



Design and Access Statement

To Retain Inclusive Access and Child Safeguarding Measures (including wheelchair accessible ramp and parking area; secure, gated pedestrian access and fencing) and an External Pram Shed at existing Children's Day Nursery

At Honeypot Nursery, 10 Huyton Church Road, Huyton, L36 5SJ

On Behalf of Honey Pot Nursery Huyton Ltd

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LANDOR Planning Consultants Ltd

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Contents	Page
1.0 Introduction-----	3
2.0 Design and Access Statement-----	3
3.0 Site, Character, Location and Context-----	4
4.0 Development Proposal-----	5
5.0 Use and Amount-----	6
6.0 Design and Appearance-----	6
7.0 Materials-----	6
8.0 Landscaping-----	6
9.0 Inclusive Design-----	6
10.0 Accessibility-----	7
11.0 Conclusion-----	10

1.0 Introduction

- 1.1 This Design and Access Statement has been prepared by Landor Planning Consultants Ltd, acting on behalf of Honey Pot Nursery Huyton Ltd (hereafter, “The Applicant”) .
- 1.2 It is submitted in support of an application proposal to retain Inclusive Access and Child Safeguarding Measures (including a Wheelchair Accessible Ramp and Parking Area; Secure, Gated Pedestrian Access and Fencing) and an External Pram Shed at existing the Children’s Day Nursery at Honey Pot Nursery Ltd, 10 Huyton Church Road, Huyton, L36 5SJ (hereafter, “The Site”).
- 1.3 The Inclusive Access and Child Safeguarding Measures implemented at the site meet with The Applicant’s responsibilities for child safety and welfare as an Early Years Provider under various legislation including:
 - the Childcare Act 2006 <https://www.legislation.gov.uk/ukpga/2006/21>; and
 - The Equality Act 2010
<https://www.legislation.gov.uk/ukpga/2010/15/contents>.
- 1.4 Planning permission ought to be granted by the local planning authority (LPA) in order to ensure the safety and welfare of all children at the site and to meet with the public sector equality duty which is enshrined in The Equality Act 2010.
- 1.5 The relevance of the above legislation to Early Years Providers is explained in this Statement.

2.0 Design and Access Statement

- 2.1 A Design and Access statement is a short report that accompanies and supports a planning application. It illustrates the process that has led to the development proposal and explains the design.
- 2.2 Design and Access statements help to ensure that development proposals are based on a thoughtful design process and a sustainable approach to access. They help us to better understand the analysis which has underpinned the design, which in turn helps negotiations and decision-making and should lead to an improvement in the quality, sustainability and inclusiveness of the development.
- 2.3 A Design and Access Statement is required for major development and developments in conservation areas and World Heritage Sites. In major developments, a Design and Access Statement is required for:
 - the provision of dwellinghouses where the number of dwellinghouses to be provided is ten or more or the development is to be carried out on a site having

an area of 0.5 hectares or more and it is not known whether the development relates to dwellinghouses

- the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more
- development carried out on a site having an area of one hectare or more

2.4 In areas of historic value, smaller proposals may also have a significant impact on the character of an area. Therefore, Design and Access Statements will be required in conservation areas and World Heritage Sites where:

- the proposal includes the provision of one or more dwellinghouses
- the proposal includes the provision of a building or buildings where the floor space created by the development is one hundred square metres or more

2.5 The aim of this Design and Access Statement can perform a valuable function in helping the local planning authority and third parties to understand the analysis underpinning the design of a scheme.

2.6 This Design and Access Statement should be read in conjunction with the plans and any other supporting documents which accompany this proposal.

