

## Planning Committee

17 August 2017

Reference:  
**APP/16/01585**

Area Team:  
**South Team**

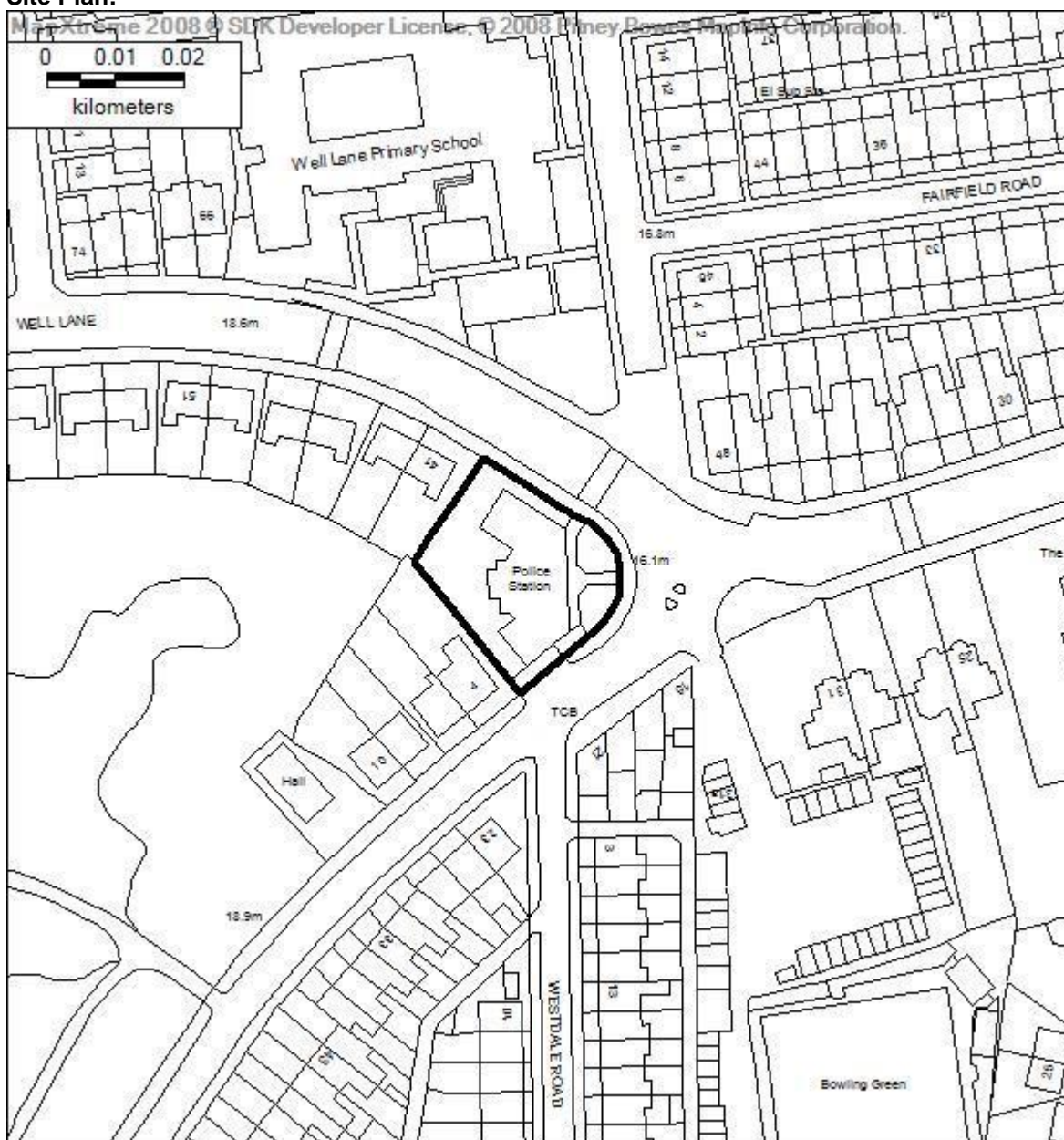
Case Officer:  
**Mrs C Parker**

Ward:  
**Rock Ferry**

**Location:** Well Lane Police Station, WELL LANE, ROCK FERRY, CH42 4QG  
**Proposal:** Proposed change of use from vacant police station to children's day nursery (D1) **for up to 80 children (amended description)** and to include extension and refurbishment to the existing building.

