

<u>APPLICATION NO:</u>	25/00241/FUL	<u>CASE OFFICER:</u>	Reece Black
<u>WARD:</u>	Prescot South	<u>PARISH:</u>	Whiston Town Council
<u>LOCATION:</u>	Little Cedars Montessori Nursery, 42 Cedar Road, Whiston		
<u>PROPOSAL:</u>	ERECTION OF SINGLE STOREY REAR EXTENSION		

Site Description

The application site is located at 42 Cedar Road (Little Cedars Montessori Nursery), Whiston, and is situated within a Primarily Residential Area as allocated within the Local Plan Policies Map. The application property is a single storey, detached building, which is brick facing to its elevations and currently in use as a children's day nursery. The plot of the site is rectangular in shape.

Located to the north of the building is a rear secure play area, which is largely hard-surfaced, and access to the site is taken from the south of the plot, from the Highway of Cedar Road. Existing parking provisions are located to the front and side of the building. The site is encircled by residential properties to all directions, but immediately, residential dwellings are situated to the east and west of the site; there is a public walkway is situated north of the site.

Proposal

The proposal is for the erection of a single storey rear extension.

The proposed development would have a projection of 6m and a width of 8.6m. This would be served by a hipped roof, which would attain a height of 2.3m at the eaves and 4.3m at the ridge line.

The proposal is to provide use as an indoor play area with additional WC / changing area facilities. The proposal would see the partial demolition of the raised patio steps to the existing rear elevation of the building to facilitate the proposed extension; the proposed development would also include some reconfiguration of the site layout to increase the parking to 4 no. parking spaces within the plot.

The applicant has confirmed in writing via email that the proposal would result in an uplift of children and staff at the nursery to a total of 35 no. children (an increase of 13) per day and a total staff level of 9 no. (an increase of 3).

Consultations

Highway Authority: – No objections, subject to recommended condition on cycle storage.

Environmental Health: – No objections, subject to suggested conditions pertaining to construction hours, dust suppression, reporting of any discovered unexpected contaminated land and the submission of a noise management plan.

Environmental Sustainability: – No objections.

Mining Remediation Authority: – No objections, subject to informative.

Whiston Town Council: – No comments received.

Representations

This application has been publicised by letters sent to 18 neighbours. It has also been advertised by way of two site notices, posted at the entrance to the site and to the public pathway to the north of the site.

One letter of objection has been received; 0 letters of support and 0 letters of neutral comment have been received.

The letter of objection is summarised on themes of highway safety, loss of light and visual amenity. The points raised in the objection are summarised as:

- The proposal is sited next to my back garden.
- Existing issues of noise and little consideration of neighbours.
- Existing area is too small for a nursery.
- Traffic is currently horrendous and has resulted in arguments between neighbours.
- It could be a fire risk.
- Noise pollution would not be good for mental health. Noise pollution would also mean I cannot enjoy the property I have lived in for over 29 years; I can hear crying and shouting from children and staff.
- The owner seems intimidating.
- The nursery should be moved somewhere else not made bigger.

The letter of objection has been considered. Any material planning considerations raised will be considered during the assessment of the proposed development. These include highway safety and parking considerations, and noise and disturbance concerns, worries of potential overdevelopment.

Although, a number of points raised would not be considered to be material to the determination of this application. The use of the site as a nursery is established from the Certificate of Lawful Development, granted in April 2016 and therefore any extension to this lawful and existing use, would be acceptable in principle. The identity of the owner or existing relations between the application site and its adjoining neighbours are considered civil matters and not considered as part of the planning application. On the point of fire risk, this would be covered under the Building Regulations.

