

<u>APPLICATION NO:</u>	24/00643/FUL	<u>CASE OFFICER:</u>	Lee Osborne
<u>WARD:</u>	Halewood North	<u>PARISH:</u>	Halewood Town Council
<u>LOCATION:</u>	Land At Okell Drive, Halewood, Liverpool		
<u>PROPOSAL:</u>	ERECTION OF A CHILDRENS DAY NURSERY TOGETHER WITH THE CONSTRUCTION OF A SINGLE VEHICULAR ACCESS/EXIT OFF OKELL DRIVE		

Site Description

The application relates to an open grassed area, which is roughly triangular and approximately 0.32ha in area. The site is bounded by Okell Drive to the south-east, Church Road to the north and the rear garden boundaries of homes in Elworthy Avenue to the south-west, with the Church Road/Okell Drive roundabout to the north-east. The rear boundaries of properties fronting Elworthy Avenue form the south western boundary of the site, and part of the site also incorporates an area of land between the gable of 40 Elworthy Avenue and Okell Drive.

There are mature trees along the northern boundary of the site, close to the roundabout and adjacent to 40 Elworthy Avenue, some of which are protected by a Tree Preservation Order.

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.

Proposal

The application proposes the erection of a building to accommodate a 50 place children's day nursery, together with vehicular egress and access and the provision of car parking and a drop off area. The scheme includes children's play areas, landscaping, and boundary treatments. The nursery would operate between 7:30am to 6pm Monday-Friday and employ 11 full-time staff including the manager, and one part-time cook.

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

The Nursery building will be T-shaped, comprising of a two-storey central element and single-storey arms. The two-storey central area would 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 would 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. The first floor would house staff room, office, store plus the landing and stairs from the ground floor.

The proposed building would have differently shaped windows and would be finished in a modern pallet of materials including vertical cladding, brick, and K-render. The main entrance into the building (two storey element of the building) would be on the south west side of the building adjacent to the main car park.

A grassed outdoor play area is proposed to the north-east and north-west of the building, which would be accessible from each of the Nursey rooms. The Nursery would be enclosed by a chain link fence with hedging adjacent to the play areas. The chain link fence would be central to the hedge, which would grow on both sides.

The grass verges would be retained, as would all of the existing trees.

Sixteen 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 proposed at the northwestern end of the car park. A vehicular turning area is proposed at the end of the car park. Vehicular access and egress would be off Okell drive.

Staff would work in shifts, inductively as follows:

- 07.30 to 16.30 – 4 staff members;
- 08.00 to 17.00 – 3no. staff members;
- 08.30 to 17.30 – 4no. staff members.

The children's daily attendance will reflect how many staff are on site. There would be three age groups within the nursery: 0-2 years; 2-3 years and pre-school 3-5 years with applicable staff : child ratios for each of the age groups.

Consultations

Environmental Health - No objections but request conditions relating to:

- Contaminated land investigation.
- As a minimum the noise mitigation measures in the submitted Noise Impact Report to be implemented prior to the first use of the development.
- Lighting scheme to be approved, lighting to minimise intrusion to nearby dwellings.
- CMP.
- Construction hours/days.

Highway Authority - No objections but request conditions relating to:

- Visibility splays.
- Parking surfaced and laid out.
- Car Park Management Plan.
- Provision of cycle parking.
- CMP.

Merseyside Environmental Advisory Service - No objections but request conditions relating to:

- Any lighting scheme, during construction and when development is in use, to be designed to protect ecology.
- RAMS for hedgehogs.
- Hedgehog highways installed to any close boarded fencing.

- Biodiversity habitats provided such as bird nesting boxes, bat boxes and insect hotels.

ESS - BNG - No objections and note that the approval of a biodiversity gain plan before development is begun will be required because none of the statutory exemptions are considered to apply.

Cadent Gas Limited - No objections but give informative for applicant.

Merseyside Fire And Rescue Authority – No objections but provide advice.

Halewood Town Council - No comments received

Representations

This application has been publicised by letters sent to 83 neighbours.

There have been 84 letters of objection and 1 letter of support. The representations are summarised as follows: -

The letter of support notes that Halewood needs good quality nursery provision.