**Applicant:** Kids Planet Day Nurseries Ltd  
**Agent :** Ashall Town Planning

### Site Plan:



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**Development Plan allocation and policies:**

Primarily Residential Area

**Planning History:**

Location: Well Lane Police Station, Well Lane, Rock Ferry, Wirral, CH42 4QG  
Application Type: Advertisement Consent  
Proposal: Erection of 2 free standing illuminated signs.  
Application No: ADV/05/05382  
Decision Date: 28/04/2005  
Decision Type: Approve

Location: Well Lane Police Station, Well Lane, Rock Ferry, Wirral, CH42 4QG  
Application Type: Full Planning Permission  
Proposal: Erection of a disabled access ramp to front entrance.  
Application No: APP/01/07266  
Decision Date: 16/01/2002  
Decision Type: Approve

Location: Well Lane Police Station, Well Lane, Rock Ferry, Wirral, CH42 4QG  
Application Type: Full Planning Permission  
Proposal: Replacement of entrance doors with folding doors for disabled access.  
Application No: APP/02/07466  
Decision Date: 14/01/2003  
Decision Type: Approve

Location: Police Station ,Well Lane ,Tranmere L42 4QG  
Application Type: Deemed  
Proposal: Construction of a two metre high wall at the back of Well Lane footpath - land between Well Lane Police Station and 41 Well Lane, Tranmere  
Application No: DPP/80/16517  
Decision Date: 29/09/1980  
Decision Type: Approve

**Summary Of Representations and Consultations Received:****REPRESENTATIONS:**

Having regard to the Council Guidance on Publicity for Applications, 31 notifications were sent to adjoining properties and a site notice was also displayed. At the time of writing this report 9 representations have been received from residents including a petition of objection, 2 comments that support the proposal in principle but raise concern over parking in the area and 6 objections stating concern over:

1. Parking in the area is a problem due to double yellow lines and a school is nearby
2. Albany Road is very narrow and heavily used by through traffic and the lack of parking for the nursery will result in extra traffic
3. Residents cannot park outside their properties at the moment
4. The junction of Well Lane and Albany Road is dangerous at present and has seen many accidents and the proposal will only compound an already dangerous situation
5. Inadequate parking for staff and dropping off children
6. The proposed day nursery will be close to a school and health centre at a busy junction

A qualifying petition of objection with 75 signatures has been received objecting to the proposal due to the provision of parking for 23 staff and 80 children in an already over capacity high risk area.

Councillors Bill Davies, Chris Meaden and Moira McLaughlin state concern as Well lane Primary School is opposite the site and parking and traffic congestion would be a major problem.

## **CONSULTATIONS**

Highways - No objection subject to conditions and a contribution towards the operation of two nearby School Crossing Patrols.

Environmental Health - The noise level in the garden narrowly avoids “serious disturbance” according to world health organisation standards. However, having considered the period of time the garden would be in use and if members are minded to approve the application, a condition is attached on the specification of the acoustic barrier that would be required.

## **DIRECTOR'S COMMENTS:**

### **REASON FOR REFERRAL TO PLANNING COMMITTEE**

A qualifying petition of objection with 75 signatures has been received and under the provisions of the Scheme of Delegation for Determining Planning Applications, the application is required to be considered and determined by the Planning Committee.

This application was deferred from the last planning committee to allow members to visit the site.

