

DEVELOPMENT CONTROL AND REGULATION COMMITTEE
28 February 2023
A report by the Executive Director - Economy and Infrastructure

Application Reference No. 2/22/9008

Application Type: Full Planning Permission

Proposal: Extension and alteration of existing school to form a sixth form campus for pupils from Mayfield School, Whitehaven including new vehicle access and external works.

Location: St Joseph's School, Mountain View, Cockermouth, Cumbria, CA13 0DG

Applicant: Cumbria County Council

Date Valid: 19 December 2022

Reason for Committee Level Decision: Application made by Corporate Director of Economy and Highways

1.0 RECOMMENDATION

1.1 That planning permission be GRANTED subject to conditions set out in Appendix 1 to this report.

2.0 THE PROPOSAL

2.1 Planning permission is sought to for single storey extension to the eastern elevation of the existing school, this is proposed on the existing soft play area. The proposed extension would create two classrooms, link corridor, assisted shower room, workshop and greenhouse. The scheme also proposes the relocation of the previously approved summerhouse. The proposed extension would measure 17 metre x 22 metre x 3.95 metre.

2.2 The proposed extension would be constructed of brick and rendered in larch cladding and some cement render with uPVC windows and doors to match the existing. The extension would be a pitched roof structure comprising of single ply with felt over. The roof design includes Solar PV on the roof on the western elevation.

2.3 The relocation of the summerhouse is proposed from the east side of the school to the west side close to the main entrance of the school.

2.4 There are some other works which are being undertaken; these include the creation of a new vehicular access onto Sullart Steet, to provide a one way vehicular system including intercom, lifting arm barrier system and gates, removal of a tree on Sullart Street, alterations to the drop off area and car parking layout, alterations to the entrance including an access ramp and relocation of security fencing.

2.5 The extension would be to the eastern side of St Joseph's School, facing Gallowbarrow Road and Sullart Street Car Park. The boundary with Sullart Street Car Park is densely tree lined, whilst the boundary with Gallowbarrow Road is intermittent tree lined and security fenced. Sullart Street car park is at a

lower level to the school, due to this being on a steep incline from Cockermouth town centre.

2.6 Planning permission 2/22/9004 for the “extension and alteration of existing school to form a sixth form campus for pupils from Mayfield School, Whitehaven, including new vehicle turning circle and external works”, was considered by the Committee at its meeting on 29 September 2022 and was approved subject to conditions. The majority of the proposed works within the school were permitted development. These involved the re-configuration of the drop off area, access ramp, repositioning of boundary fence, removal of trees, replacement trees, relocating of workshops and greenhouse. The works which required consent were the extension and proposed extension to the tarmacked area of the access drive.

2.7 St Joseph’s School is not a Listed Building nor located within a Conservation Area.

3.0 SITE DESCRIPTION

3.1 St Joseph’s School is a modern single storey school building situated within its own grounds. St Joseph’s School had a student count of 76 pupils within the age range of 3 – 11 years. St Joseph’s School was closed in 2021, due to lack of demand in the town. St Joseph’s School was constructed in 1966.

3.2 St Joseph’s School is close to the town centre of Cockermouth and is in easy walking distance of amenities. The area is predominately residential with retail and commercial properties to the east. Directly adjoining St Joseph’s School to the west is Kirkland Residential Care Home, to the north is Sullart Street Car Park (approx. 50 spaces) and to the east and south is The Level (A5096) and Fern Bank Playing Fields beyond.

3.3 Kirkland Residential Care Home is the nearest property to the school, 28m west. It comprises the care home, car park and turning area. A footpath also crosses the property.

3.4 St Joseph’s School has mature trees growing along the boundary of all four sides. St Joseph’s School is not within Cockermouth Conservation Area, but is adjacent to the Southern boundary.

4.0 SITE PLANNING HISTORY

4.1 There is a brief planning history. The existing school was constructed around 1966, with very few alterations undertaken since then.

4.2 The most recent planning application was planning permission 2/22/9004, details of which are set out in paragraph 2.6 above. Prior to this planning application 2/07/0715 “proposed extension to provide entrance area” was the only other planning permission granted on the site.