Planning History

APP. NO: 16/00027/CLD

PROPOSAL: PROPOSED CHANGE OF USE FROM FORMER DOCTORS SURGERY (CLASS D1) TO CHILDREN'S DAY NURSERY (CLASS D1)

DECISION: GRANTED

DECISION DATE: 4 April 2016

APP. NO: 24/00059/PREAPP

PROPOSAL: PRIVATE AND CONFIDENTIAL – ERECTION OF SINGLE STOREY REAR EXTENSION TO NURSERY

DECISION: ADVICE GIVEN

DECISION DATE: January 2025

As seen above, PREAPP advice was given to the applicant at the beginning of 2025 which summarised that *the broad principle of the proposed development at the pre-application site is likely considered acceptable. However, further information and amendments to the proposed development (contained within the advice) will be required as part of any future applications. These matters will need to be addressed to satisfy the concerns raised, for the proposal to be fully supported in principle.*

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.

The site is identified as a site allocated for housing development in the adopted Unitary Development Plan. As such, a domestic extension to the existing residential property is considered acceptable in principle, subject to compliance with local planning policy and guidance.

KNOWSLEY LOCAL PLAN: CORE STRATEGY

- CS2 - Development Principles
- CS7 - Transport Networks
- 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
- OS7 - Educational Uses and Sites
- T10 - Access for the Less Mobile
- DQ2 - Security in the Built Environment
- ENV2 - Noise and Vibration

SUPPLEMENTARY PLANNING DOCUMENTS (SPDs)

- Design Quality in New Development (January 2016)
- Ensuring a Choice of Travel (September 2010)

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) NATIONAL PLANNING PRACTICE GUIDANCE (PPG)

Article 35 Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

ASSESSMENT

Saved Policy H5 in the Replacement Unitary Development Plan (Criterion 2) states that proposals for new development within Primarily Residential Areas (or proposals for the change of use or redevelopment of existing buildings) 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:

- a) 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
- b) Adversely affect the character or street scene of the area.

PRINCIPLE OF DEVELOPMENT

The proposed development is to extend the existing and lawful use in operation as a children's day nursery. The proposed development, as an extension of an established use previously considered appropriate within a Primarily Residential Area, is by default, considered acceptable in principle, subject to compliance with other relevant policy considerations.

The proposal would provide an internal playroom, toilets and change area, which would support the operations of the existing nursery and enhance an existing educational facility. The Planning Statement submitted to support the application (7.8) stipulates that *whilst the rear of the nursery provides substantial opportunity for outdoor play, indoor play is currently confined to the classroom space available. The proposed extension provides opportunity for indoor play in a dedicated area.* The proposal would be considered to accord with CS2 (Development Principles) of the Knowsley Local Plan: Core Strategy and Saved Policy OS7 (Educational Uses and Sites) of the Knowsley Replacement UDP.

DESIGN AND RESIDENTIAL AMENITY

Core Strategy Policy CS19 (Design Quality and Accessibility in New Development) (Criterion 1) stipulates that new development within Knowsley will be expected to (a) *respond to and integrate positive characteristics of immediate surroundings, including local materials, scale, mass, form, layout, alignment and density of the existing built environment.*

The proposed development would display an acceptable built form. The scale, form and massing would be subordinate and be a modest sized rear extension in context to the original building. The footprint dimensions of the proposal would be considered acceptable and continue the existing layout by extending the long length of the building. The submitted plans demonstrate that the proposed rear extension would include a lowered ridge in

contrast to the roofscape of the original building (by 0.46m) to present as a subordinate addition but would also emulate the pitch of the roof. Sufficient outdoor play space would remain of a large, usable size and therefore, no concerns of overdevelopment are raised. Moreover, given that the proposal is for a single storey rear extension, any visual impact of the proposed development would not be readily visible from the street scene.

The application site is bounded by residential dwellings and shares boundaries with the rear gardens of residential properties to the east (No's 72-82 Cross Lane) and west (No's 1-7 Cherry Tree Close) of the site. The proposals built form is not considered to result in any impact on visual amenities by way of undue dominance or presenting as an overbearing extension. Given the single storey scale of the proposal, it would not result in any significant loss of light, overshadowing or harm to outlook.