The objections are on the following summarised grounds:

- The site is near a roundabout and the area is already very busy with traffic and congested at peak times, adding more traffic would be detrimental to highway and pedestrian safety including cyclists.
- Delays occur because of the amount of traffic and the proposal would worsen the situation.
- There would be detrimental impact on the light to the houses on Elworthy Avenue backing onto the site.
- There are already good nurseries in the Halewood area.
- Impact on wildlife in the area.
- There are a number of mature trees which should be retained.
- The development would ruin the look and feel of the area.
- Loss of green space.
- Area has open vistas across the site which would be ruined.
- Site is too small for a nursery.
- Noise impact.
- The development would be an eyesore.
- Parking would occur on Okell Drive and side streets if people could not use the car park, causing issues for local residents.
- Air pollution in the area would increase due to the vehicles of staff and parents dropping off / picking up children attending the nursery.

Planning History

14/00193/FUL - ERECTION OF 11NO TWO STOREY DWELLINGS TOGETHER WITH ASSOCIATED WORKS. Refused – 08.08.2014.

14/00631/FUL - ERECTION OF 6NO. TWO STOREY DWELLINGS TOGETHER WITH ASSOCIATED ACCESS. Refused – 16.01.2015. Appeal dismissed – 19.08.2015.

20/00360/FUL - ERECTION OF A CHILDRENS DAY NURSERY TOGETHER WITH THE CONSTRUCTION OF A SINGLE VEHICULAR ACCESS/EXIT OFF OKELL DRIVE. Refused: 15.06.2022. Appeal dismissed: 21.11.2022

Relevant Policy

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

Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

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

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles
CS7 - Transport Networks
CS8 - Green Infrastructure
CS19 - Design Quality and Accessibility in New Development
CS21 - Greenspaces and Trees

SAVED POLICIES - KNOWSLEY REPLACEMENT UNITARY DEVELOPMENT PLAN (ADOPTED JUNE 2006)

H5 - Development within Primarily Residential Areas
DQ4 - Trees and Development
ENV2 - Noise and Vibration
ENV3 - Light Pollution
ENV5 - Contaminated Land

Article 35 Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

Assessment

Principle of Development

Saved Policy H5 (Development Within Primarily Residential Areas) in the Replacement Unitary Development Plan states that 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:

- Have an unacceptable impact on the amenity of neighbouring occupants; or
- Adversely affect the character or street scene of the area.

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. The impacts of the proposal on the amenity of residents and the character of the area are discussed later in the report.

Whilst the application site is allocated as part of a Primarily Residential Area, it is a grassed amenity area and consequently, it was identified as open space provision in the Council's Greenspace Audit undertaken in 2012. As a result, Policy CS21 (Greenspace and Trees) is a relevant consideration.

There is currently a large overall surplus of open space in the area that the application site lies in, although there is a minor deficit in relation to provision for Children and Young People and allotments. Due to the proximity of Church Road and Okell Drive and the rear of residential properties on Elworthy Avenue the site would be inappropriate for a children's play area, because of safety and anti-social behaviour concerns. Allotment sites are generally preferred to have limited public access and visibility, to limit the impact of ASB and criminal opportunities. Contrary to these requirements, the application site is highly visible and accessible from both Church Road and Okell Drive.

Furthermore the site is privately owned, and significant investment would be required to acquire the site and then deliver either a children's play area or suitable allotments, and the private landowner is highly unlikely to undertake such works.

The application site is, therefore, unsuitable to address the local minor deficiencies of open space.

The proposed development would not affect recreation, but it would affect visual amenity and visual linkages between areas of green space. These latter two points are addressed in the next section of the report, but if it is decided that significant harm is caused the proposed development would be contrary to Policy CS21.

Character and appearance

The site consists of a triangular shaped area of informal, green space located on the edge of a residential estate. The space is comprised mainly of mown grass with a couple of groups of mature trees located within it. There is a roundabout just beyond the north-eastern tip of the site, again comprising of mown grass and a group of mature trees. The site is bounded by Okell Drive along the south-eastern boundary, the rear of dwellings on Elworthy Drive along the south-western boundary and Church Road along the northern boundary, beyond which is open countryside. The dwellings located west on Okell Drive are set back some distance from the road's edge, behind a deep grass verge.