5.0 CONSULTATIONS AND REPRESENTATIONS

5.1 **Allerdale Planning Department:** No objection.

5.2 **Allerdale Environmental Health:** Conditions are recommended with regards to land contamination and noise from the use of the school.

5.3 **Cockermouth Town Council:** No objection.

5.4 **CCC Highway and Lead Local Flood Authority:** No objection to the principle of a one way system. However, concern is raised that members of the public may be tempted to use the one way route as a short cut to avoid queues on Gallowgate, which would create conflict with users (especially pupils) in the school grounds. A gate fitted would prevent this so recommend a condition that access gates shall be provided and hung to open inwards only away from the highway.

5.5 **United Utilities:** To be reported on the update sheet.

5.6 **Local Member for Cockermouth North Cllr Bell and adjoining Member for Cockermouth South Cllr Kennon** have been consulted but no reply had been received when this report was prepared. Any reply received in advance of Committee will be reported to Members on the update sheet.

5.7 No representations have been received.

6.0 PLANNING POLICY

6.1 [Section 38\(6\)](#) of the [Planning & Compulsory Purchase Act 2004](#) provides that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Government policy is a material consideration that must be given appropriate weight in the decision making process.

6.2 The *Allerdale Local Plan (Part 1) Strategic and Development Management Policies - adopted July 2014*.

- Policy DM15 – Extensions and alterations to existing buildings and properties
- Policy S9 – Design Principles
- Policy S29 – Flood Risk and Surface Water Drainage

6.3 [The National Planning Policy Framework](#) (NPPF) was published in March 2012 and last revised in July 2021. The national online [Planning Practice Guidance](#) (PPG) suite was launched in March 2014, and is regularly updated. Both are material considerations in the determination of planning applications. The following chapters and paragraphs of the NPPF and/or PPG are considered to be relevant to the determination of this application:

- Achieving Sustainable Development chapter 2
- Decision Making chapter 4
- Achieving Well Designed Place chapter 12
- How are well-designed places achieved through the planning system?
Paragraph: 001 Reference ID: 26-001-20191001

7.0 PLANNING ASSESSMENT

7.1 The key planning issues relevant to the proposed scheme are considered to be:

Is the size and design of the proposed extension acceptable and would this complement the existing building?

Would the alterations to create a new vehicular entrance have an impact on highway safety?

Would the proposed extension have any impact on the amenities of local residents?

Would the construction operations have an impact on the area?

Does the School have a School Travel Plan?

Would there be any Environmental Impacts from the continued use of the School?

Is the size and design of the proposed extension acceptable and would this complement the existing building?

- 7.2 Allerdale Local Plan Policy DM15 states “The Council will seek a high standard of design for proposals that involve the alteration and/or extension of existing buildings within the Plan Area. Planning applications for alterations, extensions to or additional buildings within the curtilage of existing properties will be permitted provided that: a) The scale, design and materials of the development would not adversely alter the appearance of the existing building; b) The development achieves a satisfactory visual and architectural relationship with adjoining development and/or the character of the area; c) The extension would not become the dominant feature of the building; d) The extension will not result in overdevelopment of the curtilage of the property; e) The extension would not materially harm the amenity of the occupants of neighbouring or adjacent properties; f) The operational car parking needs of the property would continue to be met.”
- 7.3 National Planning Policy Framework paragraph 126 states “the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.
- 7.4 St Joseph’s School is a relatively modern building constructed around 1966. It is a flat roofed single storey structure, constructed in brick with a rendered finish with a mix of wooden and uPVC fascia boards. The immediate area is an area of mixed design with open access playing fields, Victorian housing with front forecourts, modern housing, a care home, shopping areas and car parking. The streets around the St Joseph’s are tree lined.
- 7.5 The buildings in the area are primarily of a render finish with pitched slate roofs. There are some retail units that are more modern structures with a mix of external cladding and flat and pitched roofs. There is wood cladding on Lidl and Sainsbury’s superstore close by.
- 7.6 The design of the building includes solar panels to be installed on the roof of the proposed extension. Contributing to providing sustainability to the St Joseph’s School.
- 7.7 The design of the proposed extension would complement the existing building and enhance the appearance by mixing the old with the modern. The proposed materials are considered acceptable to the area.

