with an up-to-date development plan without delay; or*
 - *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:*
 - *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*
 - *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.'*

Decision-making

- 4.6.7 The NPPF provides key guidance for decision making. Paragraph 38 states that, *'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'*
- 4.6.8 The NPPF seeks to encourage pre-application engagement. Paragraph 39 advises, *'Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.'*
- 4.6.9 The NPPF provides guidance on planning conditions and obligations. Paragraph 55 states, *'Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.'*
- 4.6.10 Paragraph 56 continues, *'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision-making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.'*
- 4.6.11 Paragraph 57 advises, *'Planning obligations must only be sought where they meet all of the following tests:*
- a. necessary to make the development acceptable in planning terms;*
 - b. directly related to the development; and*
 - c. fairly and reasonably related in scale and kind to the development.'*

Promoting Healthy and Safe Communities

- 4.6.12 Paragraph 96 advises that, *'Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:*
- a. promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;*
 - b. are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of beautiful, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and*

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

4.6.13 Paragraph 101 states, *'Planning policies and decisions should promote public safety and take into account wider security and defence requirements by:*

- a. *anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and*
- b. *recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.'*

4.6.14 Paragraph 104 suggests, *'Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.'*

Making Effective Use of Land

4.6.15 Paragraph 123 advises, *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.'*

Achieving Well-Designed Places

4.6.16 Paragraph 135 states, *'Planning policies and decisions should ensure that developments:*

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

disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

Climate Change, Flooding and Coastal Change

- 4.6.17 Paragraph 157 advises, *'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'*
- 4.6.18 Paragraph 173 states, *'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*
- within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
 - the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
 - it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
 - any residual risk can be safely managed; and*
 - safe access and escape routes are included where appropriate, as part of an agreed emergency plan.'*
- 4.6.19 Paragraph 175 advises, *'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.'*

4.7 Planning Practice Guidance (2023)

- 4.7.1 Planning Practice Guidance informs the interpretation and application of the policies set out in the NPPF.
- 4.7.2 In relation to the healthy and safe communities, the guidance document identifies that local planning authorities should plan positively, to support and promote inclusive places and social interaction. The PPG defines a healthy place as, *"It meets the needs of children and young people to develop, as well as being adaptable to the needs of an increasingly elderly population..."*
- 4.7.3 Local planning authorities should assess and plan to meet the needs of school places considering natural population change such as birth rates, the effects of parental choice, and estimate additional needs from new housing.
- 4.7.4 This section of the PPG (Healthy and Safe Communities) also highlights the role of planning in preventing crime and malicious threats by providing an important opportunity to consider the security of the built environment.

5.0 Assessment

5.1 Introduction

5.1.1 This chapter assesses the proposed development against the relevant local and national planning framework and is structured around the following material considerations:

- Principle for Development
- Design and Visual Amenity – Impact on the Character and Street Scene of the Area
- Need
- Open Space
- Noise
- Highways
- Flood Risk and Drainage
- Ecology / Biodiversity Net Gain
- Arboriculture.

5.1.2 Given the site's history, this chapter refers to the previous planning application/s and Appeal/s and explains how this proposal has sought to overcome the previous concerns / comments (where relevant).

5.1.3 For ease of reference, the relevant site history is set out again below:

Reference	Proposal	Decision (Date)
20/00360/FUL Appeal: APP/V4305/W/22/3301426	Erection of a Children's Day Nursery, together with the construction of a single vehicular access / exit off Okell Drive.	Refused (15.06.2022) Appeal dismissed (21.11.2022)
14/00631/FUL Appeal: APP/V4305/W/15/3004010	Erection of 6no. two-storey dwellings, together with associated access.	Refused (16.01.2015) Appeal dismissed (19.08.2015)
14/00193/FUL	Erection of 11no. two-storey dwellings, together with associated works.	Refused (08.08.2014)

5.1.4 The 14/00193/FUL application was refused because:

1. The proposed development fails to comply with the requirements of Saved Policy H5 of the Replacement UDP so far as it would have an unacceptable impact on residential amenity

2. The proposed development fails to comply with the requirements of Policy CS2 of the Local Plan: Core Strategy (2016) as it would have an adverse impact on the character and street scene of the area.

5.2 Principle for Development

- 5.2.1 The site is identified on Knowsley's Local Plan Policies Map as falling within a Primarily Residential Area.
- 5.2.2 'Saved' UDP Policy H5 (Development within Primarily Residential Areas) advises that new development for uses appropriate to a residential area will be permitted, provided it would not have an unacceptable impact on the amenity of neighbouring occupiers (by reason of noise, disturbance, overlooking, visual intrusion, smells, fumes, on-street parking or other causes) or adversely affect the character or street scene of the area.
- 5.2.3 A Children's Nursery is an appropriate use within a residential area. As such, subject to demonstrating there would not be an unacceptable impact on neighbouring amenity and that the character or street scene won't be adversely affected – commentary on which is set out below - the principle of development is deemed acceptable.

20/00360/FUL - Committee Report

- 5.2.4 Within the 20/00360/FUL Committee Report, Knowsley Officers considered:
'A children's day nursery is a use that is appropriate in a residential area, and indeed is a key part of social infrastructure.
Furthermore, nurseries in a residential area are likely to generate fewer car borne trips, particularly with more people working at home.
Therefore, the proposed development meets the first criteria of Saved Policy H5 – impact on amenity. The development's impacts on the character of the area is discussed later in this report.
The Council's Early Years' Team support the development of a nursery in this area, as they believe that it would help meet a need for additional childcare in Halewood.'
- 5.2.5 Since the determination of the 20/00360/FUL application, we are not aware of there having been any submissions / approvals for a children's nursery within Halewood or the wider locality. As such, the above commentary still stands.
- 5.2.6 Given the above, it is clear Knowsley Officers agree/d the principle of development is acceptable.

5.3 Design and Visual Amenity – Impact on the Character and Street Scene of the Area

- 5.3.1 To inform the assessment of the proposal's impact on the character and street scene of the area, a review and summary of the site's history is set out below:

Application 20/00360/FUL - Committee Report

- 5.3.2 Within the 20/00360/FUL Committee Report, Knowsley Officers considered (our highlights, for emphasis):

'The application site is in a prominent location and development on it would be readily visible from Okell Drive and Church Road. Therefore, it is important that the development responds to this context and [it's significance], and a positive visual benefit, that the proposed development is designed to provide visual interest when viewed from all sides ...

*The scale and mass of the scheme **is respectful to the site and its surroundings**, the use of the varying blocks has allowed the massing to be broken down avoiding the prospect of one large building mass on the site, whilst the materials are appropriate for the building style and design...*

*it is considered that the proposed development would provide an interesting building and development on a prominent site, which will **add to the character of the area** by introducing this multi-elevational building of individual yet interlinked elements. The materials will contribute to the modern lines and design of the building, the concept for which reflects its intended use...*

The site does provide a visual amenity as a visual break and a link to the fields to the north and this was recognised by the Planning Inspector when an appeal relating to a residential development of the site was dismissed in 2015...

*However, the **built form of the proposed nursery does not dominate the site** and the retention of trees, landscaping of a large part of the site and provision of boundary hedging would **ensure that views through the site are still possible**. Furthermore, a grass verge would be retained along Okell Drive, which ensures that **an important local characteristic is maintained**. Because an open green space will be lost, the site's visual amenity will be affected, however, **the harm caused is not considered to be significant**.'*

- 5.3.3 This application was refused, against officer's advice.

Application 20/00360/FUL - Decision Notice

- 5.3.4 The second reason given for refusal – *'The proposed development fails to comply with the requirements of Policy CS2 of the Local Plan: Core Strategy (2016) as it would have an adverse impact on the character and street scene of the area.'*

- 5.3.5 This decision was appealed.

APP/V4305/W/22/3301426 Appeal – LPA Statement of Case

- 5.3.6 Within the APP/V4305/W/22/3301426 Appeal (3301426 Appeal) Statement of Case, Knowsley Officers considered:

'The area generally has a residential character comprising of two-storey post war housing, although to the north of the site, on the opposite side of Church Road, is agricultural land within the Green Belt. A wide grass verge extends from the site along the north-western side of Okell Drive, and this is an important local characteristic. The verge together with the appeal site, along with the open countryside beyond, give the local area a verdant, spacious character...

The appeal site is in a prominent location and any development on the site would be readily visible from Okell Drive, Church Road and the public footpath which runs across the agricultural field to the north.

The application site is an important part of the green infrastructure in this part of Halewood, and in particular long and medium range views along Okell Drive where open space forms part of an important visual link between the grass verge and the agricultural fields to the north giving a local area a verdant, spacious character...

significant harm would be caused to the character and appearance of the area.

The appearance of the building would add to the harm caused. The area surrounding the application site is fairly homogenous and is characterised by 1960s/70s dwellings constructed of brick with pitched roofs.

