

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2187/0F1
2.	Proposed Development:	CHANGE OF USE FROM PUBLIC LIBRARY (CLASS F1) TO CHILDRENS NURSERY (CLASS E) & ASSOCIATED WORKS INCLUDING REPLACEMENT OF WINDOWS WITH PVC; MINOR ALTERATIONS TO REPLACE ONE WINDOW ON FRONT ELEVATION WITH A DOOR TO ACCESS PLAY AREA & CREATION OF A SMALL OUTDOOR PLAY AREA WITH SECURE WALL
3.	Location:	KELLS LIBRARY, HIGH ROAD, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations & Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report:	
	SITE AND LOCATION	
		This application relates to the former Kells Library, situated on High Road in the Kells area of Whitehaven. There is a detached residential property to the south of the site, playing fields to the north and east and High Road to the west. Kells Infant School is located on the opposite

side of the road.

The former library is vacant having been closed for some time.

PROPOSAL

Planning Permission is sought for the change of use of the building from a public library to a children's nursery. Furthermore, works will be undertaken to install children's toilet facilities and changing area, a small food service area, the replacement of the existing windows with new UPVC framed windows, minor alterations to replace a window on the front elevation with a door for access to a play area and the creation of a small outdoor play area with secure wall.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous planning applications on the site.

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

Local Highways Authority

1st Response

Cumberland Council as the Local Highway Authority (LHA) has reviewed the above planning reference and our findings are detailed below.

Due to the nature of the proposal we fully support it in principle, but have some reservations over potential traffic impact on High Road in the vicinity of the site. High Road has KEEP CLEAR lengths for the schools, central refuges and traffic calming build-outs. There will be lots of pedestrian movement (and possibly cycle and scooter use) in the area and my concern is any increase in cars parking or waiting on the road outside the nursery would cause increased congestion and conflict with road safety implications.

I suspect most parents and children will walk to the site but there is no explanation of the parking, dropping-off / picking-up or access / walking route arrangements. I note the existing nursery is close by in the grounds of St Mary's Catholic Primary School and there is parking on that site.

Please explain the expected use by car drivers for drop-off and pick-up, visitor numbers the



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proposed staff parking and servicing arrangements for food, waste and other deliveries. A minimum of 2 spaces is required to cater for staff and visitors (provided at the front) which leaves none for other use on the road outside the site to prevent inconsiderate parking which could impact on childrens' safety.

To mitigate the increased crossing activity, and hence pedestrian risk, on High Road in the vicinity where there is already congestion and a lot of conflict at school muster times, the LHA recommend that the applicant provide a new formal pedestrian crossing south of the site. This would most likely take the form of a zebra crossing and would be accompanied by associated zig-zag markings. We would suggest that the crossing is delivered through a S278 agreement with the Highway Authority and should be operational prior to opening of the nursery.

I also note the proposal to build a wall along the frontage. This should be no more than 1.0 m high to ensure visibility onto the footway is not adversely impacted at the exit.

2nd response

I have taken these into account and also discussed the situation with our traffic management team and given it further thought, to see if we can arrive at an acceptable solution.

- **Parking and waiting control measures to reduce vehicle /pedestrian conflict**
 - I appreciate that most parents will walk their children to the nursery, and you will encourage others to park the site adjacent to St Mary's Church. There will be some staff car parking on site and this will actually be less than the existing arrangement, but due to human nature it is likely that there will be increased car / pedestrian activity and conflict outside the nursery at start and finish times and we would still recommend that further controls are put in place to manage this. We as the LHA acknowledge that there is an existing problem here and we have proposals to review the KEEP CLEAR and waiting restrictions on High Road which would address this. Therefore, we are not seeking a contribution towards the TRO costs or the signing and road marking work as it is already included in a wider TRO programme.

- **Parking and Boundary Wall / Visibility Splay**
 - I note your requirement for a safe and secure roadside wall to protect the site. I appreciate the need for this but unfortunately having a solid and high wall is not compatible with a safe and proper visibility splay onto the road, but more importantly, onto the footway. I realise that there are cars reversing onto the footway and road at present which is not ideal and if the access width is reduced further it would make reversing out (or even driving out forwards) even more hazardous for footway users. It looks like the pedestrian access route to

the front door is also in the car park area which is not ideal. We recommend that pedestrians have a separate route to the building.

- Is it possible that the car parking area is removed from the plans and staff continue to park at St Mary's Church and walk across the road? This would also allow a safe area for parents to wait. Alternatively, would a 2m high railing type fence that allows visibility be an option? If you must have a wall, it should be set back to allow a 2m footway to the frontage and also include a 2m x 2m splay onto the footway as shown in our Design Guide (below)
- Service / delivery vehicles are less likely to cause a problem as they typically service outside the arrival and leaving times of the nursery and school I imagine.