## **INTRODUCTION**

The proposal is for the change of use of the former Well lane Police Station to a children's day nursery for a maximum of 80 children. The number of children has been reduced from 100 to 80 since the application was submitted.

## **PRINCIPLE OF DEVELOPMENT**

The site is within a Primarily Residential Area where the principle of a children's day nursery is acceptable subject to the planning policies set out below.

## **SITE AND SURROUNDINGS**

The property is the former police station located on a prominent corner on Well Lane and Albany Road, Rock Ferry. Well Lane Primary School is located diagonally opposite and there are houses immediately adjacent to the site along Albany Road and Well Lane with shops opposite on Albany Road. There are parking restrictions directly outside the site in the form of double yellow lines and some of the houses in the immediate area do not benefit from off street parking. The side of 4 Albany Road, a residential property is separated from the site by a high palisade fence that extends along this boundary. 41 Well Lane, a residential property is adjacent to the site and is set at a slightly higher level. There is a front brick boundary wall with palisade fencing above that fronts onto Well Lane. The brick wall extends along the side boundary with 41 Well Lane.

## **POLICY CONTEXT**

The proposal for a children's day nursery will be assessed under policies HS12 Pre-School Day Care and HS15 Non-Residential Uses in Primarily Residential Areas of the adopted Wirral Unitary Development Plan and SPD4 Parking Standards.

The proposal is for a change of use of an existing building within the designated Primarily Residential Area, the proposal will be assessed in accordance with Wirral's UDP Policies HS12, HS15 and RE10.

Joint waste Local Plan Policies WM8 and WM9 are relevant to this proposal

### **HS12 Pre-School Day Care**

Proposals for the use of existing buildings for pre-school day care facilities will be permitted subject to:

- (i) ensuring the privacy of neighbouring residents;

- (ii) any outdoor play areas provided being assessed with regard to potential noise and disturbance and garden/play area boundaries being defined by a 2.0 metre high screen fence or wall;

- (iii) satisfactory vehicular access with provision being made within the site for the parking of

non-resident staff vehicles in addition to parking provision made for the occupiers of the house;

(iv) reasonable provision being made for the setting down and picking up of children. Where such arrangements can only take place within the highway, there should be no parking restrictions on the highway fronting the site and it should not be likely to cause a hazard to other road users; and

(v) noise insulation being provided where appropriate.

Pre-school day care covers a wide range of provision including child minders, play groups, nurseries and creche facilities. All such uses are registered through the Department of Social Services where consideration is given to the type of facilities available within the building and the persons who will be providing the care.

In planning terms, the major implications are for the amenity of adjoining residents, both in terms of the effect of children playing in and outdoors and in terms of the effect of extra traffic as parents drop off and pick up their children.

The ideal type of property to provide for pre-school day care is detached, with adequate garden space to provide separation between dwellings and allow for outdoor play.

Many properties used as crèches and day nurseries are on busy roads and it is important to ensure that adequate provision is made for the parking needs of staff and parents when they are dropping off or picking up their children.

### **HS15 Non-Residential Uses in Primarily Residential Areas**

Within the Primarily Residential Areas as defined on the Proposals Map, proposals for small-scale built development and changes of use for non-residential uses will only be permitted where the proposal will not:

(i) be of such scale as to be inappropriate to surrounding development;

(ii) result in a detrimental change in the character of the area; and,

(iii) cause nuisance to neighbouring uses, particularly in respect of noise and disturbance, on-street parking and deliveries by vehicle.

Proposals should make adequate provision for off-street car parking standards and servicing requirements.

Although the Primarily Residential Areas will remain largely unchanged throughout the life of the UDP, they already contain many small shopping parades, small businesses and community facilities such as churches, libraries and community centres. These normally cause little nuisance and are indeed essential to local residents who wish to shop locally or have jobs close to their homes. As well as the convenience to residents of having such facilities close-by, energy costs are reduced by the shorter journey distances involved.

