

<u>APPLICATION NO:</u>	25/00429/COU	<u>CASE OFFICER:</u>	Lee Osborne
<u>WARD:</u>	Stockbridge	<u>PARISH:</u>	Knowsley Parish Council
<u>LOCATION:</u>	The Ploughman, 44 - 45 Marled Hey, Stockbridge Village		
<u>PROPOSAL:</u>	PARTIAL CHANGE OF USE FROM PUBLIC HOUSE (USE CLASS SUI GENERIS) TO A CHILDREN'S DAY CARE FACILITY FOR A MAXIMUM OF 24NO. CHILDREN (USE CLASS E(f))		

Site Description

This application relates to a vacant 2 storey public house with associated car parking to the front. The site is located on Marled Hey, Stockbridge Village. The building has suffered extensive roof damage through vandalism/arson. Waterpark Drive, a Stockbridge Village distributor road at the rear. There is a terrace of house presenting rear garden boundaries along the northwest boundary of the site and semi-detached houses opposite the site access. There is a wooded grassed area adjacent the southwest boundary of the site.

Proposal

The application seeks planning permission to refurbish the building including the installation of 3 windows and 2 doors in the side elevation of an extension to the building. Much of the refurbishment works have been carried out, including replacement of damaged roof. The building has been rendered white.

It is proposed to operate a children's day nursery on the ground floor of the refurbished building for a maximum of 24 children, with the upper floor remaining vacant. The hardstanding at the front would be utilised for parking and child drop-off. The children's play area would be located at the rear of the building and split in two, with a combined width of 10.4m and a depth of 6.5m and is proposed to install 2.4m high palisade fencing around the play area gardens. Beyond running from the rear garden boundary of an end terrace house southwest to the edge of the public footpath and then southeast alongside the footpath to the corner of the car park area would be installed 1.8m high green v mesh fencing. This would turn and run along the front of the car park area back to the rear garden fence of an adjacent terrace house, with v mesh gate at car park access.

The nursery would be open 7am – 6pm Monday to Friday and would not be open weekends or Public Holidays. Four full time equivalent jobs would be created with local people likely to be in post for many of the jobs.

Consultations

Environmental Health – No objections but request conditions to mitigate noise and to ensure safety for end users.

Highway Authority - No objections but request conditions to minimise impacts on the public highway.

Early Years Development – Support the proposal as would provide a needed such facility in the area.

Knowsley Parish Council - No comments received

ESS (ecology) - If the roof has been burnt and is being removed, a preliminary bat roost assessment will not be required.

Representations

This application has been publicised by letters sent to 28 neighbours. It has also been advertised by site notice. No representations have been received.

Planning History

There is no relevant planning history.

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.

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

The use of premises as a children's day nursery are often found in residential areas and an accepted use. Therefore, the principle of the proposal is determined to be acceptable, subject to planning issues and concerns addressed further within this report.

Visual Amenity Considerations

The refurbishment works improve the appearance the building, which was vacant and subject to vandalism as evidenced by the damage to the roof. The installation of 3 windows and 2 doors to the building extension is acceptable with little overall impact on the appearance of the building.

The green mesh fencing (paladin) would be acceptable in terms of appearance and the street scene and is often found in residential areas as a preferred visual appearance option to palisade fencing and similar, however of its own it is permitted development as it would be under 2m in height and would not be adjacent a highway used by vehicular traffic. Environmental Health have requested that the play area boundary closest to the adjoining terrace of houses be a 2.4m high brick wall rather than timber for noise mitigation purposes. The applicant has agreed that all three sides of the play area shall be constructed of brick in the interests of visual amenity (to avoid 1 side of brick and the other 2 sides of timber). There would be suitable separation distances from dwellings and footpaths (13.5m to the rear garden boundary of the terraced houses, 20m to the back of footpath along Waterpark Drive and 6.7m to the footpath to the east) that the walls would not have detrimental impact on the visual amenity of the area.

The application complies with Policies CS2 and CS19 of the Core Strategy and Saved Policy H5 of the UDP.

Residential Amenity Considerations

Given the improvement in appearance of the site as discerned when the building was fire damaged and vacant with poor appearance the main residential amenity consideration is noise impacts on the area.

Children can be noisy, especially at play. The noise from 24 children on the locality, particularly the adjacent terrace of houses, could be such that it would cause significant and detrimental impact on the residential amenities of the residents of those houses and especially when the children would be outside playing. However there are ways to mitigate the noise from the activities of the nursery.