The proposed nursery is of an unusual form, would be finished in coloured cladding / render / single ply membrane, has flat roofs, irregularly shaped windows, and a significant amount of hardstanding. This would be completely [at] odds with its surroundings and would appear as an incongruous feature which is harmful to the character and street scene of the local area.'

3301426 Appeal – Inspector's Decision

- 5.3.7 Within the 3301426 Appeal Decision, the Inspector upheld the second reason for refusal (adverse impact on the character and street scene of the area):

'The green space of the site, the grass verge along Okell Drive, other grass verges within proximity of the site, a woodland area off Church Road north-west of the site and the open countryside beyond Church Road, collectively give the area around the residential built development a spacious, verdant character.

As it exists, the spacious, open nature of the site is visible from the stretch of Church Road north-west of the site travelling south-easterly towards it, from Cartbridge Lane north-east of the site travelling south-westerly towards it, and from Okell Drive travelling north-easterly towards it.

... the south-eastern elevations of the proposed building would directly face Okell Drive, and the proposed building would be highly visible from it, even from some distance south-west of the site as one travels in a north-easterly direction along Okell Drive. The hard-surfaced vehicle and pedestrian access point that would cut through the grass verge off Okell Drive would also be visible from it, along with the extensive hard-surfaced car parking and turning areas proposed within the site. Despite trees being retained and the additional tree and hedge planting proposed, the building proposed would still be visible through the trees and beyond boundary hedges from Church Road and Cartbridge Lane.

Consequently, I consider the proposal would significantly alter the character and appearance of the site. The spacious, open character and appearance of the site would be lost, which would be to the detriment of the area. The proposal would remove an area of informal, open, public green space that provides a significant link between the built development of the housing estate and the countryside beyond Church Road. As such, I conclude that the proposal would substantially harm the character and appearance of the area.'

Verdant Character

- 5.3.8 Both the LPA, in their Appeal Statement of Case, and the Inspector, in the Appeal Decision, described the site as forming part of a collective ‘verdant, spacious character’.
- 5.3.9 The collective local characteristics described were / are:
- the green space of the site;
 - the grass verge along Okell Drive;
 - other grass verges within proximity of the site;
 - the woodland area off Church Road north-west of the site; and
 - the open countryside beyond Church Road.
- 5.3.10 The literal definition of ‘verdant’ is ‘green’, which is obviously applicable to the site, given it comprises of mown grass, with trees on its periphery. Usually, however, an area which is described as having a verdant character is reserved for sites of high quality - an open countryside site, with luscious green grass and rich vegetation, for example.
- 5.3.11 It is noteworthy that both the LPA and the Inspector describe the character area as being verdant collectively – i.e. when all local characteristics are taken into consideration. The site itself, in isolation, is not described as being verdant, which we agree with.
- 5.3.12 When the site is viewed in ‘isolation’, an important consideration of its characterisation is that it is bound by development on all sides, with highways to its north (Church Road), east (Church Road / Cartbridge Lane / Okell Drive roundabout junction) and south (Okell Drive) and residential development to its west (the rear boundary fences of Elworthy Avenue). One is also aware of the clutter associated with its urban environment setting, namely the numerous lampposts, the bus stop, the 4/5G mast and the pillar box around the periphery of the site, all of which, we would argue, detract from its setting.
- 5.3.13 As is set out below, one is always aware of being in an urban setting when experiencing the site, no matter the location, whether immediately adjacent to it, or further away. The site is on the urban fringe but is undoubtedly urban in its setting.
- 5.3.14 It is noteworthy that the open countryside to the north of the site, which forms a part of the collective local characteristics, lies beyond Church Road – this highway separates the site from the open countryside. Furthermore, the edge of the woodland area to north-west of the site lies circa 120m away, with intervening dwellings and highway (Church Road) between it and the site. The short point is that, when considering these local characteristics, there is separation between them – the site and the open countryside, and the site and the woodland area. Notwithstanding that there are very limited views where one can view these local characteristics collectively, in views where one can, one is also very mindful and aware of the existing development that lies in-between.
- 5.3.15 We believe both the LPA and the Inspector recognised that, to describe the site in isolation as having a verdant character would be overstating its quality.
- 5.3.16 Whilst we consider it is very debatable that the local characteristics of the area can be reasonably described as forming part of a collective verdant, spacious character, we have chosen not to challenge this description given the proposal has a very limited impact upon that collective character.

- 5.3.17 But for the obvious loss of (part of) the green space within the site (the mown grass) and the vehicular and pedestrian access across the Okell Drive grass verge, all of the characteristics described by the LPA and Inspector above - which they considered give the area its collective verdant character - will be retained. The proposal will not affect the other grass verges, the woodland area off Church Road or the open countryside beyond Church Road.
- 5.3.18 When considering the impact upon the green space within the site, whilst some of the mown grass would be lost to the Nursery building and car park, a significant proportion will be retained and all of the existing trees will be retained. Similarly, whilst the vehicular and pedestrian access will cut across the grass verge along Okell Drive, the majority of the grass verge will be retained. Overall, the perception of the site will remain that of urban fringe with no significant degradation of the character or interaction with surrounding uses.
- 5.3.19 It is also worth highlighting that the grass verge along Okell Drive is intercepted by both vehicular and pedestrian accesses several times along its length. As one approaches the site from the south-west to the north-east, the grass verge along Okell Drive is intercepted by:
1. vehicular and pedestrian access at Torcross Way (southern access / egress);
 2. pedestrian access at Mullion Close;
 3. pedestrian access at Talland Close;
 4. pedestrian access at Totnes Avenue;
 5. pedestrian access at Totnes Avenue / Yarcombe Close;
 6. vehicular and pedestrian access at Torcross Way (northern access / egress);
 7. pedestrian access at Elworthy Ave.
- 5.3.20 Whilst the grass verge along Okell Drive was / is considered by the LPA and Inspector to contribute towards the area's collective verdant character, the above highlights that it is intercepted at several points along its length by both vehicular and pedestrian accesses. As such, it would be unreasonable to suggest that one more access / interception, to accommodate the proposal, will adversely affect and detract from the collective verdant character and street scene.

Design of the Nursery Building

- 5.3.21 To inform our commentary on the design of the proposal, a review and summary of the commentary within the LPA's 20/00360/FUL Committee Report, the LPA's 3301426 Appeal Statement of Case and the Inspector's 3301426 Appeal Decision is set out below:

Application 20/00360/FUL - Committee Report

- 5.3.22 Within the 20/00360/FUL Committee Report, Knowsley Officers commented on the design of the proposed building as follows (our highlights, for emphasis):

*'The proposed building has a **contemporary design** including differently shaped windows such as triangles, circles, and squares, and would be finished in a modern palette of materials...*

The proposal comprises of four block masses with mono-pitched roofs united through a lower flat roof which covers the shared central space and circulation. The orientation of the blocks

allows for changes within the elevations and **gives visual engagement** to the public. The design concept of the scheme is 'playfulness' and 'childlike' which is expressed through the use of fenestration and openings within each block; using simple shapes of square, triangle and circle windows to animate the facades.

The scale and mass of the scheme is **respectful to the site and its surroundings**, the use of the varying blocks has allowed the massing to be broken down avoiding the prospect of one large building mass on the site, whilst the **materials are appropriate for the building style and design**.

... it is considered that the proposed development would **provide an interesting building and development** on a prominent site, which will **add to the character of the area** by introducing this multi-elevational building of individual yet interlinked elements. The materials will contribute to the modern lines and design of the building, the concept for which reflects its intended use. Apart from the access / egress road and parking area, together with the building, the remainder of the site will consist of landscaped areas for children to use, together with hedging to the perimeter of these areas, which will provide a natural feel to the site, with grassed areas.

The site does provide a visual amenity as a visual break and a link to the fields to the north and this was recognised by the Planning Inspector when an appeal relating to a residential development of the site was dismissed in 2015. However, **the built form of the proposed nursery does not dominate the site** and the retention of trees, landscaping of a large part of the site and provision of boundary hedging would ensure that views through the site are still possible.'

- 5.3.23 It is quite clear from the above commentary that the LPA were supportive of the design of the Nursery building.

3301426 Appeal – LPA Statement of Case

- 5.3.24 Following the refusal of the application by Members, Officers' stance shifted significantly. Within their 3301426 Appeal Statement of Case, officers wrote:

'The proposed nursery is of an unusual form, would be finished in coloured cladding / render / single ply membrane, has flat roofs, irregularly shaped windows, and a significant amount of hardstanding. This would be completely out odds with its surroundings and would appear as an incongruous feature which is harmful to the character and street scene of the local area.'

