

MC/25/1084

Date Received: 26 May 2025

Location: Hempstead Library, Hempstead Road, Hempstead, Gillingham, Medway, ME7 3QG

Proposal: Change of use of part of building from Class F(1) learning and non-residential institutions to Class E (f) Creche, day nursery or day centre.

Applicant Mrs Laura Hollands

Agent N/A

Ward: Hempstead and Wigmore

Case Officer: Jacky Olsen

Contact Number: 01634 333056

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 24 September 2025.

Recommendation: Approval with Conditions

- 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).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Received 25 June 2025
Site Location Plan

Received 16 June 2025
15757_03 Proposed Floor Plans
15757_04 Proposed Elevations

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The nursery use shall not commence until a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan should set out the anticipated travel modes for staff and parents, explain how drop-off and pick-up activity will be managed (including any use of staggered times, marshalling and nearby parking), confirm staff parking arrangements, and outline any measures to promote sustainable travel such as walking, cycling, or public transport use. It should also include a mechanism for monitoring and reviewing the effectiveness of the plan over time.

Reason: To ensure that the development would not prejudice the amenities of the residents nearby and highways safety in accordance Policy BNE2 and T1 of the Medway Local Plan 2003 and paragraphs 116 and 135 of the National Planning Policy Framework 2024.

- 4 The nursery shall not be occupied until details of secure private cycle parking provision in the form of a secure cycle shed/storage have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be implemented in accordance with the approved details before any dwelling is occupied and shall thereafter be retained.

Reason: All new development requires provision of adequate accommodation for cycle storage to accord with Policies T4 of the Medway Local Plan 2003.

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

The proposal is for a change of use of part of the Library building from Library (Class F1) to Nursery (Class E(f)). The Nursery would cater for up to 30 children aged from 3 months to 4 years.

There are no external proposed changes and the accommodation would comprise:

- Entrance Hall
- Main Room
- Sleep Room
- Office
- Toilet Cubicles
- Disabled Toilet

There is an outdoor space for use by the children.

There is no parking proposed as part of the development. There is on-street parking available on Hempstead Road and surrounding roads.

Relevant Planning History

None.

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of the neighbouring property.

10 letters of representation have been received objecting to the application raising the following concerns:

- Loss of community facility
- Displacement of existing activities in the hall
- Impact on parking
- Increase in traffic and road safety issues
- Increase in comings and goings
- Impact of noise on the rest of the Library

4 letters of representation have been received in support of the application raising the following:

- Premises well-suited to a nursery use
- Income generation for Library
- Allows a local business to grow

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2024 (the NPPF) and are generally considered to conform. Where non-conformity exists, this will be highlighted and addressed in the appraisal section below.

The Emerging Local Plan has been agreed by Full Council for Reg 19 publication, consultation and, following any changes required as a result of the consultation exercise, submission to the Inspectorate for examination. The policies within this version of the emerging plan have weight in the determination of planning (and associated) applications. However, due to the nature of this proposal, the stage of the emerging Local Plan, the existence of relevant adopted Policies in the Medway Local Plan (2003) and guidance in the NPPF it is considered that the proposal falls to be mainly considered with regard to the adopted policies and guidance in the NPPF.

Planning Appraisal

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

Policy CF1 of the Local Plan seeks to protect community facilities where development which would result in the loss of existing community facilities will only be permitted where it can be demonstrated that exceptional circumstances exist such that it would be beneficial to redevelop sites.

Paragraph 98c of the NPPF states that local authority policies and decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

In this case, the proposal involves the release of the rear part of the Library building over to the nursery use leaving the majority of the building to the front in use as a library.

The hall has some use by various community groups who hire the space for their activities. From a breakdown of the last year's (August 2024 to July 2025) use, bookings range from 10.5 to 28.5 hours in a month with a number of groups regularly using the hall such as the Friendship Club, Readers Group and Knitting Group that shows the hall is used by a range of different groups and is currently open to the whole community to use at all times of the day/week.

However, the existing layout and provision of the space is appropriate for use as a nursery due the previous use for childcare for before and after school care. The proposal would fully utilise the space as a nursery for use by babies and toddlers from the local community enabling interactions between the nursery and the library to foster early relationships with reading and learning. Although restricted to this section of the community, it is recognised that the facility would serve some local residents' needs as a nursery facility operating longer hours during the day and year round.

The Library have confirmed that the use of the hall would not prevent groups from using the Library for meetings. There is an alternative room that can accommodate up to 30 people within the Library building that would be sufficient in size to accommodate all the current groups and events apart from the largest one-off events (horticultural fair and the relocated Wigmore lecture).

Additionally, although there is recognition that the Church is under private tenure, the nursery is moving from the church hall to the Library hall and therefore this facility would become free in order that events could take place there, subject to agreement with the Church. This facility is located within 200 metres of the Library and so within easy reach of groups that may currently be meeting at the Library.

It is also important to recognise that, in times where budgets are under pressure, the proposal would mean that the proposed use would bring a greater and more steady income stream into the Library. This income would be beneficial to facilitate the Library to better meet its day-to-day demands and improve its ability to meet the needs of the community.

It is therefore considered that the change of use of the hall (Class F1) to nursery (Class E(f)) is acceptable in principle and in accordance with Policy CF1 of the Local Plan and paragraph 98c of the NPPF.