Openings are proposed to the to the rear and the east-facing side elevation. The side elevation would be concentrated largely to face toward the rear elevation and garden of No.5 Cherry Tree Close. Although, no direct overlooking or visual intrusion issues are raised as the existing boundary treatment would prevent any overlooking. Moreover, there would be an interface distance of 14m (at their closest) between the rear elevation of No.5 and the proposed side elevation of the proposal which would be considered adequate separation distance to prevent any significant harm to residential amenities or privacy. For these reasons, it is considered that any impact is adequately mitigated and the proposal would comply with Saved Policy H5.

The proposed development would provide an internal 'play space' with associated facilities, although, the proposed extension would be sited within an area which is currently used for outdoor play. Environmental Health Officers' have reviewed the application and have recommended that a condition for hours of construction be applied to ensure that no unacceptable impacts from noise, disturbance and vibration occur during the construction phase arise. Turning to the additional information provided by the applicant which clarified the uplift in the number of children and staff utilising the existing nursery as a result of the proposal, this could result in an increase to noise associated with the development and as outlined by the point of objection.

As such, Environmental Health maintain no objection to the proposal, however, have recommended that a condition for the submission of a noise management plan be submitted to satisfy that the extended use would not adversely impact the living conditions and amenities to local residents; the plan would demonstrate how the business will try to minimise the noise that could impact nearby residents. Following the mitigation secured by these conditions, it is therefore considered that there would be no unacceptable impact to amenities from detrimental noise and disturbance generated by the increase in numbers of children and staff utilising the nursery and the proposal would comply with CS19 and Saved Policies H5 and ENV2.

Materials:

The submitted plans also include an annotation for matching materials to any external materials. This will be further secured by way of standard planning condition, which for the avoidance of doubt will include that any brick detailing to the existing building is emulated and carried over to the proposed development.

HIGHWAYS

Core Strategy Policy CS7 (Transport Networks) states that *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 and that new development will be required to be in compliance with adopted cycle, car, disabled and service vehicle parking standards for different types and scales of development.

The submitted plans show that existing parking provisions at the site can accommodate 2 no. vehicles and that the proposed development would see the parking capacity within the plot increased to 4 no. vehicles, with 2 no. spaces to the front of the building and capacity for 2 no. vehicles to park to the side of the building.

Appendix A of the Ensuring a Choice of Travel SPD requires 1 no. parking space per member of staff. The submitted Planning Statement sets out that the proposed development would result in the uplift to 9 no. members of staff.

The Councils' Highway Authority have reviewed the application and have raised no objection to the proposed scheme or disagree with any of the relevant sections of the Planning Statement. Highways acknowledge the shortfall of the requirements of Appendix A of the SPD and that this is attributed to site constraints which prevent any further additional parking provisions included within the proposal. Highways have advised that despite the shortfall; they will accept this provision on this occasion. Furthermore, it is advised that the applicant should make it clear to parents and visitors that these spaces are designated for staff only.

The submitted Planning Statement recognises that there is a deficit of vehicular parking spaces but outlines justifications as to why leniency to this threshold should be applied, such as not all current staff traveling to work by private vehicle and some staff who live close together would car-share. The Planning Statement furthers that on-street parking is also available along Cedar Road, in which Highways have confirmed that Parking Services have no records of reported issues in area pertaining to on-street parking.

The Planning Statement and Highways consultation response also identify that the site is considered to fall within a sustainable location and well served by public transport. Several bus stops provide links to Prescot and Whiston train station (located 0.5 miles away – approx. 11 minutes on foot) which promotes active travel.

Highways have advised that the applicant must also provide two secure and covered cycle parking spaces, to be secured by condition. Highways have also advised that the increase of numbers of both staff and children would not be considered a significant operational change and that these figures raise no concerns from a Highways perspective.