- 5.3.25 The above is a significant departure from the original commentary expressed by Officers in their 20/00360/FUL Committee Report. Rather than being an '*interesting building and development*' which will '*add to the character of the area*', it was described as being, '*completely [at] odds with its surroundings*'. Rather than the original stance that '*the built form of the proposed nursery does not dominate the site*', the proposal was described as being '*an incongruous feature which is harmful to the character and street scene*'.
- 5.3.26 Whilst it is fully acknowledged that Officers must defend their Members' recommendation and reasons for refusal at Appeal, to move from an opinion and a recommendation that the design was positive and could be supported, to an opinion that the design would have an adverse impact on the character and street scene of the area, is so significant a shift in stance that one would question the reasonableness of this change of opinion.

3301426 Appeal – Inspector's Decision

- 5.3.27 In the Appeal Decision, the Inspector did not provide any specific commentary on the design of the building, other than to state that *'proposed building would be designed with some interest and character'*.

Design Considerations

- 5.3.28 Notwithstanding that we consider the LPA's change in stance from their position presented in the 20/00360/FUL Committee Report to that expressed in the 3301426 Appeal Statement of Case is questionable and unreasonable, the design of the Nursery building has been revisited with a view to seeking to address the comments raised by both the LPA and the Inspector.
- 5.3.29 We wish to be clear that, whilst we do not agree with the opinions expressed in the LPA's 3301426 Appeal Statement of Case or the Inspector's 3301426 Appeal Decision, we acknowledge that design changes will be necessary if we are to overcome the concerns raised.
- 5.3.30 The 20/00360/FUL proposal comprised of four blocks with mono-pitched roofs, that were tied together by a central area that had a flat roof. A two-storey element of the proposal fronted Okell Drive.
- 5.3.31 The four blocks were made up of a Baby Room, a Toddler Room, a Pre-school Room and a staff area / back of house (comprising a reception, kitchen and plant room) on the ground floor, all of which were tied together by a central circulation space, together with a further staff area / back of house on the first floor (comprising a staff room, office and storeroom).
- 5.3.32 The footprint of the 20/00360/FUL proposal measured 374sqm, with a total Gross External Area (GEA) of 507sqm (374sqm + 133sqm).
- 5.3.33 To seek to overcome both Officers' and the Inspectors' comments regarding the alleged prominence of the building in views towards the site (and notwithstanding the separate commentary below, within which we dispute the conclusions Officers and the Inspector came to), the layout of the building has been made more efficient in the latest proposal.
- 5.3.34 The latest proposal comprises a Baby Room, a Toddler Room and a Pre-school Room on the ground floor, all of which branch off a central staff area / back of house (comprising a reception, kitchen and plant). The previously proposed central circulation space has been removed from the latest proposal.
- 5.3.35 Whilst a two-storey element is retained, this is located centrally - to both the building and the site - away from the Okell Drive frontage. The first floor of the latest proposal comprises a further staff area / back of house (containing a staff room, office and storeroom).
- 5.3.36 The footprint of the latest proposal measures 274sqm, with a total GEA of 333sqm (274sqm + 59sqm). The above demonstrates a significant reduction in the site's footprint and GEA from the previous proposal.
- 5.3.37 The massing of first floor element is also significantly reduced, at 59sqm versus 133sqm previously.
- 5.3.38 The 20/00360/FUL proposal comprised a number of mono-pitched roofs, in various directions. At its highest point, the mono-pitched roof on the Okell Drive façade measured 8.05m.

- 5.3.39 The latest proposal comprises entirely of flat roofs. The highest point of the roof on the Okell Drive façade is single storey and measures 3.3m. The two-storey element of the proposal, which sits centrally within the site away from Okell Drive, measures 5.71m.
- 5.3.40 Whilst we disagree with Officers' and the Inspector's conclusions regarding views and the proposed Nursery building's prominence within them (as described in the next section of this chapter), we are of the opinion that the design changes described above ensure that the visual impact of the proposal is reduced from that of the previous proposal.
- 5.3.41 Whilst the proposal remains of a contemporary design, the removal of the mono-pitched roof means a more simplistic built form. Fenestration has also been regularised, with the different shaped windows from the previous proposal removed.
- 5.3.42 We consider these design changes remove the concern raised in the LPA's 3301426 Appeal Statement of Case that the Nursery is of '*an unusual form*', which is '*completely [at] odds*' and '*would appear as an incongruous feature*'.
- 5.3.43 The design of the latest proposal is an important consideration of the assessment of the views towards the site, which is considered next.

Views

- 5.3.44 Within the 3301426 Appeal Statement of Case, the LPA commented that:
- 'The appeal site is in a prominent location and any development on the site would be readily visible from Okell Drive, Church Road and the public footpath which runs across the agricultural field to the north.'*
- 5.3.45 Whilst we agree to some extent that the site is prominent in short distance views, this chapter of the Planning Statement and the views within the accompanying Design and Access Statement (DAS) demonstrate that those views diminish / become obscured as one moves only a short distance away from the site.
- 5.3.46 The 3301426 Statement of Case continued (our highlights, for emphasis):
- 'The application site is an important part of the green infrastructure in this part of Halewood, and in particular **long and medium range views along Okell Drive** where open space forms part of an **important visual link between the grass verge and the agricultural fields** to the north giving a local area a verdant, spacious character...'*
- 5.3.47 We dispute the LPA's suggestion that the proposal will be visible from 'medium' and 'long-range' views along Okell Drive.
- 5.3.48 The topography of the site and wider area is very flat. This lack of any significant landscape features, along with the built form of Halewood, limits the extent of views to not-more-than short-to-medium range.
- 5.3.49 A further consequence of the flat topography is that there is a lack of natural viewpoints. The views selected below and contained within the DAS are, for the most part, footways that are considered to be representative of the local context. Single views are presented for linear routes to and from the application site, where the effect of the proposal is unlikely to differ at various points along the route. We have not identified specific viewpoints associated with particular points of interest or of particular amenity as we do not believe that there are any.

- 5.3.50 The majority of the viewpoints selected are not considered to be sensitive as the representative views and the users of these routes (pedestrians and vehicle travellers) are not typically defined as sensitive receptors in the Guidelines for Landscape and Visual Impact Assessment (Landscape Institute, 3rd Edition 2024).
- 5.3.51 In all the views, the most significant landscape feature is the boundary between the settlement and the open countryside to the north. Indeed, in the majority of the views, this is the defining feature of the view, and the overall character of the view is defined by this boundary. The residential buildings and associated structures in the views are all of a similar form, mass and age, giving a relatively uniform appearance to certain aspects in the views.
- 5.3.52 Within the 3301426 Appeal Decision Notice, the Inspector commented that:
- ‘As it exists, the spacious, open nature of the site is visible from the stretch of Church Road north-west of the site travelling south-easterly towards it, from Cartbridge Lane north-east of the site travelling south-westerly towards it, and from Okell Drive travelling north-easterly towards it.’*
- 5.3.53 We agree, in short distance views.
- 5.3.54 The Appeal Decision continues (our highlights, for emphasis):
- ‘... the south-eastern elevations of the proposed building would directly face Okell Drive, and the proposed building would be highly visible from it, **even from some distance south-west of the site** as one travels in a north-easterly direction along Okell Drive. The hard-surfaced vehicle and pedestrian access point that would cut through the grass verge off Okell Drive would also be visible from it, along with the extensive hard-surfaced car parking and turning areas proposed within the site. Despite trees being retained and the additional tree and hedge planting proposed, the building proposed would still be visible through the trees and beyond boundary hedges from Church Road and Cartbridge Lane.’*
- 5.3.55 Whilst ‘some distance’ is open to interpretation, given the context here, the inference is that the Inspector considered the proposal would be visible in longer distance views. On the basis of that assumption, we dispute the Inspector’s suggestion that the proposal will be visible from ‘some distance’ south-west of the site along Okell Drive. It is also very questionable to suggest that the access and car park would be visible in any view other than those of a short distance away.

Viewpoints

- 5.3.56 To emphasise and evidence our argument and justification in support of the proposal, a series of Viewpoints have been taken from the surrounding locality, as follows:
- Viewpoint 1: from the Public Right of Way (Footpath Reference HA/3/1)
 - Viewpoint 2: from Cartbridge Lane, looking south-west towards the site
 - Viewpoint 3: from Church Road (east of the roundabout), looking west towards the site
 - Viewpoint 4: from Church Road, looking south-east towards the site
 - Viewpoint 5: from Okell Drive, looking north-east towards the site
- 5.3.57 Each of these viewpoints is considered in turn:

Viewpoint 1: from the Public Right of Way (Footpath Reference HA/3/1)

- 5.3.58 Viewpoint 1 is taken along Public Right of Way HA/3/1 (PROW), approximately midway between Cartbridge Lane and Foxhill Lane.
- 5.3.59 This view was selected because it is representative of the local context and is unlikely to differ at various points along the PROW - at the northern most point of the PROW, where it meets Foxhill Lane, the hedgerow and vegetation along Foxhill Lane restrict views to the south, towards the site. The site is first glimpsed as one accesses the PROW from Foxhill Lane. We consider the context and conclusions described below are applicable to any and all views that one would experience as one travels along the PROW.
- 5.3.60 Viewpoint 1 demonstrates that the existing green space on site is not apparent in this view. It is 'lost' to the built development beyond. The backdrop of the site in this view comprises of development within the settlement.
- 5.3.61 The site is / the proposal will be viewed in its context with the agricultural field in the foreground, which is the prominent feature of the view, and the existing residential settlement in the background. The woodland area would also be visible to the right (north-west) from here.
- 5.3.62 The proposal would be read as forming a part of, and within, the settlement limits, with built development either side and beyond it. The agricultural land in the foreground, the tree belt which lines the field's edge and the woodland to the right of the view will all remain as existing, their alleged collective verdant character entirely undisturbed by the proposal.