- 7.8 I consider the size and design of the proposed extension are complementary to the existing building and would enhance the existing structure and appearance. I consider the size and design comply with Allerdale Local Plan Policy DM15 and National Planning Policy Framework Paragraph 126.

Would the alterations to create a new vehicular entrance have an impact on highway safety?

- 7.9 It is proposed to create a one way system through the school, access would be from Sullart Street. This would involve creating an opening at the northern end of the existing school car parking area. This is currently a stone wall with a grassed area. The works would involve removing the wall, removal of a tree, removal of grass area and alteration to the kerb line. These works do not require formal planning permission as Sullart Street is not a classified road. The removal of the tree doesn't require formal consent as this is not subject of a Tree Preservation Order or within a Conservation Area.
- 7.10 However, this would have an impact on how the site operates day to day. It is proposed that a new vehicular access be created on Sullart Street. This would make access through St Joseph's a one way system. Access would be obtained from Gallowbarrow (A5086) onto Sullart Street (U2362). The new access would be created close to Sullart Street car park. Sullart Street is a cul-de-sac and provides access to housing, car park and Kirklands care centre.
- 7.11 Gallowgate is one of the main access routes around Cockermouth and there is also Fairfield Infant and Junior Schools on Gallowgate. There is traffic calming measures on Gallowgate and a zebra crossing which at the start and finish of the school day has a safety officer stopping vehicles to allow pupils to cross safely to the schools.
- 7.12 Whilst these works do not require formal planning permission, they would have an impact on how the site is operated and form part of the proposed scheme of redevelopment of the site. Cumbria Highways have raised a concern with regards to this becoming a rat run for cars during out of school hours and request the inclusion of gates close to the lifting arm barrier.
- 7.13 I consider the comments raised by Cumbria Highways are relevant and can be controlled by a condition which is laid out in Appendix 1, condition 4, to prevent access during non school hours.

Would the construction operations activities have an impact on the area?

- 7.14 There would be some disturbance to residents during construction operations as these do generate noise, disturbance, material delivery and construction workers parking issues. The impacts would be temporary and likely to last between 6-12 months.
- 7.15 These works would be completed as quickly as reasonably possible.
- 7.16 Once the works are completed the impacts of the school use would be as the school was previously i.e. activity/noise on entry and finishing times, play times etc.

Would the proposed extension have any impact on the amenities of local residents?

- 7.17 St Joseph's School is set in its own grounds south of Cockermouth Town Centre. The area is predominately residential but there are mixed uses (i.e. offices, retail etc) in close proximity to the school. There are no residential properties which adjoin the boundaries of the school. To the north is The Level (A5096) with play area beyond, to the east is Fern Bank (approx. 55m) and office accommodation (approx. 75m), to the south is Sullart Street Car Park and to the west is Kirkland Care Centre (approx. 27m). The proposed extension would be located on the eastern elevation of the school facing forwards Gallowgate and Fern Bank. The properties on Fern Bank sit at a higher level than St Joseph's School, there are two roads (Gallowgate and Fern Bank) and a number of trees which separate them.
- 7.18 There would be a minor impact on the occupiers of Fern Bank during construction works with daily noise and construction activities. The main impacts of construction activities would be on the residents of Kirkland Care Centre, which is opposite the main entrance to the school. The residents of the care home would be impacted by construction vehicles, deliveries etc. However, the main construction works would be undertaken on the other side of the school further away from Kirkland Care Home.

Does the School have a School Travel Plan?

- 7.19 Mayfield School, Whitehaven does have an up to date school travel plan, specifically for this school. However, this ancillary school and will require an individual School Travel Plan to be prepared and implemented. An appropriately worded condition in Appendix 1, condition 5, identifies what is required for the School Travel Plan.
- 7.20 I consider that a new School Travel Plan is required and can be achieved to reduce travel to the school.

Would there be any Environmental Impacts from the proposed extension and access alterations?