The mitigation required to minimise noise disturbance to residents, particularly the residents of the terrace of dwellings adjacent the northwest boundary of the site consists of a suite of measures. If the boundary to the perimeter of the children's play area were a 2.4m high brick wall rather than the equivalent timber fencing this would reduce noise from the said area escaping to a greater extent than similar timber fencing. In addition to further mitigate noise from this area limiting the numbers of children outside at any one time to no more than 10 children, and outdoor activities at the nursery limited to only take place between the hours of 9am and 5pm would likely, taken together and with the wall, be likely to mitigate any noise issues to an acceptable level. In addition, the applicant has stated on the application forms that the nursery would operate 7am to 6pm Mondays to Fridays and would be closed weekends and Public Holidays, and it is recommended that a condition limiting the

nursery to those hours and day would be prudent to ensure that residents weekends were not impacted by the nursery. Environmental Health have advised that a Noise Management Plan should be submitted and agreed prior to commencement of use of the nursery, with the hours of outdoor activity and the numbers of children outdoors at any one time identified in the submitted Plan. The Plan also identifies other elements to mitigate noise such as staff training on noise awareness and proactive management, management of noise from vehicles and parents during drop-off and pickup.

In addition, the re-use of the building, and its refurbishment, would take away the vacant building attraction to vandals and ASB issues. This can therefore reduce or remove the attraction to those who carry out such acts. This would improve the ASB and crime target and therefore be beneficial to residents' wellbeing and their amenity.

Subject to the above measures occurring the application complies with Policies CS2 and CS19 of the Core Strategy and Saved Policies H5 and ENV2 of the UDP.

Highways Considerations

The development would utilise the existing vehicular access and no alterations are proposed. The access geometry and visibility are considered appropriate for the scale and nature of the proposed use. There are no concerns raised regarding the access and Highways have no objection to the existing access use.

Traffic generation associated with a nursery accommodating up to 24 children with appropriate number of staff would be expected to be modest and concentrated within short peak windows. The submitted Traffic Management Plan confirms staggered drop-off and collection periods. Given the scale of the proposal, whilst there may be additional parking on Marled Hey, this would only be for short amounts of time at drop off and pick up and it is considered that there would not be a detrimental cumulative impact on the highway network. Highways have no objection to the trip generation of the use.

The Site Plan identifies staff parking spaces, drop-off bays and a designated delivery area. Subject to delivery activity being managed outside peak operational times and vehicles being able to enter and exit the site in a forward gear, the internal layout is considered acceptable. Highways have no objections to this element of the proposal.

Eight on-site parking spaces are proposed, including a delivery space, Highway have no concerns with regards the parking provision and layout. However it is considered prudent to require a Car Parking Management Plan to be agreed prior to first use of the nursery to ensure that the parking area has maximised efficiency.

The previous use of the site was a public house and would likely have had larger delivery vehicles calling than delivery vehicles for the proposed use. As such deliveries should not be an issue provided deliveries do not take place at peak dropping off and pick up times.

The application complies with Policies CS2, CS7 and CS19 of the Core Strategy and Saved Policy H5 of the UDP.

BNG and Ecology

The works are below the BNG threshold of 25sq.m and therefore the application is exempt from providing BNG. Due to the quite extensive fire damage to the roof, leaving large parts open to elements a preliminary bat roost assessment was not

required

Conclusion

The use proposed would allow a vacant building to be refurbished and brought back into use creating a number of jobs. The appearance of the building is improved and reduces the attraction that a vacant shabby building in appearance is to vandals and ASB behaviour. The application suitably conditioned complies with national and local planning policies and is hereby recommended for approval.

Recommendation

That planning permission be granted subject to the following conditions:

- 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 number of children attending the day nursery hereby permitted shall not exceed 24 children at any time.

Reason: In the interests of residential amenity and highway safety and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policy H5 of the Knowsley Replacement Unitary Development Plan adopted in June 2006.

- 4) The children's day nursery hereby permitted shall not operate outside the hours of 7am - 6pm Mondays - Fridays and shall not operate at all on Saturdays, Sundays and Public Holidays.

Reason: To safeguard the amenities of nearby residents and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policy H5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 5) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the premises to which this permission relates shall be used for a children's day nursery and for no other purpose, including any other use falling within Class E of the Schedule to that Order or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, except with the prior grant of a further planning permission.