- **Pedestrian Crossings and Desire Lines**

- Whilst some, or most, of the children may live on the same side as the nursery at the moment, this will change over time. Also, with the parking and school on the opposite side of the road it is likely that parents will be making more crossings of the road to access the nursery. The safety of school children outside schools is one of our top priorities and we try to reduce conflict and provide measures to both encourage walking, cycling and scooting and restricting or controlling traffic movements at the same time.
- Here we believe that some kind of mitigation measures to provide a better and more direct crossing facility to the south of the site is warranted. A formal controlled crossing (i.e. zebra) is not necessarily justified however so we would be looking at a low-key facility with dropped kerbs, tactile paving, with good visibility on the desire lines.
- There is a crossing to the north of the site which would cater for trips from the north but there is poor provision on the south side which would be the route for trips from St Marys and the residential sites to the south.
- We would suggest a matching dropped crossing similar to the one further to the north with build-out at the location shown below. This would be suitable for push-chairs and the like. The LHA acknowledge that since there is some existing demand for this crossing we could not reasonably seek 100% funding contribution, and instead would ask for 50%. We estimate that the cost to deliver this would be £12k, so we would be seeking a £6k contribution by way of a S106 Agreement with Cumberland Council.

I look forward to your consideration of the above recommendations.

3rd Response

Cumberland Council as the Local Highway Authority (LHA) has reviewed the above planning reference and our findings are detailed below.

Further to discussions with the applicant, the various observation and concerns the LHA



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raised previously have been addressed as follows.

Parking and waiting control measures to reduce vehicle /pedestrian conflict

The LHA acknowledge that there is an existing problem of pedestrian /vehicle conflict and erroneous waiting / parking on High Road in the vicinity of the schools and library. The LHA has proposals to review the KEEP CLEAR and waiting restrictions on High Road which would address this.

Therefore, we are not seeking a contribution towards the TRO costs or the signing and road marking work as these are already included in a wider TRO programme.

Parking and Boundary Wall / Visibility Splay

The applicant has proposed that the parking spaces will be removed from the front of the site therefore removing or at least reducing the potential conflict with children / parents etc. The proposed boundary wall can therefore be implemented as proposed. There will be a service space retained but service / delivery vehicles are less likely to cause a problem as they typically service outside the arrival and leaving times of the nursery and school. These must reverse park (usual practice due to unloading practicalities).

Pedestrian Crossings and Desire Lines

A formal pedestrian crossing is desirable in the vicinity of the primary school / proposed nursery to both cater for existing demand and to provide a better facility for those walking from the west side of the road to the site. The change of use from a library to nursery will exacerbate this demand but the main driver for an increase in crossing activity to the nursery will be the development of large residential sites on High Road to the south, on the west side of the road (opposite side to the nursery). The LHA will be seeking the crossing improvement as part of the traffic mitigation measures and better active travel / safer routes to schools in connection with these developments.

Conclusion:

The LHA has no objection to the proposal and no financial contributions will be required.

Advisory Statement

Any works within or near the Highway must be authorised by Cumbria County Council and no works shall be permitted or carried out on any part of the Highway including the footway and

verges, until you are in receipt of an appropriate permit (i.e. Section 184 Agreement) allowing such works. Enquires should be made to Cumbria County Councils Street Work's team - streetworks.central@cumbria.gov.uk

Fees: <https://www.cumbria.gov.uk/roads-transport/fees.asp>

Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 5 no. properties.

One letter of support has been received as a result of these advertisements.

PLANNING POLICIES

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles



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Policy ST2 – Spatial Development Strategy

Policy ER6 – Location of Employment

Policy ER7 – Principal Town Centre, Key Service Centres, Local Centres and other service areas: Roles and Functions

Policy SS4 – Community and Cultural Facilities

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM21 – Protecting Community Facilities

Policy DM22 – Accessible Developments

Policy DM29 – Advertisements

Other Material Planning Considerations

National Planning Policy Framework 2023 (NPPF)

Planning Practice Guidance (PPG)

Cumbria Development Design Guide

Emerging Copeland Local Plan (ELP).

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

The Planning Inspector has now issued their post hearing letter, which identifies the next steps for the Examination. This includes proposed modifications to the plan to ensure a sound plan on adoption.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight

can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the NPPF.

The policies relevant to this proposal are:

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS3PU: Settlement Hierarchy

Policy DS6PU: Design and Development Standards

Strategic Policy E1PU: Economic Growth

Policy SC5PU: Community and Cultural Facilities

Policy BE6PU: Advertisements

Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

ASSESSMENT

Principle of Development

The Borough's Strategic Development Principles are set out in Policy ST1 of the CS and DS1PU of the ELP where the policy framework seeks to support access for everyone to community facilities. Policy ST2 of the CS and DS3PU identify Whitehaven as the Borough's Principal Town where the majority of development should be undertaken.

Policy SS4 of the CS and SC5PU of the ELP seek to enhance the existing community facilities in order to meet the demand created by new development. Policy DM10 of the CS and DS6PU seek to achieve a high standard of design whilst Policies DM22 of the CS and CO7PU of the ELP ensure that developments are accessible for all.