- 7.21 **Noise:** Would be mainly down to construction operations which it is expected would be over a short period of time. Once construction operations have ceased there would be relatively little noise as pupils would be accommodated in the school building. The site is a permitted school site which would have generated noise during the day namely at morning drop off, play times and evening pick up times. The capacity of the school is 120 pupils whereas the use as a sixth form pupils would be 60 pupils, half the overall capacity. The noise impacts would be no greater than the existing use as a primary school.
- 7.22 **Lighting:** External Lighting could impact on the amenities of local residents if it is not sited properly to prevent spillage into local properties. Any lighting should be directed into St Joseph's only and this could be controlled by condition to ensure there is no light pollution or impact on amenities of local residents.
- 7.23 **Dust:** Impacts of dust would come from the building works, these would be temporary short term impacts. These impacts would be no greater than any of the residential properties having an extension built. A construction management plan will be required to ensure the construction works are carried out accordingly.

- 7.24 **Construction Works:** There will be a minor impact whilst construction works are undertaken as these will involve work on the extension, alterations to the car park and relocation of fencing. These are temporary operations and will be completed as quickly as possible. The works would be controlled by appropriately worded conditions as set out in Appendix 1 condition 7
- 7.25 **Drainage and Flood Risk:** St Joseph's School is not located with a flood plain, nor is it susceptible to surface water flooding. Drainage would be to the existing system. Ground conditions are predominantly clay and not suitable for soak away. Surface water from the proposed extension would be attenuated before connecting into the existing sewerage system. The widening of the driveway was considered under planning permission 2/22/9004 and there would be no additional impacts from the widening of the driveway. It is however considered that as the widening of the drive could increase surface water discharge, the scheme is offset by re-directing roof water from the existing school into attenuation tanks together with roof water from the extension.
- 7.26 Allerdale Environmental Health have made comments with regards to potential ground contamination during construction works and noise from pupils attending the school. It is proposed that a condition be imposed as detailed in Appendix 1, condition 11, on the granting of planning permission that if ground contamination is found this should be reported and an investigation and risk assessment must be undertaken and, where remediation is necessary, a remediation scheme must be prepared. They have also raised concern with regards to noise from pupils arriving, departing and external play. There is an existing permitted use for a school, which has the potential to accommodate 120 pupils who could be quite vocal and noisy. The proposed use is for up to 60 sixth form SEND pupils, who would be accompanied at all times from their arrival to departure; noise from these pupils would be far less than 120 primary school pupils.
- 7.27 I consider that any environmental impacts would be minor impacts mainly during construction activities, which would last for a maximum of 12 months. The re-opening of St Joseph's would not have any additional impacts over and above the permitted use as a school.

8.0 CONCLUSION

- 8.1 I consider the small extension, siting of summerhouse and workshop, alterations to the access road and widening of the driveway entrance are acceptable.
- 8.2 I consider the proposed alterations to the school would be minor alterations and the capacity of St Joseph's would be significantly decreased from when St Joseph's was at its prime. Mayfield School would bring back into use a school which has been left empty and would become a derelict disused building.
- 8.3 In summary, it is considered that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise than in accordance with the development plan and with the planning conditions proposed, any potential harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development. It is therefore recommended that this application be granted subject to conditions.

Human Rights

- 8.4 The proposal would have a limited impact on the visual, residential and environmental amenity of the area. Any impacts on the rights of local property owners to a private and family life and peaceful enjoyment of their possessions (Article 8 and Article 1 of Protocol 1 of the Human Rights Act 1998) would be minimal and proportionate to the wider social and economic interests of the community.
- 8.5 The Human Rights Act 1998 requires the County Council to take into consideration the rights of the public under the European Convention on Human Rights. Article 8 of the Convention provides that everyone has the right to respect for his private life and home save for interference which is in accordance with the law and necessary in a democratic society in the interests of, amongst other things, public safety, the economic wellbeing of the country or the protection of the rights and freedoms of others. Article 1 of Protocol 1 provides that an individual's peaceful enjoyment of his property shall not be interfered with save as necessary in the public interest and subject to conditions provided for by law. For any interference with these rights to be justified the interference needs to be proportionate to the aims that are sought to be realised. The County Council has a duty to consider the policies of the development plan and to protect the amenities of residents as set out in those policies.