3.0 Site Character, Location and Context

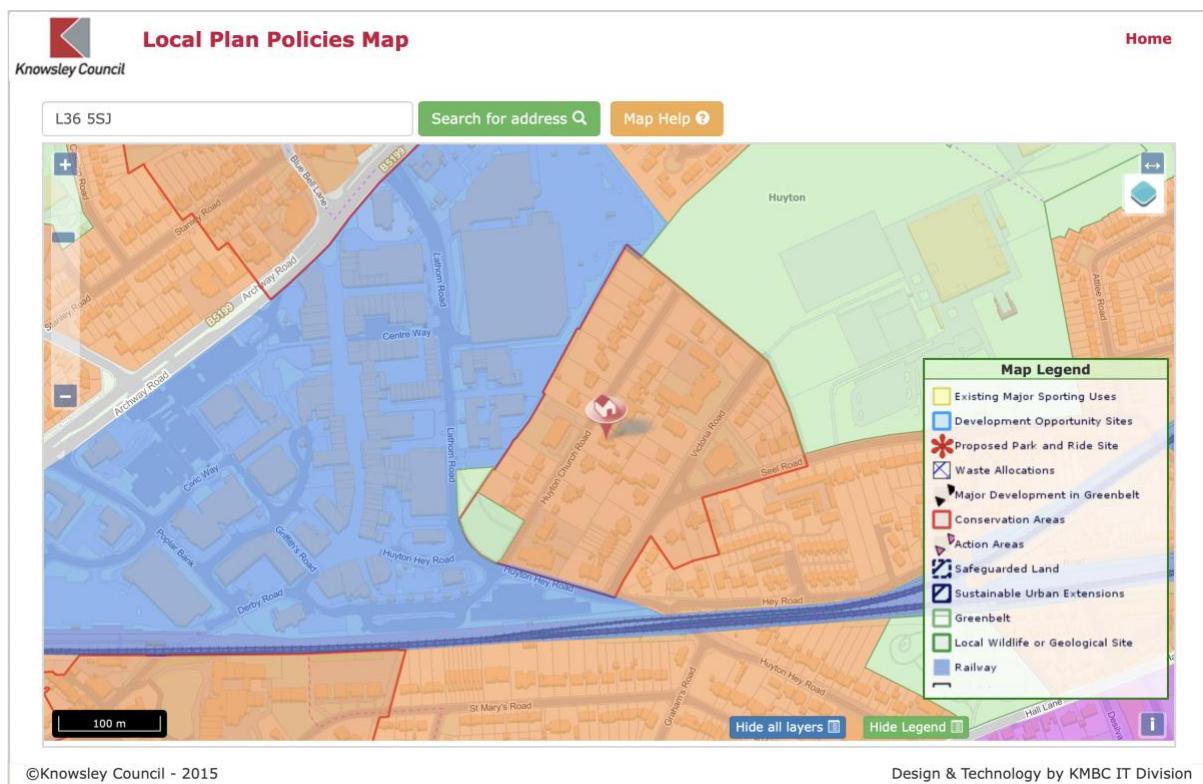


Figure 1: Site Location identified in Knowsley Council's Local Plan Policy Map (Source: [knowsley.gov.uk](https://www.knowsley.gov.uk))

- 3.1 The application site is located on the eastern side of Huyton Church Road, which is a tree-lined residential street located to the immediate south and east of the shopping and civic centre of Huyton.
- 3.2 The site comprises a plot of circa 1,333m² containing a detached Victorian Villa and associated modern outbuilding both in use as a children's day nursery. The grounds provide a car park and outdoor play areas. The site boundaries are demarcated by brick walls, topped with railings and there are mature trees and vegetation to the site's peripheries.
- 3.3 The site is situated in an area identified as Primarily Residential in accordance with Knowsley Council's Local Plan Policies Map. In addition, the site is located within Victoria Road and Huyton Church Road Conservation Area.
- 3.4 The immediate surrounding development is generally residential, although directly opposite is a vacant former office known as Prospect House, beyond which are the police station and 24-hour Asda Supermarket.

4.0 Development Proposals

- 4.1 The application proposal seeks planning permission for a range of measures which have been implemented at the site to meet accessibility and child safeguarding measures which apply to Early Years Providers such as The Applicant. Safeguarding and welfare requirements are given legal force by Regulations made under Section 39(1)(a) of the Childcare Act 2006.
- 4.2 These include:
 - Alterations to ramp access to provide assisted wheelchair access in accordance with The Equality Act 2010 and Early Years Foundation Stage Statutory Framework.
 - Parking for wheelchair users adjacent to wheelchair access ramp, in accordance with The Equality Act 2010.
 - Secure, gated pedestrian access which prevents vehicle/pedestrian conflict arising from vehicular movement in the car park to meet with safety and welfare requirements as per legislation.
 - Erection of boundary fence to the front of the site to prevent unauthorised access and to safeguard children at the site. It should be noted that for safeguarding reasons, Children's Day Nurseries are obliged by Ofsted to have clear procedures to prevent unauthorised people entering the premises. In addition, it is imperative that children are safe and secure within the nursery premises. This is to prevent incidents such as occurred on 16 May 2023 when a three year old boy left Elmhouse Day Nursery in Stone, Staffordshire through a damaged fence and crossed a busy road sparking
 - immediate intervention from Ofsted: <https://www.itv.com/news/central/2023-07-20/boy-3-escapes-nursery-and-left-standing-in-middle-of-busy-road>
 - An External Pram Shed to store pushchairs and prams dry and secure.