The NPPF (Paragraph 116) stipulates that *development should* only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

It is considered that the proposed development would fall short of the parking standards of Appendix A of the Ensuring a Choice of Travel SPD, however, it is considered that for the reasons outlined above such as, site constraints which practically restrict additional vehicular parking spaces to be created within the plot, the likelihood that not all staff members will each arrive and depart by private car and would utilise other sustainable travel options and following Highways confirmation that they would not object to the proposed development. it is therefore, the opinion that despite the shortfall of the required parking spaces prescribed in Appendix A, other material considerations mean that it is not deemed that the proposed development would lead to an unacceptable impact on highway safety or to the wider highway network that would substantiate a refusal.

Therefore, the proposed development would not be considered to conflict with CS7 and the NPPF and would be deemed acceptable.

OTHER ISSUES:

ENVIRONMENTAL HEALTH

The application has been reviewed by the Councils' Environmental Health Officers' who have raised no objections to the proposal but have suggested conditions be included to the proposal.

These are summarised as control of dust and construction hours. Environmental Health have advised that given the location of the site and scale of the development, a condition for a full construction management plan to be submitted would not be required. The main issues during the construction phase are considered to be dust and therefore a condition relating to control of dust during construction is required. This is supplemented by a construction hours condition to be included, given the proximity of residential properties. This will be combined into a singular condition on the decision notice.

Environmental Health have further advised that a condition pertaining to contaminated land should be included. Although there is no record of any contamination issues at the site, however, given the use would be to accommodate young children, the Local Planning Authority would not reject the inclusion of this condition on this occasion.

As outlined previously in the report, due to the increased levels of children and staff and the potential for intensified noise and disturbance, with mention to this within the objection, it has been requested that a condition for a noise management plan is submitted to the Local Planning Authority to satisfy Council Officers' that the proposal would not result in any detrimental harm to the living conditions and amenities of adjacent and nearby residents. No further issues are raised by Environmental Health.

ARBORICULTURE

The application has been supported by a Tree Survey, comprising Arboricultural Method Statement (AMS) and Arboricultural Impact Assessment (AIA). There are no trees on within the application site, however, there are trees within the private rear gardens of the properties to the west and east adjacent the application site.

The submitted documents demonstrate that the proposed development would not come within the Root Protection Area (RPA) of any of these trees and that the existing boundary treatments and existing hardstanding would provide suitable protective fencing and ground protection. No nearby off-site trees are considered to be adversely affected by the proposed development.

The Councils' Arboriculturist has been consulted on the application and has raised no objections. The Arboricultural Officer has advised that the submitted Tree Survey documents have been reviewed and can be accepted. These will be included within the list of approved plans and documents. There are no further comments on this application.

BIODIVERSITY NET GAIN (BNG)

The proposed development would be erected to the existing rear elevation of the building and atop of an area which is currently full hard surfaced and would not result in the loss of

any on-site habitat or on-site linear habitats. Government guidance for BNG outlines that developments on solely sealed surfaces would be exempt by the de minimis exemption. As such, the proposal would be exempt and not required to provide the 10% BNG uplift.

SITE CONSTRAINTS (COAL – HIGH-RISK AREA)

The application site falls within an area in which the Coal Authority defined as a development High-Risk Area for coal constraints. The application was later accompanied by a Coal Mining Risk Assessment Report (ES03801, 4th August 2025, EnviroSolutions Ltd.) The Mining Remediation Authority were consulted on the application and have identified that within the application site and surrounding area there are recorded coal mining features present at surface or shallow depths.

The report authors have identified a risk to the proposed development from unrecorded shallow coal mining. However, they consider that taking into account the nature of the development; extension to an existing building, the risk can be mitigated by vigilance during the earthworks stage of construction and the implementation of a suitable foundation solution.

The Mining Remediation Authority have reviewed the contents and conclusions of the Coal Mining Risk Assessment Report and are satisfied that the recommendations are sufficient to demonstrate that the application site is safe and stable for the proposed development. Therefore, no objections to the proposal are raised, however, further information on ground conditions and foundation design may be required as part of the applicants subsequent building regulations application. Furthermore, it is recommended that that the LPA include an informative note to the Decision Notice (should the application be approved) to inform the applicant that any coal mining features are encountered during development, this should be immediately reported to the Mining Remediation Authority.

