

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/20/2390/OF1	
2.	Proposed Development:	INSTALL A MULTI PURPOSE SPORTS TRACK AROUND THE PERIMETER OF MILLOM SCHOOL PLAYING FIELD 1KM LENGTH X 2.5M WIDE PLUS EXTRA 4.82 X 130M SPRINT TRACK (RESUBMISSION), DISABLED ACCESS AND EARTH BUND	
3.	Location:	PLAYING FIELD, MILLOM SCHOOL, SALTHOUSE ROAD, MILLOM	
4.	Parish:	Millom	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Off Coalfield - Data Subject To Change	
6.	Publicity Representations &Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
		This application relates to the existing playing fields located to the north of Millom School. The site is located off Salthouse Road, and is located within flood zones 2 & 3.	
	Relevant Planning History		
		4/20/2287/OF1 – Install a multi-purpose sports track around the perimeter of the school playing field – Withdrawn	
	Proposal		
		This application seeks planning permission for the construction of a multi usage sports track around the perimeter of Millom School Playing Field. The proposed track will be 1000m long, with a width of 2.5m. The proposal also includes an area of track, adjacent to the school buildings, that is 130m in	

length with a width of 7.32m that will provide 6 lanes of 1.22m to allow for running and a turning area for disabled assisted cycles. The section of the track adjacent to Salthouse Road will also be wider than the rest of the track at 3.5m, this area is designed as a passing place and also for the finish funnel of Millom Park Run.

The track will be constructed of 35mm sub-bond permeable surface (rubber granules, coloured aggregated and polyurethane binder) on 200mm of permeable stone base. The surface forms a 'shock absorbing' feature and will be suitable for all types of usage, including adapted cycles and wheelchairs.

The application also seeks permission to install a disabled access from the Millom Community Hub car park to the proposed running track. The proposed access road will be located within the south west corner of the site and will be finished with a slip resistant tarmac or concrete surface.

During excavation and laying of the suds-bond permeable surface, earth bunds will be positioned to the north west and south east of the site to ensure that there is no pollution into the adjacent culvert. This application also seeks permission for these temporary works as requested by Natural England as part of the previous application (ref: 4/20/2287/0F1) which was withdrawn.

Consultation Responses

Millom Town Council

No objections.

Cumbria County Council – Cumbria Highways & Lead Local Flood Authority

Cumbria Highways have stated that access to the site should be via the school car park and access as this is the safest of the options available. Furthermore the LLFA have stated that the site is predominantly in flood zone 3, however the intended use is considered suitable for such a site.

Environment Agency

The EA have stated that there are no objection in principle to the proposed development as submitted, but have provided comment regarding the need for an environmental permit.

Copeland Borough Council – Flood and Coastal Defence Engineer

Initially the Council's Flood and Coastal Defence Engineer stated that he has no concerns regarding the proposed running track and sprint track with regards to flood risk and the proposed mitigation works whilst it is installed. However, it appears that the disable access is to be finished in concrete or tarmac, which is impermeable. Following discussions with the applicant, the Officer has stated that although the ramp will only increase the impermeable area slightly, it will end up draining onto the existing playing field surfaces and not into the sewer system. Therefore, the Officer has no objection

to the proposals and supports the application.

Natural England

Natural England note the application has been resubmitted with pollution prevention measures and policy which will prevent pollution of the European designated sites that are hydrologically linked to the application site. Natural England therefore have no objections, however they have stated that the mitigation outlined in the submitted ecology report with regards to natterjack toads should be secured through a Planning Condition.

Cumbria County Council – Footpaths Officer

It is stated that a Public Footpath 415022 follows an alignment to the north side of the proposed development and must not be altered or obstructed before or after the development has been completed. If the footpath is to be temporarily obstructed then a formal temporary closure will be required there is a 12 week lead in time for this process

Copeland Disability Forum South

No comments received.

Sports England

From a review of the information submitted as part of this application Sports England initially stated that in this instance the development would not accord with paragraph 97 of the NPPF because there is not enough evidence to demonstrate that the alternative sports and recreation provision the benefits of which outweigh the loss of grass playing field and that it can be accommodated without prejudicing the sporting uses of the existing and future playing field.

Following the submission of additional information for this proposal, Sports England has confirmed that they do not wish to raise an objection to this application subject to the imposition of conditions relating to safety and ball strike, permitted development rights during constructions, continuity of sports provision, and community use, as it is considered to meet Exception 5 of the Playing Fields Policy.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to sixteen properties. No comments have been received in relation to the statutory notification procedure.