5.0 Use and Amount

- 5.1 Children's Day Nurseries fall under Planning Use Class E- Commercial, Business and Service in accordance with The Town and Country Planning (Use Classes) Order 1987 (as amended). Specifically, Planning Use Class E(f) refers to a creche, day nursery or day centre.
- 5.2 The site has been in use as a Children's Day Nursery since 5 June 1997 when it opened as Beech House Nursery. Honey Pot Nursery Huyton Ltd Registered with Ofsted on 7 December 2022.

6.0 Design and Appearance

- 6.1 The ramp and fencing and gate are designed to provide inclusive access for assisted wheelchair users and to secure the site.
- 6.2 The pram shed is a modest structure designed to store pushchairs and prams.

7.0 Materials

- 7.1 The ramp, fencing and pram shed are constructed from timber. The secure pedestrian gates are steel. The additional hard standing is tarmac to match the existing car park surfacing.

8.0 Landscaping

- 8.1 There are no plans to alter the existing landscaping arrangements or outdoor play areas at the site.

9.0 Inclusive Design

- 9.1 Inclusive design should be considered in all aspects of the development of new buildings and in all aspects of the conversion or upgrading of an existing building.
- 9.2 Inclusive design is defined as having an access strategy that meets the needs of all building users, including people with physical, sensory and neurological disabilities. All parties involved in facilities management and in the planning of buildings should recognise the benefits of developing a fully inclusive built environment which can be used by everyone, regardless of age, gender or disability. Appropriate inclusive access policies should be supported with appropriate training and professional development.
- 9.3 A failure to properly incorporate inclusive design into the provision of buildings will effectively increase the difficulties faced by disabled users of buildings and prevent them from being as independent as possible.
- 9.4 Importantly, inclusion should be considered in its widest possible sense and should underpin all design and operational policies, particularly in public access buildings and

workplaces. It includes both physical access to buildings, grounds and facilities, and access to information, educational services and communication.

10.0 Accessibility

- 10.1 The Equality Act 2010 protects disabled children and adults from discrimination. It also reinforces the right of children with disabilities to access mainstream services, such as schools and early years services.
- 10.2 Premises must be suitable for use by children with physical, sensory and cognitive impairments, as well as for disabled employees, parents, carers and visitors.
- 10.3 It should be noted that additional car parking has been provided on-site adjacent to the wheelchair access ramp to the building. The specific purpose of the additional tarmac hard standing is to allow wheelchair users to access the ramp in a safe and secure way, without possible conflict with other vehicles moving in the site.
- 10.4 None of the car parking spaces at the site have been marked out by line painting or any other measure as formalisation of car parking spaces was a concern of Knowsley Council's Heritage Specialist in previous planning application 23/00136/COU. To address this concern all parking at the site is open-plan.

Early Years Providers' Responsibilities: England

- 10.5 The Early Years Foundation Stage (EYFS) Statutory Framework https://assets.publishing.service.gov.uk/media/670fa42a30536cb92748328f/EYFS_statutory_framework_for_group_and_school_-_based_providers.pdf sets the standards that all early years providers must meet to ensure that children learn and develop well and are kept healthy and safe. It promotes equality of opportunity and anti-discriminatory practice, requiring providers to ensure that every child is included and supported.
- 10.6 The following specific requirements with regard to access for children with disabilities apply.
 - Section 3.58 states that premises and equipment must be organised in a way that meets the needs of children.
 - Section 3.59 states that providers must follow their legal responsibilities under the Equality Act 2010 (for example, the provisions on reasonable adjustments).
 - Section 3.68 states that providers must have arrangements in place to support children with Special Educational Needs (SEN) or disabilities — maintained nursery schools and all providers who are funded by the local authority to deliver early education places must have regard to the SEN Code of Practice.
- 10.7 A key judgment for Ofsted inspection is how well the early years provision meets the needs of the range of children who attend.