Angela Jones
Executive Director - Economy and Infrastructure

Contact: Mrs Jayne Petersen

Electoral Division Identification: Cockermouth North

Development Control and Regulation Committee – 28 February 2023

Appendix 1 - PROPOSED PLANNING CONDITIONS

Time Limit for Implementation of Permission

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Scheme

2. The development hereby permitted shall be carried out, except where modified by the conditions to this permission, in accordance with the following:
 - a. The submitted Application Form – dated 16 December 2022
 - b. Design and access statement – dated November 2022
 - c. Plans numbered and named:
 - i) Proposed Phase 2 – site plan and GA – Drawing No 5842-6 A
 - ii) Proposed plan and elevations
 - d. The details or schemes approved in accordance with the conditions attached to this permission.

Reason: To ensure the development is carried out to an approved appropriate standard and to avoid confusion as to what comprises the approved scheme.

3. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is occupied/brought into use.

Reason: In the interests of highway safety.

4. Access gates on the entrance and exit driveway shall be provided and hung to open inwards only, away from the highway.

Reason: In the interests of highway safety.

5. Within three months of the commencement of occupation of the school, a Travel Plan shall have been developed, to achieve modal shift away from the use of private cars to transport pupils, to transport modes that have a lesser impact on the highway network. This must include measures to be adopted to reassess the 'modes of travel'; identify safe journey routes/modes; and set targets to be used as benchmarks for Annual Review Reports in the following four following academic years. The Full Travel Plan shall be submitted to the Local Planning Authority for their approval. Any further measures identified by the Local Planning Authority as being required, shall be implemented in full within the following 12 months and be continued until the following Annual Review,

which will report on the effectiveness of the measures so provided.

Reason: To aid in the delivery of sustainable transport objectives.

6. Any artificial lighting units shall be so sited and shielded as to be incapable of direct sight from any residential property outside the site.

Reason: In the interests of local amenity and prevent light pollution.

7. No development shall commence on site until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include details of:
 - the construction of the site access and the creation, positioning and maintenance of associated visibility splays;
 - access gates will be hung to open away from the public highway no less than 10m from the carriageway edge and shall incorporate appropriate visibility displays;
 - details of proposed crossings of the highway verge;
 - retained areas for construction personnel vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
 - construction vehicle routing; the scheduling and timing of movements, routing, details of escorts for abnormal loads, temporary warning signs and banksman;
 - clearing of debris from the highway;
 - methods to prevent noise, dust and vibration during construction works, All measurements should make reference to BS7445;
 - method of transporting material from school access/driveway to the construction site including any temporary vehicular access route through the school grounds;

Reason: To ensure the construction is carried out in accordance with the approved scheme.

8. Construction works shall only be undertaken between the hours of 08.00 to 17.00 Monday to Friday. There shall be no such works on Saturday, Sunday or Bank/Public Holidays. Any out of hours deliveries shall be notified to the Local Planning Authority in advance and immediate neighbours should be notified in writing of such instances.

Reason: In the interests of residential amenities of local residents.

9. No construction shall commence until details of the means of ensuring the water main that is laid within the site boundary is protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The submitted details shall outline the potential impacts on the water main from construction activities and the impacts post completion of the development on the water main infrastructure that crosses the site and identify mitigation measures to protect and prevent any damage to the water main both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved

details.

Reason: In the interest of public health and to ensure protection of the public water supply.

10. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

11. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, where remediation is necessary, a remediation scheme must be prepared and submitted to the Local Planning Authority for approval. All site investigations should follow the guidance in BS10175. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared and submitted to the Local Planning Authority for approval.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Informatives

The applicant should be advised to contact Allerdale Borough Council Environmental Health Department in order to be advised with regard to legislative compliance for food hygiene and safety and to register the new facility.

If the application is approved the applicant must not commence works, or allow any

person to perform works, on any part of the highway until in receipt of an appropriate
Cumbria County Council Serving the people of Cumbria cumbria.gov.uk permit allowing
such works. They will need to contact Streetworks Central
streetworks.west@cumbria.gov.uk for the appropriate permit.

Appendix 2 - PLAN OF SITE LOCATION/EXTENT