Viewpoint 2: from Cartbridge Lane

- 5.3.63 Viewpoint 2 is taken from the southern footway of Cartbridge Lane, circa 60m north-east of the Church Road / Cartbridge Lane / Okell Drive roundabout junction and circa 100m from the north-eastern edge of the application site. There is not a footway on the northern side of the highway, hence why the view is taken from the southern footway.
- 5.3.64 This location was chosen because, beyond this point (to the east), the footway and highway arch away to the south, so that views of the site are very limited.
- 5.3.65 From Viewpoint 2, the grass verge along Cartbridge Lane to the left and the open countryside to the right are both visible and prominent. Both of these collective local characteristics would remain undisturbed by the proposal.
- 5.3.66 In the middle-ground, the Church Road / Cartbridge Lane / Okell Drive roundabout junction partially restricts views towards the site – one must look across the roundabout to glimpse the site.
- 5.3.67 The green space (mowed grass) within the site, north-east of the proposed Nursery building - which is to be retained as a part of the proposal - would be partially visible within this view, where it is not obscured by the roundabout.
- 5.3.68 Viewpoint 2 demonstrates that, whilst the Nursery building would be partially visible, it would be obscured by the roundabout and the proposed hedgerow which will enclose the external play area. The Nursery will be read in its context with dwellings on Elworthy Avenue.
- 5.3.69 At circa 100m away, we would question whether Viewpoint 2 can be reasonably described as being a 'long' distance view, or 'some' distance from the site. It is a short-to-medium distance view.

Viewpoint 3: from Church Road (east of the roundabout)

- 5.3.70 Viewpoint 3 is taken from the northern footway of Church Road, circa 25m south-east of the Church Road / Cartbridge Lane / Okell Drive roundabout junction and circa 60m from the south-eastern edge of the application site.
- 5.3.71 This location was chosen because, beyond this point (to the east), the footway and highway arch away to the south-east, so that the site is no longer visible. This view is the first glimpse one would get of the site as one approaches from a south-easterly direction.
- 5.3.72 Viewpoint 3 demonstrates that the proposal would be read in its context with other built development including the Church Road / Cartbridge Lane / Okell Drive roundabout junction, which is the prominent feature in the view and would be unchanged by the proposal, together with dwellings either side of Church Road and those which front Okell Drive, opposite the roundabout.
- 5.3.73 The green space within the site, north-east of the proposed Nursery building - which is to be retained as a part of the proposal - would be visible within this view. The Nursery building itself would be partially obscured by existing built development and the proposed hedgerow which encloses the external play area.
- 5.3.74 The open countryside to the north of the site is apparent in this view, as is the aforementioned Church Road / Cartbridge Lane / Okell Drive roundabout junction, which dominates. Church Road acts as a buffer between the open countryside and the site in this view and would be unaltered.
- 5.3.75 At circa 60m away, we'd question whether Viewpoint 3 can be reasonably described as being a 'medium' or 'long' distance view, nor 'some' distance from the site. It is a short distance view.

Viewpoint 4: from Church Road (north-west of the site)

- 5.3.76 Viewpoint 4 is taken from the southern footway of Church Road, circa 120m north-west from the north-western edge of the application site. There is not a footway on the northern side of the highway.
- 5.3.77 This location was chosen because, beyond this point (to the north-west), the footway and highway arch away, so that the site is no longer visible. This view is the first glimpse one would get of the site as one approaches from a north-westerly direction.
- 5.3.78 Viewpoint 4 demonstrates that the proposal would always be viewed in its context with the existing built development – the dwellings on Elworthy Avenue that back onto Church Road and the application site.
- 5.3.79 The woodland area off Church Road and the open countryside beyond Church Road are both apparent in this view, to the right and left, respectively. Both would remain unchanged by the proposal.
- 5.3.80 The green space within the site – the mowed grass and the periphery trees – are apparent within this view. Whilst some of the green space in this view would be lost to development, a grass verge along Church Road would be retained and the proposed hedgerow would be visible. The Nursery building would be partially obscured by the existing built development and existing vegetation.

- 5.3.81 At circa 120m away, we would question whether Viewpoint 4 can be reasonably described as being a 'long' distance view, or 'some' distance from the site. It is a short-to-medium distance view.

Viewpoint 5: from Okell Drive

- 5.3.82 Viewpoint 5 is taken in close proximity to the south-bound bus stop on Okell Drive, which is approximately 115m from the southern edge of the site.
- 5.3.83 This location was chosen because, beyond (south of) the bus stop, the pedestrian footway falls away from the vehicular highway, which, in turn, raises. The combination of the dropping of the footway and the raising of the highway, means the application site (and thus, the proposal) is not visible to pedestrians beyond this point – the footway and highway do not level out again until circa 115m further south-west, at which point, the site is no longer visible.
- 5.3.84 Viewpoint 5 demonstrates that, whilst the proposal would be partially visible, it would be read in its context with other built development, including dwellings on Torcross Way, Helston Avenue, Elworthy Avenue and Portloe Avenue would all be visible in the same view.
- 5.3.85 The majority of the green space within the site is not apparent in this view, with only the south-eastern edge visible, which would be retained. The open countryside beyond the site would be unchanged. The grass verge along Okell Drive would be the most apparent local characteristic of the collective verdant character and would appear unaffected by the proposal, with the existing vehicular and pedestrian access at Torcross Way and the existing pedestrian access at Elworthy Avenue being far more apparent and prominent than the new vehicular and pedestrian access into the application site – it is questionable whether the proposed access would be apparent at all from here.
- 5.3.86 At circa 115m away, we would question whether Viewpoint 5 can be reasonably described as being a 'long' distance view, or 'some' distance from the site. It is a short-to-medium distance view.

Viewpoints Summary

- 5.3.87 We disagree with the LPA's comment in their 3301426 Statement of Case that the site (our highlights, for emphasis), *'is an important part of the green infrastructure... **in particular long and medium range views along Okell Drive** where open space forms part of an important visual link between the grass verge and the agricultural fields'*.
- 5.3.88 The accompanying views and the above commentary demonstrate that, from Okell Drive, there are not any medium-to-long distance views of the site, the grass verge and / or the agricultural fields, either in isolation or collectively.
- 5.3.89 We also consider it highly questionable to suggest there is a visual link between the site and the agricultural fields beyond Church Road without also acknowledging that Church Road intercepts and acts as a buffer between the two. If the site and the agricultural field are to be read together, one must also acknowledge that Church Road is present too and impacts the alleged collective verdant character.
- 5.3.90 The longest view from Okell Drive (Viewpoint 5) is at a short-to-medium distance, at its furthest. Beyond this Viewpoint, further south-west along Okell Drive – where one could

reasonably start to describe any views towards the site as being ‘medium-to-long’ distance – the site is no longer visible.

- 5.3.91 We disagree with the Inspector’s comment in the 3301426 Appeal Decision, that (our highlights, for emphasis), *‘the proposed building would be **highly visible** from it [Okell Drive], even **from some distance south-west** of the site as one travels in a north-easterly direction along Okell Drive.’*
- 5.3.92 The accompanying views and above commentary demonstrate that the site and / or the Nursery building will not be ‘highly’ visible from ‘some’ distance along Okell Drive. The site and the Nursery building would only be partially visible in short-to-medium distance views along Okell Drive, at worst.
- 5.3.93 The accompanying views and the above commentary demonstrate that the site and Nursery building will only be visible in short and short-to-medium distance views. The furthest point from which the site and Nursery building will be visible is circa 120m away (Viewpoint 4). Beyond these Viewpoints, the site falls out of view. A position 120m away cannot be described as being a ‘long’ distance, nor ‘some’ (with a negative connotation) distance away. The accompanying views demonstrate the proposals will not have an unacceptable adverse impact upon the perceived amenity of the local townscape and the principal characteristic in all the views - the boundary to the open countryside, to the north of Okell Drive - is unaffected.