### **RE10 Criteria for Community Centres and Facilities**

Small scale, non-residential facilities providing for meeting rooms, sports halls, youth centres, play groups and other similar use by the local community, including libraries and places of worship, will be permitted within the Primarily Residential Area where:

(i) the proposal, together with any associated outdoor facilities, would not cause unacceptable

disturbance to neighbouring uses;

(ii) the siting, scale and visual impact of the proposal is appropriate within the surrounding area; and

(iii) adequate provision is made for parking, highway access and servicing requirements.

Proposals for uses of a similar nature which are likely to generate significant levels of traffic, which are intended to serve a wider than local catchment area, or which would give rise to a level of disturbance incompatible with a Primarily Residential Area will be directed towards urban commercial locations.

SPD4 sets out the maximum parking provisions for nurseries of 1 space per 2 staff plus 1 dropping off/picking up space per 6 children.

The National Planning Policy Framework (NPPF) encourages sustainable development, sustainable meaning ensuring better lives for ourselves and future generations, and development meaning growth. The three dimensions of sustainability are the economic, social and environmental roles, none of which should be taken in isolation because they are mutually dependant. The NPPF states the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. Developments should deliver the social, recreational and cultural facilities and services the community needs.

#### **APPEARANCE AND AMENITY ISSUES**

The proposal is to change the use of the building into a D1 children's day nursery for 80 children. The building was formerly a police station, an established non-residential use within a residential area that would have experienced a level of activity from both staff and visitors. The building is currently vacant and is an attractive feature at a prominent location. The principle of the conversion is acceptable as the business is of a nature that would serve the surrounding residential community whilst utilising a vacant building. There is a courtyard area at the rear that would be utilised as outdoor space for children and planning conditions are proposed to limit the use of this area and the numbers of children in order to minimise any impact on the residents immediately adjacent to the site. For example, the proposed use of the external area will be staggered with outdoor activities limited between 9.45 and 10.45 hours, 12.30 and 14.00 hours and 15.45 and 16.30 hours (as set out in the Noise Survey) and a further condition proposed to limit the hours of use of the day nursery. Details are requested to show boundary treatments, outdoor structures and to show a buffer area (minimum of 2m) between the adjacent properties and the outside play area. There is an existing brick boundary wall and palisade fencing along the rear and side boundaries with the adjacent houses that will be retained.

The proposal includes a small rear extension that effectively infills an open area to 'square off' the rear elevation. The only changes to the exterior of the building include the addition of windows and these are mainly to the rear elevation at ground floor level. The small extension and window additions are considered acceptable and do not have any detrimental impact on residential amenity, the character of the building or area in general.

There is no parking within the site although there is a dropping off/picking up area alongside the site on Albany Road. The lack of parking and increase in traffic are the main objections received about the proposal. There was no parking within the site when the building operated as a police station and the operation of such a facility would have attracted both car borne visitors and pedestrians as well as a number of staff. The level of activity at the site when it operated as a police station would have been unrestricted with visitors at any time of the day or night. The planning conditions proposed for the use of the site as a children's day nursery would limit the hours of use, the use of the outdoor area and the number of children. The nature of a children's day nursery is such that children are dropped off and picked up at differing times in the morning and afternoon unlike at a school, where there are structured times for dropping and picking up, i.e. 8.50am and 3.30pm. As such, it could be likely that visitors to the site would not necessarily be at the same time as dropping children off at the nearby school. This is a concern that local residents have highlighted and that this would add to the traffic and parking issues

already experienced in the local area. The applicant has stated in their submission that staff are encouraged to use public transport and care share. A condition is proposed for a Green Travel Plan in order to set out other modes of transport in order to promote and facilitate more sustainable transport.