Design

Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area, further emphasised by paragraph 135 of the NPPF.

The proposal would not involve any external alterations and, as such, would not result in any harm in terms of the appearance of the host building or the surrounding

area and would therefore be in accordance with Policy BNE1 of the Local Plan and paragraphs 131 and 135 of the NPPF.

Residential Amenity

Paragraph 135f of the NPPF requires that development functions well over its lifetime and provides a high standard of amenity for future occupiers and neighbours, which is reflected in the requirements of Policy BNE2 of the Local Plan; to protect the amenities of neighbours in terms of privacy, daylight, sunlight, noise, vibration, heat, smell, airborne emissions.

In this case, although there are no residential properties in the immediate vicinity of the hall, residential properties are located over the road at 236, 238, 240 and 242 Hempstead Road. The proposal would potentially increase the comings and goings through the Library entrance from the arrival and pick up of up to 30 children and parents at the premises. This may result in greater noise levels and disturbance but considering that there will already be some noise and disturbance from the visitors to the Library and to the School, it is not considered to be over and above acceptable levels. In addition, the recommended condition 3 will enable the management of arrivals and departures to help protect the residential amenity of the area. The outside space where the children would play is also located behind the Library building so as to avoid any visual intrusion and to reduce noise levels.

By virtue of there being no external alterations, there would be no detrimental impact on neighbouring amenities regarding sunlight, daylight, outlook or privacy.

Therefore, the proposal is considered acceptable in regard to neighbouring amenity and in accordance with Policy BNE2 of the Local Plan and paragraph 135f of the NPPF.

Highways

Policy T1 of the Local Plan relates to the impact on new development on the highway network. Policy T13 of the Local Plan is related to parking standards. Paragraph 116 of the NPPF states that development should only be refused on highways grounds if there is an unacceptable impact on highways safety.

The Medway Council parking standards set out a maximum of 4 spaces for staff and 7 for parents. No dedicated off-street parking provision is proposed as part of the application and the proposed nursery is likely to generate drop-offs and pick-ups during peak hours. However, it is noted that there is on-street parking on Hempstead Road and that the space was previously used for a similar number of children at the facility without parking provision. In addition, the nursery currently operates from a hall 200m up Hempstead Road and while that Church Hall does have some off street parking, effectively there may be some swopping of uses between the 2 buildings.

It is also important to note that the close proximity of the nursery to the local primary school means there are opportunities for parents with siblings to coordinate trips to the nursery and the school. There is also the opportunity to manage the travel

modes for staff and parents through the encouragement of the use of public transport, cycling and walking. A dedicated onsite cycle parking area for use by staff will aid this. The proposed longer opening hours from 07:30 to 18:30 means that car-using parents can stagger drop-off and pickup times to avoid the school opening/closing times. Other mitigation measures such as the use of drop-off/pick-up zones, marshalling, and nearby parking arrangements can also be used to mitigate potential parking issues that may occur. It is recommended that a condition be imposed for a Parking Management Plan that sets out the anticipated travel modes for staff and parents, explains how drop-off and pick-up activity will be managed and confirms staff parking arrangements with a mechanism for monitoring and reviewing the effectiveness of the plan over time.

Considering the vehicle parking situation and the likely localised nature of many of the trips, some cycle parking provision is expected. The Library already has some cycle storage to the rear of the facility but a condition is recommended for additional cycle parking spaces within covered, lockable storage that would be sited within the garden area to meet with the requirements.

While it is considered that there will be some impact, particularly at drop off and pick up times, it is considered that this can to a degree be managed through the parking management plan, while the proposal is providing for a valuable community facility locally which will greatly benefit local residents and limit vehicle movements which would otherwise be required if the facility could not be provided locally and within walking distance to residential properties or be part of co-ordinated drop off with other children of school age.

Therefore, in relation to highway considerations, it is considered that, subject to the above-mentioned conditions, the proposal is in accordance with Policies T1, T4 and T13 of the Local Plan and paragraph 116 of the NPPF for the reasons set out above.

Biodiversity Net Gain

As of 2 April 2024 all sites were subject to Biodiversity Net Gain (BNG) as per the conditions of Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

Notwithstanding, de minimis exemptions wherein BNG does not need to be provided are set out in the Biodiversity Gain Requirements (Expeditions) Regulations 2024, confirming within subsection 4:

- “(1) The biodiversity gain planning condition does not apply in relation to planning permission for development which meets the first and second conditions.*
- (2) The first condition is that the development does not impact an onsite priority habitat.*
- (3) The second condition is that the development impacts:*
 - (a) less than 25 square meters of onsite habitat that has biodiversity value greater than zero; and*
 - (b) less than 5 metres in length of onsite linear habitat.”*

In this instance, both of the above conditions set out by the Act are considered of relevance, therefore, the application does not meet the threshold for the requirement of a BNG statement and therefore no objection is raised to this with regard to paragraph 193 of the NPPF.

Conclusions and Reasons for Approval

The proposal for a change of use from Library (Class F1) to Nursery (Class E(f)) would be in accordance with Policies BNE1, BNE2, CF1 T1, T3 and T13 of the Local Plan and paragraph 98c, 116, 131 and 135 of the NPPF. The application is therefore recommended for approval.

The application would normally be determined under delegated powers, but is being referred to Planning Committee due to the extent of the representations received expressing a view contrary to the recommendation.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>