Reason: To enable the Local Planning Authority to assess any proposal for a further change of use whether or not it falls within the same Use Class and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policy H5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 6) Children attending the day nursery hereby permitted shall be limited to the areas noted as Garden 1 and Garden 2 on the approved Site Plan Dwg No 226/BRC/0012 Rev E only for outdoor play. Notwithstanding the timber fencing to the boundary of this area shown on the approved Site Plan prior to the first use of the children's day nursery hereby permitted details of a brick wall to extend around that identified children's play area shall have been submitted to and approved in writing by the Local Planning Authority, and the agreed wall erected. The wall shall be retained at all times that the nursery is in use.

Reason: To safeguard nearby residents from noise disturbance from the children's outdoor play areas and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policies H5 and ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 7) Prior to the use of the children's day nursery hereby permitted 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:
- Measures to control and minimise noise arising from children playing in the outdoor garden area, with regard to the nursery's immediate residential neighbours.
 - 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).
 - Management of the time the children are outside for at any one time, limited to between the hours of 9:00am and 5:00pm, and the number of children outside at any one time limited to no more than 10 children.
 - Training for nursery staff on noise awareness and proactive management, to mitigate noise impact on residents
 - 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
 - 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 nearby residents from noise disturbance from the children's day nursery including the outdoor play area, and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policies H5 and ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 8) A Phase I site investigation shall be submitted to and agreed in writing by the Local Planning Authority prior to first use of the children's day nursery to establish whether there are any concerns of contamination from the current or previous use of the site or adjacent sites. This report shall include the results of a desk study, site walkover, and human health and environmental risk assessment.

If identified as necessary by the desk study a Phase 2 site investigation and remediation proposals shall be submitted for approval prior to works commencing. In any event the applicant/developer is requested to contact the Council's Environmental Health Team (Tel: 0151 443 4712) as soon as is practicable should previously unsuspected contamination be encountered during the development of the site. A site completion report shall be submitted for written approval prior to occupation confirming that encountered site conditions were as expected and detailing any necessary remedial actions.

Reason: In the interests of public health and the staff and children attending the children's day nursery and to comply with Policy CS2 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 9) The children's day nursery hereby permitted shall not be brought into use until the areas indicated on the approved Site Plan Dwg No 226/BRC/0012 Rev E to be set aside for parking, servicing and vehicular manoeuvring (including provision for pedestrians/cyclists) have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown. These areas shall be retained as such thereafter and shall not be used for any purpose other than the parking and manoeuvring of vehicles associated with the approved nursery use.

Reason: In the interests of highway and pedestrian safety and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policy H5 of the Knowsley Replacement Unitary Plan adopted June 2006.

- 10) The children's day nursery hereby permitted shall not be brought into use until a Car Park Management Plan has been submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt, the Plan shall include details of staff parking arrangements, short-stay drop-off and collection procedures, measures to prevent overspill parking on the adjacent highway network, and arrangements for monitoring and review. The approved Plan shall be implemented and adhered to at all times that the children's day nursery is in use.

Reason: To ensure a satisfactory regime of car parking management to prevent excessive car parking on the highway during times of peak demand and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policy H5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 11) The cycle parking as indicated shown on the approved Site Plan Dwg No 226/BRC/0012 Rev E shall be installed prior to the first use of the children's day nursery hereby permitted and shall be retained for such purposes at all times that the children's day nursery is in use.

Reason: To ensure that adequate provision is made for parking cycles on the site and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016.

- 12) The children's day nursery hereby permitted shall not be brought into use until details of servicing and delivery arrangements have been submitted to and approved in writing by the Local Planning Authority. For the avoidance

of doubt, the details shall include delivery hours, vehicle size restrictions where appropriate, and confirmation that vehicles shall enter and exit the site in a forward gear. The approved arrangements shall thereafter be adhered to at all times the children's day nursery is in use.

Reason: In the interests of highway and pedestrian safety and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policy H5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
13/10/2025	226 PL 005 C	-	LOCATION PLAN
11/02/2026	226/PL/0015	-	GROUND FLOOR PLAN AS PROPOSED 2
28/07/2025	226 PL 008 B	-	PROPOSED FIRST FLOOR PLAN
28/07/2025	226 PL 009 B	-	PROPOSED ELEVATIONS 1
28/07/2025	226 PL 010 B	-	PROPOSED ELEVATIONS 2
02/04/2026	226/BRC/0012	E	SITE PLAN PLUS FENCING AND CYCLE STORAGE DETAILS

Signed Case Officer¹:

Lee Osborne

Signed Authorising Officer²:

Jo Sheridan

24/04/2026

Date:

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