A noise survey has been submitted and assessed by Environmental Health who state that the noise level in the garden would just meet the World Health Organisation standards thus avoiding "serious disturbance" to neighbouring residents. A problem is also highlighted that a level of 'just acceptable noise' would continue for prolonged periods each working day because of the very high numbers of children proposed. If Members are minded to approve the application, as mentioned above, planning conditions are proposed to limit the number of children playing outside at any one time and to limit the time periods of outdoor play in order to overcome the concern and potential impact on neighbouring residents in terms of noise and disturbance. The time restrictions have been taken from the Noise Survey submitted by the applicant.

Whilst the area is designated as residential, the application site has operated as a police station, i.e. a non-residential use, in the most recent future. Taking the residents' concerns into account and utilising a vacant building by providing a local children's day nursery, it is considered that the imposition of the restrictive planning conditions as recommended, will allow for the change to a day nursery without having a detrimental impact onto the character and residential amenity in the local area.

### **SEPARATION DISTANCES**

Separation distances do not apply in this instance.

### **HIGHWAY/TRAFFIC IMPLICATIONS**

Whilst the nursery is likely to create some increase in vehicle movement and parking demand in the local area, this will be staggered during the morning and afternoon times. In addition, the site is located within a large residential area and has greater potential for linked trips and access on foot. Therefore, the net impact on vehicle movements and parking demand in the area is not likely to be of a level that could sustain an objection on highway safety grounds, subject to the suggested conditions.

### **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

There are no Environmental/Sustainability issues relating to these proposals.

### **HEALTH ISSUES**

There are no health implications relating to this application.

### **CONCLUSION**

It is considered that the proposal to change the use of the vacant police station to a children's day nursery with the imposition of the planning conditions set out, will not result in any harm to the amenity of residents in the local area. The proposal is therefore in general accordance with Policies HS12, HS15 and RE10 of the adopted Wirral Unitary Development Plan and the NPPF.

### **Summary of Decision:**

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-

It is considered that the proposal to change the use of the vacant police station to a children's day nursery with the imposition of the planning conditions set out, will not result in any harm to the amenity of residents in the local area. The proposal is therefore in general accordance with Policies HS12, HS15 and RE10 of the adopted Wirral Unitary Development Plan and the NPPF.

**Recommended Decision:**                      **Approve**

**Recommended Conditions and Reasons:**

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

**Reason:** To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 19 May 2017 and listed as follows: B100 Rev A, B101 Rev A, B102 Rev A, B103 Rev A and B104 Rev A dated 19 May 2017

**Reason:** For the avoidance of doubt and to define the permission.

3. The premises shall be used as a day nursery and for no other purpose (including any other purpose in D1 of the schedule to the Town and Country Planning Use Classes (Amendment) Order 2005, or any subsequent Order or statutory provision revoking or re-enacting that Order.

**Reason:** In order to protect the character of the area & residential amenities of nearby occupants and to accord with Policy HS15 of the Wirral Unitary Development Plan.

4. No more than 80 children shall be accommodated at the premises at any one time in connection with the use hereby approved.

**Reason:** To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to accord with Policy HS12 of the Wirral Unitary Development Plan.

5. The nursery hereby permitted shall not be open other than between the hours of 07:30 hours and 18:30 hours Monday to Friday. The nursery shall be closed on Saturdays and Sundays and Bank holidays.

**Reason:** Having regard to residential amenity and Wirral's UDP Policy HS15.

6. The outdoor play area shall only be used by a maximum of 10 children and only between 9.45 and 10.45 hours, 12.30 and 14.00 hours and 15.45 and 16.30 hours each day.