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, green, planted character.

The spacious, open nature of the site is seen 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.

It is noted that the proposed development would be set back from Okell Drive to the building line of the gable of the southern-most house on Elworthy Avenue. around the depth of the existing grass verge. Additionally, a grass verge would be created between the northern boundary of the nursery site and Church Road (although not as deep as the grass verge on Okell Drive). Also, the existing trees would be retained, and hedges would be planted around most of the nursery site's boundary.

However, 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 when travelling 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 the trees being retained and the and hedge planting proposed, the proposed building would still be visible beyond boundary hedges and the retained trees from Church Road and Cartbridge Lane.

It is considered that 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 also remove an area of open, green space that is used informally by the public and provides a significant link between the built development of the housing estate and the countryside beyond Church Road. As such, it is deemed that the proposal would substantially and significantly harm the character and appearance of the area. This is consistent with the findings of a Planning Inspector who dismissed an appeal for a nursery on the site (ref: 20/00360/FUL).

The proposal would therefore fail to comply with Policies CS2, CS19 and CS21 of the Core Strategy and Saved Policy H5 of the Replacement UDP.

Amenity Considerations

The proposal would give rise to 2 potential sources of noise disturbance to occupiers of existing residential properties primarily located on Elworthy Avenue, mainly numbers 31-40, namely noise from the car parking/turning areas and noise from the outdoor play areas.

As noted, the proposal would include a vehicle access/egress point off Okell Drive, which would lead directly to the proposed on-site car parking and turning areas. The arrangement for access/egress and turning within the site would result in a total of 16 on-site car parking/drop-off spaces; 6 of these would be laid parallel with the site boundary adjacent to the boundary of the rear gardens of dwellings located on Elworthy Avenue. The number of spaces proposed that would be adjacent to the boundary treatments along here.

The proposal would include an outdoor play area to the north west and north of the nursery building wrapping around the east side of the building a short distance, and would be around 24m from the rear of the nearest property on Elworthy Avenue. There would be a moderate screen of hedging between the houses and the play area. The play area on the east side of the building would be around 40 m from the front of the nearest properties on the opposite side of Okell Drive.

A Noise Impact Report was submitted to support the application, and clarification points were later submitted by email. Subsequently the Environmental Health Officer is satisfied with the report and clarification points and with the proposed mitigation measures subject to a condition that the mitigation measures are implemented prior to the nursery coming into use. As such it is considered that the occupiers of nearby properties such as on Elworthy Avenue would not be subject to unacceptable levels of noise arising from the site use as a nursery.

With the distance of the building from residential properties and its height there would be no loss of light to residential properties or overlooking of properties.

A previous application for a 50 child nursery on the site in 2022 submitted an Air Quality Assessment (AQA) as part of the application which assessed the effects of traffic generated by the development on local air quality. The AQA identified that the area did not suffer from poor air quality and that the traffic generated by the development would not have a significant impact on existing air quality. The Environmental Health Officer then agreed with the report findings. It is not considered that in 2025 the situation will have worsened to a significant degree, and it is considered the additional traffic in the area generated by the current proposal of similar scale to the previous would not have significant impact on the air quality of the area.

It is therefore considered that the proposal would comply with Policy CS2 of the Core Strategy and Saved Policy H5 of the Replacement UDP with regard residential amenity considerations.

Highway and Parking Considerations

According to the Supplementary Planning Document 'Ensuring a choice of travel' and based on the Creches, day nurseries and day centres use within, Highways require 1 space per member of staff. The proposals include 10 car parking and 6 drop-off bays for parents, accommodating a total of 12 staff members. Given the shift patterns detailed only 9 spaces would be occupied by staff at any time. The Highways Engineer is satisfied that the proposed parking layout and provision would effectively manage demand without adverse impact onto the surrounding highway.

A turning area has been incorporated into the car park layout, showing that vehicles can manoeuvre safely and efficiently. The applicant has also provided 4 cycle parking and 2 motorcycle parking bays although no detail has been provided on the specification.