Short Distance Views

- 5.3.94 Within their 3301426 Statement of Case, the LPA commented that, *‘the site would be readily visible from Okell Drive, Church Road’.*
- 5.3.95 In short distance views, we agree.
- 5.3.96 Within their 3301426 Appeal Decision, the Inspector commented that, *‘the site is visible from the stretch of Church Road north-west of the site travelling south-easterly towards it, from Cartbridge Lane north-east of the site travelling south-westerly towards it, and from Okell Drive travelling north-eastly towards it.’*
- 5.3.97 We consider all of the views described above to be short or short-to-medium distance views, so agree. We do not dispute that the site is / the proposal will be highly visible from the immediate vicinity, in short distance views from Okell Drive, Church Road, Cartbridge Lane and Portloe Avenue.
- 5.3.98 Being highly visible, though, does not mean the proposal will have an adverse impact on the character and street scene of the area.
- 5.3.99 From all short distance views, one will always read the site in its context with other built development. There are not any views of the site where one does not experience the site as forming a part of an urban setting.
- 5.3.100 If one were standing immediately adjacent to the site on the southern footway of Okell Drive, looking north towards the site, the Okell Drive grass verge, the green space within the site and the open countryside beyond Church Road would all be visible within the view. So too, though, would the dwellings on Elworthy Avenue, the Okell Drive and Church Road highways and the various infrastructure (the streetlights, 4/5G mast and pillar box) around the site.

5.3.101 These give the view an urban feel - one is very much aware that the character and street scene is one of an urban setting. We dispute that the proposal would change that – the ‘experience’ would remain, were the proposal developed on the site.

5.4 Need

- 5.4.1 Whilst it is not necessary to demonstrate a ‘need’ for childcare places as a part of the planning application, the following commentary provides further justification for the proposal.
- 5.4.2 This commentary is also provided given the Inspector’s comment in the 3301426 Appeal Decision that, *‘I accept that the proposed facility would provide additional nursery places within the area, thereby providing parental choice. As I have not been provided with any evidence of there being a shortage of places in the area, I attach limited weight to this matter.’*
- 5.4.3 That ‘evidence’ was contained within the original application submission which, presumably, the Inspector did not have sight of.
- 5.4.4 The latest childcare vacancy figures are set out within the Knowsley Childcare Sufficiency Annual Assessment 2020/21. It is worth highlighting that this Assessment is the same one that was referenced in the 20/00360/FUL application submission – it has not been updated since, so remains the most reliable source for the information.
- 5.4.5 The Assessment explains that, for the purpose of reporting and of assessing supply and estimating demand, the analysis is split into three areas of the Borough. The site falls within ‘Area 3’, which covers South Huyton and Halewood - the site sits at the border between Halewood North and Halewood South, so is ideally placed to serve both wards equally well.

Summary of Childcare Places aged 0 to 4 years (Private and Voluntary Sector)

Halewood	0 - 4yrs	Total Care PVI*	Total Care CM^	Total Care Combined	Vacancies PVI*	Vacancies CM^	Vacancies Combined	Vacancies %
North	533	51	24	75	10	4	14	19
South	711	182	17	199	48	3	51	26

*PVI - private, voluntary and independent early years sector

^CM - childminder

- 5.4.6 Overall, the Assessment advises that, in the short term, current projections suggest that, whilst there is sufficient provision in Area 3 to meet immediate demand, that demand will increase due to housing developments.
- 5.4.7 Within the 20/00360/FUL Committee Report, it was reported that Children’s Services had advised it was healthy to have vacancies to enable parental choice and maintain some flexibility to meet the needs of parents and that the Childcare Sufficiency Assessment 2020/21 identifies that additional nursery spaces are required in Halewood to meet existing and future demands.

- 5.4.8 The Committee Report concluded, therefore, that the proposed nursery would add to the childcare provision available, both for the present - in the form of parental choice and need - and in the future - when more spaces will be required because of new development.
- 5.4.9 In addition, it was argued that, with many working practices switching to a hybrid nature of office and home-based working, the nursery would serve a local need of provision within a large local housing area and help towards sustainability by providing spaces within said area.
- 5.4.10 We are not aware of any children's nursery proposals having been submitted and / or approved within Halewood or the wider locality since the determination of the previous application. As such, the above advice and conclusions are still applicable.
- 5.4.11 Given the above, it has been demonstrated that there is a justifiable 'need' for the proposal.

5.5 Open Space

- 5.5.1 Within the 20/00360/FUL Committee Report, reference is made to Policy CS21 (Greenspaces and Trees), which states that new development, that would result in the loss of urban greenspace, will not be permitted unless (of relevance to the proposal) a surplus of provision of all types of greenspace would be maintained relative to local standards or the land is considered unsuitable in terms of size, location or character to prevent or address individual deficiencies of different types of greenspace relative to local standards.
- 5.5.2 The application site is privately owned by Rockbourne Day Nursery Limited – which was acknowledged within the Committee Report - so, given this fact alone, it is questionable whether Policy CS21 is applicable.
- 5.5.3 Notwithstanding the above, the Committee Report contained a table which evidenced an overall surplus of open space in the area.
- 5.5.4 Individually, a minor deficit for the provision of children's play areas and allotments was reported, but the Committee Report stated that the Environmental Sustainability Service had advised that the site would be inappropriate for such uses.
- 5.5.5 Officers also commented that, to acquire the site and then deliver a children's play area or allotments would require significant investment.
- 5.5.6 As such, and notwithstanding that the site is privately owned so it is questionable whether CS21 is applicable, it has been demonstrated that there is an overall surplus of open space provision and, where a minor deficit was identified, officers confirmed that the site was unsuitable for such uses.

5.6 Noise

Commentary from the 20/00360/FUL proposal

- 5.6.1 Within the 20/00360/FUL Committee Report, officers commented that (our highlights, for emphasis),
 - 9.23 *The principal noise effects of the development would be from children playing and the movement of vehicles accessing the site and using the car park, which is adjacent to the rear gardens of properties on Elworthy Avenue.*
 - 9.24 *The application includes a Noise Report which assesses these effects and concludes that, provided an acoustic fence is erected either along the site boundary with the properties*

on Elworthy Avenue or along the south-western boundary of the children's play area, then **the proposed development would not have an unacceptable effect on amenity** - given the existing background noise levels in the area.

9.25 The conclusions of the noise report **are reasonable** and Environmental Health have advised that they **agree with its findings**. Accordingly, it is considered that the operation of the proposed development **would not cause unacceptable harm to amenity through undue noise and disturbance.**

5.6.2 At Planning Committee, however, Members refused the application because they deemed the proposal would have an unacceptable impact on residential amenity.

5.6.3 Within the 3301426 Appeal Statement of Case, the LPA commented that,

5.6 'A noise report was submitted with the planning application which assesses the noise impacts of the use of the car park and the effect on the amenity of the nearby residents. It concludes that there would be no adverse effects.

5.7 However, the noise report was based on an earlier layout of the development which included an access and egress into the site, and parking spaces at 90° to the properties on Elworthy Avenue rather than a single point of access and a pickup / drop off area running parallel to the gardens of the dwellings.

5.8 Furthermore, the noise report considers the effects of the development against the background noise level of the site, which it describes to be dominated by traffic noise. Traffic noise has a consistent nature and to an extent almost blends into the background because of it.

5.9 The noise which would be generated by the operation of the car park would be noise of an entirely different character, it would be irregular and loud. This changing character would generate disturbance which would have an unacceptable impact on the amenity of the neighbouring residents.

5.10 Whilst the applicant notes that an acoustic fence can mitigate against noise from the car park, it is considered that given the characteristics of the noise it would not prevent unacceptable harm from occurring...

5.12 Noise would also be generated throughout the day by children using the outdoor spaces, the noise report identifies that an acoustic fence would mitigate the effects of this noise.

5.13 Similar to noise generated by the use of the car park, the noise generated by children playing would be irregular and loud. When the noise and disturbance generated by the use of the playground is considered alongside the noise and disturbance generated by the use of the car park, the Council believes that unacceptable harm would be caused to the amenity of adjacent residents.'

5.6.4 It can be seen from the above that the commentary within the 20/00360/FUL Committee Report and the commentary within the LPA's 3301426 Appeal Statement of Case are contradictory.

5.6.5 Within the 3301426 Appeal Decision, the Inspector dismissed this reason for refusal, stating (our highlights, for emphasis):

16 'I note that the Council is concerned that no up-dates were provided to the Noise Report following the amendments to the proposal. The noise assessment was carried out for the original proposal. In summary, the Noise Report concludes that, primarily, subject to either

the replacement of the existing rear boundary fences of properties adjacent to the site on Elworthy Avenue with a suitable fence, or installation of a new acoustic fence adjacent to the existing fences, the proposal would not result in unacceptable levels of noise disturbance to occupiers of existing properties, particularly those on Elworthy Avenue.