**Reason:** Having regard to residential amenity and Wirral's UDP Policy HS15.

7. Within 6 months of the first use of the nursery development hereby permitted a full Travel Plan shall be submitted to and approved in writing by the local planning authority. The provisions of the full Travel Plan shall be implemented and operated in accordance with the timetable contained therein for as long as the development is occupied and shall not be varied other than through agreement with the local planning authority. For the avoidance of doubt, such a plan shall include;
  - i) Access to the site by staff.
  - ii) Information on existing transport services to the site and staff travel patterns.
  - iii) Travel Plan principles including measures to promote and facilitate more sustainable transport.
  - iv) Realistic targets for modal shift or split.
  - v) Identification of a Travel Plan co-ordinator and the establishment of a travel plan steering group.
  - vi) Measures and resource allocation to promote the Travel Plan; and,

vii) Mechanisms for monitoring and reviewing the Travel Plan, including the submission of an annual review and action plan to the local planning authority.

**Reason:** Having regard to residential amenity and Highway Safety.

8. NO DEVELOPMENT SHALL TAKE PLACE until a site management plan has been submitted to and approved in writing by the local planning authority. Detail submitted in respect of the site management plan shall include details of how outdoor play shall be managed and supervised, including defined play areas to be used by different defined age groups at any given time. The development hereby permitted shall be implemented and thereafter operated in strict accordance with the approved site management plan.

**Reason:** To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to accord with Policy HS12 of the Wirral Unitary Development Plan.

9. NO DEVELOPMENT SHALL TAKE PLACE until full details of both hard and soft landscape works and all boundary treatments have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include; a minimum 2 metre buffer area between the boundary with the adjacent residential properties 4 Albany Road and 41 Well Lane and the outdoor play area, all details of boundary treatments including an acoustic barrier; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, etc.). All hard landscaping works and boundary treatments shall be completed before the nursery first comes into use and the boundary treatments shall be permanently retained thereafter.

**Reason:** To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to accord with Policy HS12 of the Wirral Unitary Development Plan.

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

**Reason:** To ensure satisfactory landscape treatment of the site which will protect the character and appearance of the site and to ensure the proposed development enhances the visual amenity of the locality, having regard to Policy HS15 of the Wirral Unitary Development Plan.

11. NO DEVELOPMENT SHALL TAKE PLACE until full details of the pram storage, toy storage and bin storage have been submitted to and approved in writing by the Local Planning Authority. The approved pram, toy and bin storage areas shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interest of residential amenity having regard to UDP Policy HS12

12. NO DEVELOPMENT SHALL TAKE PLACE until details of secure covered cycle parking and/or storage facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first use of the development hereby permitted and shall be retained for use at all times thereafter.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to



encourage travel by means other than the private car, having regard to Policy TR12 of the Wirral Unitary Development Plan.

13. NO DEVELOPMENT SHALL BE COMMENCED until a detailed scheme of highway improvement works for the provision of limited waiting restrictions together with a programme for the completion of the works has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the required highway improvement works have been constructed in accordance with the approved details.

**Reason:** In the interests of highway safety and to accord with Policy HS15 of the Wirral Unitary Development Plan.

14. No part of the development shall be brought into use until the existing vehicular and/or pedestrian access on to Albany Road has been permanently closed off and the footway reinstated. These works shall be in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of highway safety and to accord with Policy HS15 of the Wirral Unitary Development Plan.

15. BEFORE ANY CONSTRUCTION COMMENCES, samples of the facing and roofing materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

**Reason:** To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy HS15 of the Wirral Unitary Development Plan.

#### **Further Notes for Committee:**

1. A pre-site inspection is required prior to the development works commencing with the Local Authority. Any damage to the existing highway that occurs as a result of the development would require reinstatement, at the developers expense and to the Local Authority specifications and written approval. For further details contact Highway Management Area Manager via [www.wirral.gov.uk](http://www.wirral.gov.uk)

The provision, removal or amendment of waiting restrictions has to follow a legal process which is carried out by the Council and takes several months to programme and complete. The applicant is advised to make early contact with the Council's Traffic Network Management Team via [www.wirral.gov.uk](http://www.wirral.gov.uk) in relation to any conditions requiring such work to be carried out.

**Last Comments By:** 22/03/2017  
**Expiry Date:** 31/01/2017