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This application has been advertised by way of a site notice. No comments have been received in relation to the statutory notification procedure.

Development Plan

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

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

Policy ER9 – The Key Service Centres, Local Centres and other small centres

Policy SS4 – Community and Cultural Facilities

Policy SS5 – Provision of Access to Open Space and Green Infrastructure

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposal and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 - Landscaping

Other Material Planning Considerations

National Planning Policy Framework (2019)

Wildlife and Countryside Act 1981.

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Preferred Options Consultation. The Preferred Options Consultation builds upon the completed Issues and Options Consultation, which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but 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 National Planning Policy Framework.

Assessment

Principle of Development

Policies ST1, ST2, SS4 and SS5 of the Copeland Local Plan and Section 6 and 8 of the NPPF seek to encourage the provision and retention of good quality services and facilities which meet the needs of local communities and are accessible by public transport, cycling or on foot. Policy SS4 of the Copeland Local Plan also allows for the expansion and or enhancement of existing community and cultural facilities to assist continuing viability, particularly in areas where new development will increase the demand for facilities.

As well as being the playing fields for Millom School which provides sporting opportunities for pupils, the site is used for the weekly Millom Community Park Run and Millom Striders Running Club. The grass field currently gets very muddy and difficult to use in bad weather. The proposal will improve the existing facilities at this site and will make it more accessible to all members of the community, increasing health and well-being in the South of the Borough.

Initially Sports England stated that in this instance the development would not accord with paragraph 79 of the NPPF because there is not enough evidence to demonstrate that the alternative sports and recreation provision outweigh the loss of grass playing field and that it can be accommodated without prejudicing the sporting uses of the existing and future playing field. Following the submission of additional information by the applicant Sports England has confirmed that they do not wish to raise an objection to this application subject to imposing conditions relating to safety and ball strike, permitted development rights during constructions, continuity of sports provision, and community use, as it is considered to meet Exception 5 of the Playing Fields Policy.

On this basis, the proposed works are considered to comply with Policies ST1, ST2, SS4 and SS5 of the Copeland Local Plan and Section 6 and 8 of the NPPF.

Impact of Development

Policy ST1, DM10 and section 12 of the NPPF seeks protection of residential amenity, a high standard of design, fostering of quality places, and proposals, which respond to the character of the site.

The proposed sport track will be constructed around the perimeter of the application site. The proposal will be constructed adjacent to a number of existing residential properties and Salthouse Road, however this application will merely formalise this area to include a surfaced running track. Currently the route is used by running groups, therefore the development is not considered to significantly impact on the adjacent properties. As the development will only create a running track and disabled access the scale of the proposal is therefore not considered to materially increase the use of the sports field to a degree that would have any significant detrimental impact on the

surrounding area and complies with Policies ST1 and DM10 of the Local Plan and section 12 of the NPPF.

Ecology

Policies ST1, ENV3, and DM25 seeks to ensure that new development will protect and enhance biodiversity and geodiversity.

The application site is located within an area identified as a potential area for Natterjack Toads. The applicant has therefore submitted a desk based study. The study concluded that the site itself does not offer suitable habitat for the natterjack toad, but is considered to be within the distance that the species can travel. Care should therefore be taken to mitigate against any negative impacts of the natterjack toad during the construction phase.

Surface water from the application site drains directly into the Duddon Estuary SSSI & Ramsar, Morecambe Bay SAC, and Morecambe Bay & Duddon Estuary SPA, therefore following comments from Natural England on the previously withdrawn application (ref: 4/20/2287/0F1) the applicant has submitted a document detailing Pollution Prevention Measures. This documents details measures to prevent surface water run off during excavation and the laying of the proposed track, including the temporary construction of bunds.

Natural England have been consulted upon this current application. Natural England note the application has been resubmitted with pollution prevention measures and policy which will prevent pollution of the European designated sites that are hydrologically linked to the application site. Natural England therefore have no objections, however they have stated that the mitigation outlined in the submitted ecology report with regards to natterjack toads should be secured through planning condition.

On this basis, the proposal is considered to achieve the requirement of Policies ST1, ENV3 and DM25 of the Copeland Local Plan.

Flood Risk

Policy ST1B(ii) and paragraph 163 of the NPPF seek to focus development on sites that are at least risk of flooding and where development in flood risk is unavoidable, ensure that the risk is minimised or mitigated through appropriate design. Policy ENV1 and DM24 of the Copeland Local Plan reinforces the focus of protecting development against flood risk.