*17 Although the Report was compiled for the proposal as originally submitted, bearing in mind the findings of the assessments (in the context of the limited nature and extent of the changes to the proposal), the number of children that would attend the facility, the proposed opening hours, the time and duration of most drop-off / collection times, the extent of outdoor play future attendees would be likely to take part in, and the installation of an acoustic fence along the south-western boundary of the site, I consider the occupiers of existing neighbouring properties, particularly Nos 31-40 Elworthy Avenue, **would not be subjected to unacceptable levels of noise disturbance.***

*18 The proposal would therefore **accord with Saved Policy H5** of the Knowsley Replacement Unitary Development Plan 2006, which, among other things, requires new development in residential areas to **not have an unacceptable impact on the living conditions** of occupiers of existing neighbouring properties.'*

- 5.6.6 The layout of the latest proposal is very similar to that which was considered by the Inspector during the 3301426 Appeal. Given the Inspector dismissed any concerns regarding an adverse noise impact on residential amenity, it follows that the same conclusions can be applied to the current application.

Noise Impact Report

- 5.6.7 A Noise Impact Report (NIR) has been prepared by Spratt and Hamer, which considers the impact of the proposal on neighbouring noise sensitive residential premises.
- 5.6.8 For the avoidance of any doubt, the acousticians at Spratt and Hamer undertook the Environmental Noise Report (reference 14309, Version 3, March 2021) that was submitted as a part of the 20/00360/FUL application, but the company has since rebranded. Spratt and Hamer, therefore, have an excellent grasp of the site's history.
- 5.6.9 A site survey has been undertaken to obtain representative background noise levels. The residual noise climate is dominated by nearby road traffic.
- 5.6.10 Whilst the pattern of road traffic is likely to be similar when the proposed site is built, the noise climate at the back garden fences of Elworthy Road is predicted to be slightly reduced because the proposed building will function as a barrier to sound propagation. By using the measured average noise levels, it is possible to make a before and after comparison. The result is that the presence of the proposed building is predicted to reduce average noise levels, incident upon the garden fences by approximately 1.0dB.
- 5.6.11 Samples of car parking events were made and can be split up into steady engine / moving noise and impulsive, short-term maxima, door closing noise.
- 5.6.12 Samples of children playing outside across 3no. play areas were measured to obtain the respective sound pressure levels generated. The children were organised by age and the level produced by a group varied depending on which group was monitored
- 5.6.13 All noise predictions are based on the estimated worst-case hour of a given day. For vehicle activity, this will likely be 08:00-09:00 and for child activity it will be during outdoor playtime.

The receiver positions for this model are the centre of the rear gardens and the rear facades at numbers 36 and 38 Elworthy Avenue.

- 5.6.14 Car activity is assessed against BS 4142:2019. Children playing outside is assessed against BS 8233:2014.
- 5.6.15 A noise model has been used to predict the noise impact of the various noise sources. The model was scaled using Open Map data and, where appropriate, noise was modelled as either a point source or a line source.
- 5.6.16 Initial calculations indicated that an adverse impact may be experienced at the receptors and, therefore, the model includes an acoustic barrier.
- 5.6.17 The NIR shows that the BS 4142:2019 estimated excess rating level at the garden receptor and the facade receptor is -6 dB and -4 dB, respectively. which indicates a low impact.
- 5.6.18 The assessment indicates that the maximum levels by door slamming would fall below the criteria by 3dB. As such, impact caused by any door slamming are likely to cause negligible impact. It should also be noted that this calculation does not account for the acoustic barrier, therefore, the estimated level at the facade is likely to reduce.
- 5.6.19 The NIR shows that the predicted cumulative noise level does not increase and does not exceed 55dB(A) the upper guideline stated in BS 8233:2014 for outdoor amenity noise levels.
- 5.6.20 As above, the NIR recommends that a 1.5m high acoustic fence be erected along the south-west boundary of the site, adjacent to the rear gardens of 33-40 Elworthy Avenue.
- 5.6.21 The NIR concludes that, when taking account of the appropriate guidance of BS 4142:2019 and BS 8233:2014, and with the addition of the recommended acoustic barrier, the estimated sound impact will be negligible.
- 5.6.22 As such, the NIR demonstrates that the proposal fully complies with Local Plan Policy CS19 (Design Quality and Accessibility in New Development) and 'saved' Replacement UDP Policy H5 (Development Within Primarily Residential Areas), the latter of which is the policy cited in the reason for refusal on the 20/00360/FUL Decision Notice.

5.7 Highways

Commentary from the 20/00360/FUL proposal

- 5.7.1 Within the 20/00360/FUL Committee Report, officers commented that (our highlights, for emphasis),

2.4 'The vehicular access / egress for the site was originally proposed as a one-way system, which took access from Church Road with an egress onto Okell Drive. The proposed access / egress is now revised such that there would be a singular access and egress from and onto Okell Drive. Car parking spaces, including five drop-off spaces, are proposed either side of the access way to the south-west of the building. Motorcycle and cycle parking is also proposed at the north-eastern end of the car park. At the north-eastern end adjacent the nursery boundary fencing would be a vehicular turning area.

9.30 ... the revised vehicular access/egress of the nursery site would operate a singular two-way system with access taken from, and egress onto, Okell Drive. This access is acceptable and is designed so that two large cars could safely pass each other. Appropriate visibility splays, required to accord with the 30mph speed limit of the road are also achievable. The

pedestrian access to the proposed nursery would consist of a typical highway footpath from Okell Drive. The footway leads to a pedestrian gateway that would allow for a safer passage for pedestrians.

9.31 *The access / egress arrangements have been reviewed by the Highways' Team, who consider that the access / egress arrangement proposed is **acceptable and would not have an adverse impact on highway safety.***

9.32 *The vehicle parking / drop off arrangement **meets what the expected demands.** A parking survey has been provided which highlights the suitability of the 17 parking and drop-off spaces proposed. A turning area is proposed within the site to encourage vehicles to enter the site...*

9.33 *Several concerns have been raised about the development causing, or adding to, congestion. The application has provided trip data through a nationally recognised resource, showing that there is expected to be 13 vehicle arrivals and 10 departures in the peak morning hour. This is the hour with typically the largest number of vehicle trips. The evening peak hour for traffic is 5pm to 6pm, with expected trips of 8 arrivals and 12 departures. The other hours of the day would, it is anticipated, have varying degrees of trips generated but will not exceed the peak hours. It is expected that the spaces allocated for parking and drop offs (17) **could accommodate these vehicle movements.***

9.34 *The Highways Team have **accepted the applicant's information on vehicle trip** rates and whilst like any new development it would generate additional vehicular trips on local roads, the Highways Team anticipate that **these low figures of additional trips can be readily accommodated.***

9.35 *The site is situated within the urban area and benefits from good pedestrian, cycle, and public transport links. The Highways Team have **no objections to the proposed development** as revised, and it is considered that... the proposed development would **not have an unacceptable impact on highway safety or cause a severe impact on the highway network.***

- 5.7.2 The access and car parking arrangements of the current proposal are very similar to those of the 20/00360/FUL proposal. Given no highways concerns were raised in the determination of the 20/00360/FUL application, it follows that the same conclusions can be applied to the current application.

Transport Statement

- 5.7.3 A Transport Statement (TS) has been prepared by Axis, which seeks to demonstrate that the development will not cause a materially negative impact on the local highway network.
- 5.7.4 The TS explains how, during the 20/00360/FUL application process, there were extensive discussions and exchanges with the Local Highways Authority (LHA), which resulted in the site layout being amended a number of times. As above, the highways layout at the point of determination of application 20/00360/FUL is very similar to that of the latest proposal. As such, the previous discussions and agreements with the LHA are directly relevant to the latest scheme.
- 5.7.5 Personal Injury Accident (PIA) data has been obtained for the local highway network in the vicinity of the proposal site. There is no evidence of any highway safety issues within the

vicinity of the site that would be exacerbated by the marginal increase in traffic that the proposals will result in.

- 5.7.6 The sustainability of the site has been assessed in terms of its accessibility by walking, cycling and public transport modes of transport and was found to be high, with good pedestrian and cycle friendly infrastructure and a high level of public transport provision in the area.
- 5.7.7 The TS demonstrates that 2.4m x 40m junction visibility splays will be achievable from the access of the site. It also shows that the site is appropriately designed to accommodate the manoeuvres of a variety of design vehicles (including a large car and transit van), with refuse collection taking place directly from Okell Drive once per week.
- 5.7.8 A car parking accumulation exercise shows that the proposed development is anticipated to generate a maximum parking demand of 15 parking spaces. As such, the proposed level of parking / drop-off bays (16 spaces total) can accommodate the maximum parking demand of the development.
- 5.7.9 The proposed drop-off bays would have a maximum throughput capacity of 90 cars per hour. This is more than sufficient to accommodate the anticipated demand of the development during peak drop-off periods.
- 5.7.10 Based on the above, the proposed car parking and drop-off arrangements are appropriate for the proposed development.
- 5.7.11 The TS concludes that, no unacceptable impact would be created by the development and the application is therefore commended for approval.
- 5.7.12 As such, the development complies with Local Plan **Policies CS2** (Development Principles) and **CS7** (Transport Networks) and 'saved' Replacement UDP Policy **H5** (Development Within Primarily Residential Areas).