Conclusion

The proposal would be acceptable in terms of design, residential amenity and highways. The proposal also complies with the relevant Core Strategy, Replacement UDP policies and guidance in the NPPF and is therefore recommended for approval subject to Conditions.

Recommendation

That planning permission be granted subject to the following condition(s):-

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

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

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

Reason: For the avoidance of doubt.

- 3) The materials to be used on the external surfaces of the extension hereby permitted shall match those of the existing building in type, size, colour and texture. For the avoidance of doubt this will include any brick detailing of the existing building being

carried over and emulated to the external elevations of the proposed development, hereby permitted.

Reason: In the interests of visual amenity and to comply with Policy CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016, and the National Planning Policy Framework.

- 4) The proposed development shall not be brought into use until precise scheme detail of the proposed cycle storage has been submitted to and approved in writing by the Council as Local Planning Authority. The scheme shall be implemented as agreed before any part of the development has been brought into use and the agreed details will be retained at all times thereafter. For the avoidance of doubt, long stay cycle parking must be covered and offer a means to secure the cycles.

Reason: To ensure that adequate provision is made for parking cycles securely and to comply with Policy CS7 of the Core Strategy, adopted January 2016

- 5) Prior to the first occupation of the extended nursery use, a detailed Noise Management Plan (NMP) shall be submitted to, and agreed in writing with, the Local Planning Authority. The NMP shall include but not necessarily limited to the following:
- o Measures to control and minimise noise arising from children playing in the outdoor garden area, with regard to the nursery's immediate residential neighbours
 - o Management of noise from vehicle movements and parents during drop-off and pick-up times, including limiting congregation and loud conversations near residential boundaries [this could be through a letter / leaflet to parents asking them to be considerate to neighbours]
 - o Management of the time the children are outside for, and / or the number of children outside at any one time.
 - o Training for nursery staff on noise awareness and proactive management, to mitigate noise impact on residents
 - o A complaints procedure including a named contact responsible for noise concerns, with a commitment to promptly record, investigate, and resolve (if possible) any noise complaints from neighbours
 - o A schedule for regular review and updating of the NMP to ensure ongoing effectiveness in mitigating noise.

The approved NMP must be fully implemented whenever the nursery is open. Any changes or updates to the NMP must be agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents and to comply with Saved Policies ENV2 and H5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

- 6) A). No work for the construction of the proposed development hereby approved, including deliveries to and from the site shall take place on the site, except between the hours:

08.00 - 18.00 Monday to Friday; and
08.00 - 13.00 on Saturdays;

unless otherwise agreed in writing with the Local Planning Authority. In particular, no work should be carried out on Sundays or officially recognised public holidays without the prior agreement in writing of the Local Planning Authority.

B.) Control of dust during construction:

When required, water suppression techniques shall be employed throughout the construction phase to prevent dust travelling off-site.

Reason: To safeguard the amenities of nearby residents and to comply with Saved Policies ENV2 and H5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

- 7) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to the development (or relevant phase of development) being brought into use.

Reason: In the interests of safety and to comply with Policy ENV5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
13/05/2025	01	A	EXISTING AND PROPOSED FLOOR PLANS
13/05/2025	03	A	EXISTING AND PROPOSED SITE PLAN
09/04/2025	04	-	LOCATION PLAN
30/05/2025	2389_AMS.01	-	ARBORICULTURAL METHOD STATEMENT
30/05/2025	2389_AIA.01	-	ARBORICULTURAL IMPACT ASSESSMENT
09/05/2025	241.001 (LH) May 2025	-	PLANNING STATEMENT
01/07/2025	02	B	EXISTING AND PROPOSED ELEVATIONS

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Signed Case Officer¹: Reece Black

Signed Authorising Officer²: Jo Sheridan

Date: 28/08/2025

Informatives

- 1 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242

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

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