Equality Act 2010 Requirements

- 10.8 Under the Equality Act 2010, all organisations are required to promote equality for disabled people in every aspect of their work, including access to buildings and services.
- 10.9 The Act imposes obligations on everyone concerned with the provision of services to the public. Early years services constituted as schools are covered by Part 6 of the Act. Those not constituted as schools are covered by Part 3.
- 10.10 Associated with the Act, organisations of all types have a duty to make “reasonable adjustments” so that disabled people are not discriminated against or placed at a disadvantage in comparison to non-disabled people. Schools and public sector organisations, such as local authorities, also have a “public sector equality duty” to eliminate discrimination.

Discrimination

- 10.11 According to the Act, it is illegal for a school or early years provision of any type to discriminate against any disabled child in the provision of education or access to any benefit, facility or service.
- 10.12 Both direct and indirect discrimination are against the law. Direct discrimination against a disabled child would be treating them less favourably because of their disability, such as refusing admission to a child because of their disability. Indirect discrimination would be applying a provision, criterion or practice that puts, or would put, a disabled child at a disadvantage compared with someone who is not disabled.
- 10.13 Also against the law is discrimination arising from a disability, for example, if a disabled pupil is prevented from going outside because it takes too long to get there.
- 10.14 Disability is defined in the Act as a physical or mental impairment that has a substantial and long-term adverse effect on the ability of an individual to conduct normal, day-to-day activities. The definition is broad and covers children with a wide range of impairments, including:
 - physical disabilities
 - learning disabilities, such as dyslexia
 - developmental disabilities, such as autism
 - speech and language impairments.
- 10.15 The Act’s provisions for most protected characteristics require equal treatment. The “positive action” disability provisions are slightly different. They state that organisations may treat disabled people more favourably than those who are not disabled. There is, therefore, scope to be proportionately proactive in actions to provide enhanced access for disabled children wherever access is perceived to be disadvantaged or attainment low.

Public Sector Equality Duty

- 10.16 The Public Sector Equality Duty (PSED) was introduced in April 2011 to replace three previous sets of duties to promote disability, race and gender equality. The duty applies to all public sector bodies and to those carrying out public functions. This includes local planning authorities and the Planning Inspectorate.
- 10.17 According to the duty, public sector bodies must have “due regard” when making decisions and developing policies to fulfill the need to :
- eliminate discrimination, harassment, victimisation and other conduct that is prohibited by the Equality Act 2010
 - advance equality of opportunity between people who share a protected characteristic and people who do not share it
 - foster good relations across all protected characteristics — between people who share a protected characteristic and people who do not share it.
- 10.18 The general equality duty requires organisations to eliminate discrimination and “advance equality of opportunity between people who share a protected characteristic”, such as disability. Advancing equality of opportunity is defined further in the Act as having due regard to the need to:
- remove or minimise disadvantages
 - take steps to meet different needs
 - encourage participation when it is disproportionately low.
- 10.19 Having “due regard” means that public sector bodies must:
- assess the implications for people with particular protected characteristics each time a decision is made, a service is launched or a policy set down.
 - consider the equality implications before and at the time that it develops a policy and takes decisions — not as an afterthought.
 - integrate the equality duty into the carrying out of all the organisation’s functions.
- 10.20 Public Bodies are required to keep information to demonstrate how the equality duty has been met. This may include development plans, accessibility plans and surveys.

SEN and the Children and Families Act 2014

- 10.21 The Children and Families Act 2014 introduced responsibilities for local authorities that apply to disabled children and those with special educational needs (SEN). In particular, they are required to assess the needs of disabled children and commission services jointly with other agencies. These services must be integrated and inclusive. Services must be kept under review and the local authority must have regard to the views of disabled children and provide sufficient information and advice.
- 10.22 Local partners, such as early years providers, must co-operate with the local authority in fulfilling these duties. This includes identifying disabled children and ensuring that their parents have information about services and support available locally.

11.0 Conclusion

- 11.1 The Childcare Act 2006 and The Equality Act 2010 are significant material considerations which weigh in favour of planning permission being granted for the retention of the inclusive access and child safety measures implemented at the site.
- 11.2 Approval of planning permission would be in accordance with Knowsley Council's obligations under the Public Sector Equality Duty, enshrined in the Equality Act 2010 and the authority's responsibilities under the Family and Children's Act 2014.