The presence of sustainable transport links to the site and surrounding area is noted. Halewood Train Station is within 0.6m on foot, providing regular services into Liverpool, Warrington and Manchester. Bus stops are located on Church Road approximately 0.5m away on foot, providing services to Belle Vale and Liverpool.

The site will have a singular entry and egress from and to Okell which would have a

6.0m radii and a 4.8m carriageway width, which is suitable for such purposes. The visibility splay shown (2.4m x 40m) is slightly below the required splay (2.4m x 43m) , but this could be achieved and conditioned.

The proposal is considered acceptable in terms of highways safety and parking suitably conditioned, and the Highways Engineer has no objections to the scheme subject to conditions. As such the application complies with Policies CS2, CS7 and CS19 of the Core Strategy and Saved Policy H5 of the Replacement UDP with regards highways and parking considerations.

Ecology and BNG

The trees are to be retained so therefore no policy implications are raised with regards the trees. MEAS have considered the application and have no objections to the proposal. MEAS have requested conditions relating to: lighting, that it should take ecology into account and prevent light spillage into habitats; RAMS measures for hedgehogs be implemented during construction; hedgehog highways be installed to any close boarded fencing; and that bat boxes, bird nesting boxes and insect hotels be installed within the site.

The applicant has submitted a biodiversity net gain assessment, metric calculation and landscape plan which ESS BNG Team consider acceptable and meets the required 10% net gain target. The onsite BNG within the landscape plan is not considered to be significant enhancement and the plan and its implementation could be secured by a planning condition. Biodiversity net gain is a required pre-commencement planning condition and therefore a Biodiversity gain plan must be submitted to the LPA prior to any development commencing if planning permission is granted; there are no statutory exemption that are considered to apply in this instance.

The application complies with Policies CS2, CS8 and CS21 of the Core Strategy and Saved Policy DQ4 of the Replacement UDP.

Flood Risk

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. The proposal would leave significant area of grass and planted area due to the play area and the area of site outside of the nursery area. As such it is considered that the proposal would not be at unacceptable risk of flooding and in principle could be drained satisfactorily.

It is considered that the proposal complies with Policies CS2 and CS24 of the Core Strategy.

Contaminated Land

Whilst there is no information to suggest that the land is contaminated, given the sensitive end use of the development it is recommended that if planning permission were granted a Phase I desk study, as a minimum, was carried out and the report of the findings submitted for approval; a Phase 2 would be required subsequently if the findings of the Phase 1 study indicated such was required.

Other

Whilst some representations have suggested that this privately owned site should be left as open space. However this is not relevant to a decision on this application and the scheme must be determined on its own merits, rather than weigh its merits against an alternative proposal.

Some objectors have commented that the site is too small for a nursery. The application clearly shows a nursery building with play area and parking and as such it is considered that these are spurious comments and that the site is large enough for the intended use.

Comments have been received state that the proposal is not needed as there are already good nurseries in the Halewood area. The need is not a planning issue as it would be a commercial decision by the applicant. However it should be noted that there is significant housebuilding occurring in the Halewood area and nursery spaces are likely to be in demand as a result.

Conclusion

The development would deliver a children's day nursery in a relatively sustainable location and is acceptable in terms of highways safety and parking, and with regards neighbouring properties and residential amenity impacts. The proposal would be acceptable in terms of ecology and BNG is achievable and not an issue. However the proposal would lead to the loss of an open grassed area which adds to the spacious, green, planted feel and character of the area with views of the building highly visible when travelling along the roads in the locality. The proposal would significantly alter the character and appearance of the site. The scheme would remove an area of open, green space that is used informally by the public and provides a significant link between the built development of the housing estate and the countryside beyond Church Road. As such it is deemed that the proposal would substantially harm the character and appearance of the area. The proposal is contrary to planning policies and is therefore recommended for refusal.

Recommendation

That Planning Permission be refused for the following reason(s):-

- 1) The proposed development fails to comply with the requirements of Policies CS2, CS19 and CS21 of the Local Plan: Core Strategy (2016) and Saved Policy H5 of the Replacement UDP (2006) as it would have a significant adverse impact on the character and appearance of the local area.

Signed Case Officer¹: **Lee Osborne**

**Signed Authorising
Officer²:**

Alan Kilroe

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

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Date:

17 April 2025