The majority of the application site is located within flood zones 2 & 3, therefore a Flood Risk Assessment has been submitted to support this application. This assessment concludes that the surface of the proposed track will be permeable so does not cause any additional problems with flooding. On the basis of this information the Council's Flood and Coastal Defence Engineer, the LLFA and Environment Agency have raised no objection to the proposed development in terms of flood risk. The proposal is therefore considered to comply with policies ST1, ENV3 and DM24 of the

	<p>Copeland Local Plan and provision of the NPPF.</p> <p><u>Highways</u></p> <p>Policy DM22 of the Copeland Local Plan requires developments to be accessible to all users and to meet adopted car parking standards, which reflect the needs of the Borough in its rural context.</p> <p>As well as the proposed surfaced running track the application also seeks to install additional running track lanes which are accessible for disabled user and a disabled ramp to access the facility. This ensures that the facility can be used by all member of the local community and local school.</p> <p>The design and access statement for this application states that the access to the site can be directly off Salthouse Road via a recessed gateway or via the main school access, car parks and field gates. Cumbria Highways have stated that access to the site should be via the school car park rather than the access from Salthouse Road. However as all of the access to the site are existing this is not something which can be controlled as part of this application.</p> <p>On this basis the proposal is considered to be compliant with the Policy DM22 of the Copeland Local Plan and Section 9 of the NPPF.</p> <p><u>Conclusion</u></p> <p>Overall this is a welcome proposal which will enhance this existing facility within Millom and benefit the pupils of Millom School, the Millom Running Club and also the local community. It will enhance the provision of sport and exercise in the local area and can be constructed and maintained to a satisfactory level to meet the requirements of Sports England.</p> <p>The proposal is therefore considered to be an acceptable form of sustainable development which is complaint with policies of the Copeland Local Plan and the provisions of the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Condition(s):</p> <p>1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission.</p> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p>

2. This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-
- Location Plan, Scale 1:2500, received by the Local Planning Authority on the 30th September 2020.
 - Site Layout Plan, Scale 1:2500, received by the Local Planning Authority on the 30th September 2020.
 - Location Plan showing Pollution Bunds, Scale 1:2500, received by the Local Planning Authority on the 30th September 2020.
 - Location Plan showing Earth Bunds, Scale 1:2500, received by the Local Planning Authority on the 30th September 2020.
 - Site Plan, Scale 1:1250, Drawing no 1660, received by the Local Planning Authority on the 30th September 2020.
 - Cross Section & Section, Scale 1:50, Pg 3/4, received by the Local Planning Authority on the 30th September 2020.
 - Floor Plan, Scale 1:100, Pg 2/4, received by the Local Planning Authority on the 30th September 2020.
 - Plan of Access Ramp, Pg 1/4, received by the Local Planning Authority on the 30th September 2020.
 - Striders Running Club – Daily Mile, Scale 1:5, received by the Local Planning Authority on the 30th September 2020.
 - Section Through Track Construction Details, Scale 1:25, received by the Local Planning Authority on the 30th September 2020.
 - Suds-bond from Caloo Ltd, received by the Local Planning Authority on the 30th September 2020.
 - Subs-bond Specification Sheet, received by the Local Planning Authority on the 30th September 2020.
 - Design & Access Statement, received by the Local Planning Authority on the 30th September 2020.

- Design and Access Statement, received by the Local Planning Authority on the 30th September 2020.
- Flood Risk Assessment, received by the Local Planning Authority on the 30th September 2020.
- Email from Sales Manager Caloo Ltd, received by the Local Planning Authority on the 30th September 2020.
- Pollution Prevention Measures, received by the Local Planning Authority on the 30th September 2020.
- Pollution Prevention Policy, Design and Access Statement, received by the Local Planning Authority on the 30th September 2020.
- Ecological Report, prepared by Amphibian and Reptile Conservation on the 3rd July 2020, received by the Local Planning Authority on the 30th September 2020.
- Planning Support Study, Prepared by Sportslabconsult in November 2020, received by the Local Planning Authority on the 18th November 2020.
- Millom Community Track: Notes and Actions (AMENDED), received by the Local Planning Authority on the 8th December 2020
- Letter from Millom School, Dated 9th December 2020, received by the Local Planning Authority 9th December 2020.

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.

3. The development must be carried out in accordance with and implement all of the detail and mitigation measures set out within the Flood Risk Assessment, received by the Local Planning Authority on the 30th September 2020.