5.8 Flood Risk and Drainage

Commentary from the 20/00360/FUL proposal

- 5.8.1 Within the 20/00360/FUL Committee Report, officers commented that (our highlights, for emphasis),

9.41 Policy CS24 (Managing Flood Risk) in the Core Strategy requires new developments to manage flood risk associated with or caused by the proposed development. The site lies in an area that has the lowest probability of flooding and, therefore, the development site unlikely to be at risk from flooding. However, surface water from the site could contribute to flooding elsewhere if not managed properly.

*9.42 The applicant has submitted drainage design details which United Utilities has considered. They raise **no objection** to the scheme with regard flood risk and note that the development should be carried out in accordance with the submitted details. If planning permission is granted this can be secured by a planning condition.*

9.43 United Utilities has noted that a public sewer runs across the site and that an access easement is required, which the applicant is aware of.

9.44 Overall, the proposed development would **not be at an unacceptable risk of flooding, and in principle could be drained satisfactorily**. Therefore, it complies with Policy CS24 of the Local Plan.

- 5.8.2 In terms of drainage, the layout of the latest proposal is very similar to that which was considered by the LPA as a part of the 20/00360/FUL application. Given no flood risk / drainage concerns were raised in the determination of the 20/00360/FUL application, it follows that the same conclusions can be applied to the current application.

Flood Risk Assessment

- 5.8.3 A Flood Risk Assessment (FRA) is necessary for sites / proposals within Flood Zones 2, 3 or 3b, or within Flood Zone 1 with a site area of 1ha or more.
- 5.8.4 The site is located within Flood Zone 1, the lowest risk flood zone, deemed to have less than a 1-in-1,000 (0.1%) annual probability of flooding in any given year.
- 5.8.5 At 0.3ha, the site's area is significantly below the 1ha trigger for needing to undertake an FRA.
- 5.8.6 Given the above, an FRA is not deemed necessary.

Drainage Design Details

- 5.8.7 The planning application is accompanied by a Preliminary Drainage Strategy, prepared by EnviroSolution Ltd.
- 5.8.8 As per the approach taken for the 20/00360/FUL application, the drainage details can be secured via condition, requiring the implementation of the submitted drainage details.

5.9 Ecology / Biodiversity Net Gain

Preliminary Ecological Appraisal

- 5.9.1 A Preliminary Ecological Assessment (PEA) has been undertaken by BDP to establish the existing ecological value of the site.
- 5.9.2 A review of ecological information held by the local record centre, Merseyside BioBank, alongside other publicly accessible online sources was carried out to identify any protected and notable sites, habitats and/or species within a 2km radius of the application site.
- 5.9.3 The desktop study search shows that there are no European, National or Local sites with statutory designation within the site or within a 2km radius thereof. The local record centre confirmed the presence of nine Knowsley LWSs and two Liverpool LWSs within a 2km radius of the application site.
- 5.9.4 There were no protected species records occurring within the site. A review of publicly accessible online maps confirmed that there is no suitable aquatic habitat for amphibian fauna within the site or within a 500m radius thereof. A review of publicly accessible online maps confirmed that there is no suitable habitat for water voles or otters (wetlands, rivers or streams) within the site or within a 500m radius thereof. Impacts associated with the proposed development are not anticipated to exist beyond a site level. The site itself provides extremely limited habitat with little suitability for small mammals, with neighbouring roads

occurring to the north, east and south. The site has poor opportunities for foraging and refuge and may only rarely support commuting small mammals. The returned records included a limited number of species which are known to nest in trees, such as those within the site.

- 5.9.5 An ecological site walkover was undertaken on the 20 September 2024. The survey involved identifying the habitat types present within the site and defining their boundaries. Habitats defined broadly as grassland were subject to quadrat sampling to inform on average species richness. Sampling involved randomly laying a specified number of 1m x 1m quadrats across the grassland and recording all species contained within the samples.
- 5.9.6 During the site visit, a Ground Level Tree Assessment (GLTA) was conducted in accordance with Bat Conservation Trust Good Practice Guidelines. The GLTA involved the inspection of each tree to search for, and to assess the potential for, a bat roost(s) to be present.
- 5.9.7 During the survey, the site was surveyed for suitable nesting bird habitat. Further, any evidence of nesting was recorded.
- 5.9.8 Modified grassland dominates the application site. The grassland throughout the site is characteristic of permanent amenity sward, a commonplace habitat in urban settings. Species diversity is poor.
- 5.9.9 A total of nine trees were identified within the application site. The remains of a wind-felled poplar was identified next to T5. Regrowth from the stump and roots have produced around 15 suckers (approximately 1cm DBH (Diameter at Breast Height)).
- 5.9.10 Two groups of trees within the application site are protected under a TPO. These trees will be retained within the development.
- 5.9.11 The site offers limited foraging opportunities for bats at a site-level value and there are extensive and / or higher quality habitat within the surrounding landscape. Based on features within the site, its suitability as foraging and or commuting habitat for bats is assessed as low, only being likely to support small numbers of urban tolerant bat species such as pipistrelles. Roost suitability is assessed as none / negligible / low.
- 5.9.12 All trees within the site will be retained in the development. Protective fences should be erected during the construction phase to minimise disturbance during construction and the external lighting strategy should be designed to ensure that light spill does not further impact on the trees.
- 5.9.13 The site provides extremely limited and poor-quality habitat, which is bound by road networks to the north, east and south, and is therefore highly unlikely to be exploited by badgers. No foraging or sett excavation opportunities were evident during the site survey and no evidence of badger activity was identified within or adjacent to the site.
- 5.9.14 The site provides very limited foraging and commuting habitat for hedgehog, with more favourable habitat for this species available within the wider landscape. The site facilitates no connectivity between these areas. The redevelopment of the site is not anticipated to have any negative impacts on hedgehogs. Notwithstanding this, the site should be made permeable for hedgehog by ensuring there are no barriers to dispersal across the site.
- 5.9.15 Scattered trees within the site provide opportunities for nesting birds during the breeding season. Given the relative levels of disturbance surrounding the site and the presence of more favourable nesting habitat in the immediate to wider landscape, existing trees are only considered to be valuable for nesting birds at a site level.

- 5.9.16 It is recommended that site works takes place outside the peak bird nesting season. If site works needs to take place during the peak season, then nesting bird surveys will need to be undertaken by a suitable competent ecologist to ensure that the proposed works are not impacting negatively on nesting birds.
- 5.9.17 Construction Environmental Management Plan (CEMP) should be produced prior to the commencement of works onsite which will demonstrate how the construction stage of the project will minimise impacts to the potential ecological receptors within and adjacent to the site, namely birds and bats. The CEMP should include pollution prevention measures which will ensure construction impacts to the site and surrounding areas are avoided or minimised, including impacts such as surface-water run-off, land contamination and management of invasive species.

Biodiversity Net Gain (BNG)

- 5.9.18 Biodiversity Net Gain (BNG) is a means of creating and otherwise improving the state of biodiversity through instating quantifiable gains and ensuring that adequate ecological compensation for habitat loss is achieved.
- 5.9.19 In line with the Environment Act 2021, the development should aim to protect and enhance the overall biodiversity value of the site by contributing to the achievement of a 10% net gain at minimum. This gain must be delivered with use of the Biodiversity Statutory Metric Calculation Tool and accompanied with a Biodiversity Gain Plan which will show how the development will achieve Biodiversity Net Gain. Any proposed ecological enhancements should be captured in a Habitat Management and Monitoring Plan which will ensure that the condition of created habitats is maintained for at least 30 years.
- 5.9.20 The BNG Metric describes how the site's baseline comprises of 1.56 habitat units. To achieve a 10% net gain, 1.72 units are required (in total). The proposal will deliver 1.78 units on site, which equates to a 13.94% net gain.
- 5.9.21 The net gain will be delivered by planting introduced shrub and urban trees and by upgrading the existing modified grassland from a 'poor' condition to a 'good' condition.
- 5.9.22 As such, the mandatory 10% biodiversity net gain will be delivered onsite.

5.10 Arboriculture

Commentary from the 20/00360/FUL proposal

- 5.10.1 Within the 20/00360/FUL Committee Report, officers commented that (our highlights, for emphasis),

9.37 Policy CS21 (Greenspaces and Trees) states that the Council will encourage proposals for new development to retain trees, woodland, vegetation and other habitat features which offer a positive contribution to the local environment; and make adequate replacement provision where tree loss is unavoidable, comprising two additional trees for every tree lost and taking account of species and size.