The former library has been closed for some time and the building has remained vacant. The proposed nursery previously operated from a portacabin within the grounds of the adjacent Kells Infant School, however this provision was no longer suitable and therefore a permanent building was sought. The principle of the development for the use of building as a nursery is acceptable and reflects its previous community use. The conversion requires minimal alterations to facilitate the use as a nursery.

On this basis the principle of development is considered to be acceptable.

Proposed Alterations and Impacts on Visual and Residential Amenity

Policy DM10 of the CS and DS6PU of the ELP seek to ensure that development is well designed and will not create unacceptable impacts on residential amenity.

The building requires minimal alterations to allow the change of use with most of the works

required being internal. The replacement of the windows with UPVC equivalents will allow the building to be more energy efficient whilst ensuring it's longevity and upkeep.

The proposed play area and wall are suitably sited so as not to create any issues for residential amenity. The nearest dwelling is 181 High Road to the south. Due to the previous use of the property as a library, frequent movements to and from the building have always been present and the change to a nursery is unlikely to increase the level of movement or create any issues with regards to the loss of amenity.

Externally, the changes will be minimal and will not have any impact on the visual amenity of the locality.

Overall, the proposal complies with Policies DM10 of the CS and DS6PU of the ELP to ensure design and amenity standards.

Access and Parking Provision

Policies DM22 of the CS and CO7PU of the ELP ensure that development does not have a negative effect on the highway network and that any increase in traffic is mitigated.

The initial response from the Highways Authority sought further information with regards to the expected vehicle movements to and from the site. Whilst the Applicant expects the majority of parents to walk to and from the site, 5 parking spaces were initially proposed at the front of the building for use as off street parking. The Highways Authority raised concerns with this arrangement on safety grounds and therefore these spaces were removed. Any staff expected to park at the adjacent church and parents discouraged from arriving by car.

Traffic calming measures to include a zebra crossing and associated zig-zag arrangement at the cost of the Applicant were proposed. Further to discussions with the Applicant and various teams within the Highway Authority, the Officer was able to agree that the delivery of these measures would be undertaken through contributions from a nearby large development.

Furthermore, whilst there are existing congestion problems on High Road, the Local Highway Authority are seeking to review the existing KEEP CLEAR signage and improve it where necessary.

Consequently, there were no objections received from the Highways Authority and no conditions suggested.

Overall, the development is considered to be acceptable and is unlikely to have any significant impact on highway and pedestrian safety in the locality. .

	<p><u>Planning Balance and Conclusion</u></p> <p>There have been no objections received to the proposal.</p> <p>On balance, the principle of using the existing vacant building as a nursery is considered to be acceptable. The site lies within the settlement boundary for Whitehaven which is designated as the principal settlement within the Borough. The site lies within close proximity to an existing school and the two uses are compatible and previously operated successfully from the main school site. These matters are afforded significant weight within the planning balance.</p> <p>The proposal will bring a vacant building back into use and the minor alterations proposed will improve its external appearance and energy efficiency. This is afforded moderate weight.</p> <p>Whilst discussions have taken place with the Highway Authority with regards to the potential increase in traffic and parking, overall, it is unlikely that the use will increase traffic movements within the locality as the nursery is relocated to this site which lies within close proximity to its former location within the school grounds opposite. A significant number of users of the nursery also live close by which will encourage walking. On this basis it is unlikely that there will be a material effect on the existing highway situation. Whilst there is a recognized congestion issue within this part of Whitehaven due to the school, nursery and church in close proximity, the Highway Authority is seeking to implement improvements and it is anticipated that a financial contribution can be secured as part of a large residential development on the former Marchon site close by which will secure an upgrade to the traffic calming measures already in place.</p> <p>This proposal is considered to be a sustainable form of development which will enhance community facilities within the area in accordance with the policies set out in the Copeland Local Plan, the Emerging Local Plan and the NPPF when considered as a whole..</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. <p>Reason</p>



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To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -

Application form, received 31st May 2023;

Site Location Plan, scale 1:2000, drawing number P01, received 20th June 2023;

Proposed Floor Plan, Elevations and Block Plan, scales 1:50 and 1:100, drawing number P04, received 5th July 2023;

Design and Access Statement, received 31st May 2023.

Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

Informative Notes

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 Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

2. Any works within or near the Highway must be authorised by Cumbria County Council and no works shall be permitted or carried out on any part of the Highway including the footway and verges, until you are in receipt of an appropriate permit (i.e. Section 184 Agreement) allowing such works. Enquires should be made to Cumbria County Councils Street Work's team - streetworks.central@cumbria.gov.uk

Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Case Officer: Sarah Papaleo	Date : 15/09/2023
Authorising Officer: N.J. Hayhurst	Date : 18/09/2023
Dedicated responses to:- N/A	