Reason

For the avoidance of doubt and to ensure that adequate measures are incorporated to protect the occupiers from flooding.

4. The development must be carried out in accordance with and implement all of the detail and

mitigation measures set out within the following approved documents:

- Pollution Prevention Measures, received by the Local Planning Authority on the 30th September 2020.
- Pollution Prevention Policy, Design and Access Statement, received by the Local Planning Authority on the 30th September 2020.
- Ecological Report, prepared by Amphibian and Reptile Conservation on the 3rd July 2020, received by the Local Planning Authority on the 30th September 2020.

Once installed these measures shall be retained at all times thereafter.

Reason

To protect the ecological interests evident on the site.

5. The multi-purpose sports track hereby approved must be constructed in accordance with the details set out in the approved plan Planning Supporting Study, Prepared by Sportslabconsult in November 2020, received by the Local Planning Authority on the 18th November 2020, and shall be maintained as such at all times thereafter.

Reason

To protect the existing sport facilities within the site.

6. No use of the track shall be undertaken whilst ball sports are being played, unless a ball strike risk assessment has been undertaken, and if any mitigation is required the full details of the design and specification of the ball stop mitigation, including details of management and maintenance responsibilities have been submitted to and approved in writing by the Local Planning Authority (after consultation with Sport England). The approved mitigation must be installed in full before the track is used concurrently with ball sports on the playing field and thereafter be managed and maintained in accordance with the approved details.

Reason

To provide protection for track users from potential ball strike from the new playing field or sports facility and to accord with policy.

7. No development shall commence until full details of:

- a. the works/contractors' compound (including any buildings, moveable structures, works, plant, machinery, access and provision for the storage of vehicles, equipment and/or materials); and
- b. a scheme for the removal of the works/contractors' compound and the restoration of the land on which it is situated

are submitted to and approved in writing by the Local Planning Authority (after consultation with Sport England). The works/contractors' compound must not be provided and used on the site other than in accordance with the approved details and must be removed and the land on which it is situated restored in accordance with the approved details before the first use of the development hereby approved.

Reason

To protect playing fields from damage, loss or availability of use and to accord with Development Plan Policy.

8. No development shall commence until a scheme that sets out how the construction of the track will be undertaken to ensure the continuity of the existing sports use on the playing fields shown edged red on the approved plan Location Plan, Scale 1:2500, received by the Local Planning Authority on the 30th September 2020, has been submitted to and approved in writing by the Local Planning Authority (after consultation with Sport England). The scheme must set out details of how the construction would be undertaken and how the existing sports uses on the playing field would continue during construction, together with arrangements for access. The scheme must include a timetable for the works and provision of replacement facilities (if appropriate). The approved scheme shall be implemented and complied with in full throughout the carrying out of the development.

Reason

To protect playing fields from damage, loss or availability of use during the construction of the development and to accord with Development Plan Policy.

9. No development shall commence until a scheme that sets out how any soil/material arising from excavation works on site to create the void for construction of the track will be deposited to ensure protection of the wider playing field and continuity of the existing sports use on the playing fields shown edged red on the approved plan Location Plan, Scale 1:2500, received by the Local Planning Authority on the 30th September 2020, has been submitted to and approved in writing by the Local Planning Authority (after consultation with Sport

England).. The scheme must set out details of timetable for the works, volume arising, precise areas for deposit, depth, grading and how the surface will be seeded/finished (including aftercare and maintenance as required). The approved scheme must be implemented and complied with in full throughout the carrying out of the development.

Reason

To protect playing fields from damage, loss or availability of use during and after the construction of the development and to accord with Development Plan Policy.

10. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to Millom School Track and Field and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development must not be used otherwise than in strict compliance with the approved agreement.

Reason

To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy.

Informative(s):

1. Public Footpath 415022 follows an alignment to the north side of the proposed development and must not be altered or obstructed before or after the development has been completed.

If the footpath is to be temporarily obstructed then a formal temporary closure will be required there is a 12 week lead in time for this process, for further information please contact Sandra.smith@cumbria.gov.uk.

2. Salthouse Pool is a statutory main river which runs underneath the development site. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities->

environmental-permits or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and EA advise them to consult with them at the earliest opportunity.

3. Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications/>. For artificial grass pitches it is recommended that the applicant seeks guidance from the Football Association/England Hockey/Rugby Football Union on pitch construction when determining the community use hours the artificial pitch can accommodate.

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: C.Burns

Date : 22.12.2020

Authorising Officer:

Date :

Dedicated responses to:-