9.39 ... The revised scheme indicates the retention of Group G. All other trees are to be retained.

9.40 The Council's Arboricultural Officer has **no objection** to the proposal. If planning permission is granted a detailed landscaping scheme and tree protection measures are recommend to be secured by the imposition of suitable planning conditions. The development **complies** with Policy CS21 of the Local Plan and Saved Policy DQ4 of the Replacement UDP.

Arboricultural Statement

- 5.10.2 An Arboricultural Statement has been prepared by Cheshire Woodlands Limited.
- 5.10.3 The trees were surveyed on 6 September 2024, where stem diameters and canopy spreads were measured using a tape and tree heights using a tape and clinometer. The structural condition of the trees was assessed using the 'visual tree assessment method'. The trees were assessed for 'visual prominence' and broadly categorised in accordance with BS5837.
- 5.10.4 Below-ground constraints are represented in the Arboricultural Statement as Root Protection Areas (RPAs), calculated and, where appropriate, modified in accordance with BS5837. In this regard, the RPAs of tree T1, T3 and the two trees in G1 have been adjusted on an assumption that there is unlikely to be any significant root growth beneath the highway carriageway and the tree has rooted asymmetrically to the south. The RPA of T3 has also been offset, demonstrating that any root-loss resulting from the incursion can be compensated for by new growth in areas unaffected by the development. This is the same approach as was proposed and accepted as a part of the 20/00360/FUL proposal.
- 5.10.5 Five individual trees and two groups of trees were surveyed. Trees T1, T3 and groups G1 and G2 are 'moderate quality' category B trees. Tree T2 is a 'low quality' category C tree. Off-site trees T4 and T5 are 'low quality' category C trees. T1, T3 and all trees in G2 are protected by the TPO. T2, T4, T5 and G1 are not protected.
- 5.10.6 No trees are to be removed to enable the development. All trees and groups of trees will be retained and details for their protection during construction are included as a Tree Protection Plan and Arboricultural Method Statement within the Arboricultural Statement.
- 5.10.7 The proposed methodology includes the erection of 'tree protection barriers' to create 'construction exclusion zones', temporary ground protection to prevent undue damage to the roots where there is a slight incursion to the rooting areas, and the installation of a 'no-dig' engineer-designed hard surface in the affected rooting areas.
- 5.10.8 The Arboricultural Statement identifies that there are some incursions into root protection areas of trees, however, these can be appropriately mitigated, and all on-site trees can be protected in accordance with BS5837. This mitigation is the same as that which was proposed as a part of the 20/00360/FUL proposal, which was accepted by officers.
- 5.10.9 As such, the development complies with Local Plan Policy CS21 (Greenspaces and Trees) and 'saved' Replacement UDP Policy DQ4 (Trees and Development).

5.11 Air Quality

Commentary from the 20/00360/FUL proposal

- 5.11.1 Within the 20/00360/FUL Committee Report, officers commented that (our highlights, for emphasis),

9.36 The application includes an Air Quality Assessment (AQA), which assesses the effects of traffic generated by the development on local air quality. The AQA identifies that **the area does not currently suffer from poor air quality** and that the **traffic generated by the development would not have a significant impact** on existing air quality. Environmental Health **agree with the findings of the report** and, therefore, it is agreed that the proposed development would **not have an unacceptable impact on air quality**. Consequently, the scheme **complies** with Local Plan Policy CS2.

Air Quality Assessment

- 5.11.2 Given the vehicle movements associated with the current proposal will be the same as those assessed within the Air Quality Assessment (AQA) that was submitted as a part of the 20/00360/FUL proposal, it is not deemed necessary to undertake a new or update the previous AQA. The assessment and conclusions of the previous AQA remain valid.
- 5.11.3 An AQA has been prepared by EnviroSolution Limited, which explains that, given the site is located adjacent to Church Road and Okell Drive, which are considered to be significant sources of road vehicle emissions, the Council requested that an AQA be undertaken to quantify pollution levels across the site, consider its suitability for the proposed end-use and assess potential impacts as a result of the development.
- 5.11.4 Potential construction phase air quality impacts from fugitive dust emissions were assessed as a result of demolition, earthworks, construction and trackout activities. The AQA advises that the use of good practice control measures would provide suitable mitigation for a development of this size and nature and reduce potential impacts to an acceptable level.
- 5.11.5 Dispersion modelling was undertaken in order to predict annual mean pollutant concentrations across the site and to assess potential exposure of future users as a result of road vehicle exhaust emissions. Results were subsequently verified using local monitoring results provided by the Council.
- 5.11.6 The dispersion modelling results indicated that annual mean pollutant levels across the site were below the relevant air quality objectives. The AQA advises that the location is suitable for the proposed end-use without the implementation of protective mitigation techniques.
- 5.11.7 Potential impacts during the operational phase of the development may occur due to road traffic exhaust emissions associated with vehicles travelling to and from the site.
- 5.11.8 A screening assessment was undertaken to determine the potential for trips generated by the development to affect local air quality. This indicated that operational impacts were not anticipated to be significant.
- 5.11.9 Based on these results, the AQA concludes that air quality issues are not a constraint to consent for the proposed development. As such, the scheme complies with Local Plan Policy CS2 (Development Principles).

5.12 Contamination

Commentary from the 20/00360/FUL proposal

- 5.12.1 Within the 20/00360/FUL Committee Report, officers commented that (our highlights, for emphasis),

7. Consultations:

Environmental Health & Consumer Protection (Knowsley Council) – **No objection** subject to **conditions in relation to contamination**, a construction management plan and construction hours.

Schedule Of Conditions:

4: Prior to the Commencement - Submission, approval and implementation of a contaminated land report and remediation strategy

14: Compliance - Submission and implementation of a risk assessment and remediation if unexpected contamination is found

15: Before any soil is imported onto the site - A methodology to ensure that imported soils are not contaminated to be submitted approved and implemented.

- 5.12.2 It is proposed that the same approach be implemented this time too – that development cannot commence until a Phase 1 Assessment, followed by a Site Investigation and a Remediation Strategy, if required, has been agreed and, that the use cannot commence until it has been demonstrated that the approved Remediation Strategy has been implemented in full.
- 5.12.3 Subject to the above being implanted, the proposal would meet the criteria set out with 'saved' Replacement Unitary Development Plan Policy ENV5 (Contaminated Land).

5.13 Summary and Conclusion

- 5.13.1 This chapter of the Planning Statement has provided an assessment of the proposal against Knowsley's Development Plan and the NPPF and has demonstrated that the scheme fully complies with the relevant local and national planning policy and guidance.
- 5.13.2 It has been demonstrated that the principle of development is acceptable, that all technical matters have been addressed and that the previous concerns regarding an 'adverse impact on the character and street scene of the area' have been extensively assessed and either overcome or, where we disagree with officers' and the Inspector's previous opinions and conclusions, challenged with robust evidence, commentary and justification.
- 5.13.3 Ultimately, approval of the Children's Nursery will ensure an identified need can be (partially) met within the Halewood area.

6.0 Conclusion

- 6.1.1 This planning application seeks full planning permission for the erection of a Children's Day Nursery together with the construction of a single vehicular access / egress off Okell Drive (to the rear of Elworthy Avenue), in Halewood, Knowsley.
- 6.1.2 The proposal has been appraised against national and local planning policy and guidance and it has demonstrated how the development meets the relevant policy criteria in full. The proposal fully accords with the NPPF and the Knowsley's Development Plan.
- 6.1.3 This Planning Statement and the accompanying supporting technical documents - covering air quality, arboriculture, biodiversity net gain, ecology, flood risk and drainage, highways, and noise - demonstrate that there are no insurmountable technical issues that should prevent the development from coming forward.
- 6.1.4 This Planning Statement has not shied away from the site's history, acknowledging that there have been three previous refusals and two previous Appeal dismissals. The Assessment chapter of this Planning Statement has provided commentary on these reasons for refusal, explaining how we have sought to overcome previous comments / concerns or, where we disagree with officers' / the Inspectors' previous assessments, why, with evidence, the latest proposal is acceptable.
- 6.1.5 With regards 'views' – this submission demonstrates that, contrary to officers' and the Inspector's previous conclusions, the site and Nursery building will not be 'highly' visible from 'some' distance. The site and the Nursery building would only be partially visible in short-to-medium distance views, at worst. There are not any medium-to-long distance views of the site, the grass verge and / or the agricultural fields, either in isolation or collectively. Where visible, the site is always experienced in its context with the surrounding locality, which is that of an urban settlement.
- 6.1.6 Given the above, it is respectfully requested that the proposed development be supported and that Full Planning Permission be granted.