

**COPELAND BOROUGH COUNCIL  
DELEGATED PLANNING DECISION**

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| 1. | <b>Reference No:</b>                         | 4/21/2326/OF1  |
| 2. | <b>Proposed Development:</b>                 | EXTENSION TO EXISTING CAR PARKING AREA   |
| 3. | <b>Location:</b>                             | THE PLAYGROUND, RICHMOND TERRACE   |
| 4. | <b>Parish:</b>                               | Whitehaven   |
| 5. | <b>Constraints:</b>                          | ASC;Adverts - ASC;Adverts,<br>Flood Area - Flood Zone 2,<br>Coal - Standing Advice - Data Subject To Change,<br>Coal - Development Referral Area - Data Subject to Change  |
| 6. | <b>Publicity Representations &amp;Policy</b> | Neighbour Notification Letter: YES<br><br>Site Notice: YES<br><br>Press Notice: NO<br><br>Consultation Responses: See report<br><br>Relevant Planning Policies: See report   |
| 7. | <b>Report:</b>                               | <p><b>SITE AND LOCATION</b></p> <p>This application relates to the Whitehaven Rugby and Cricket Club, situated off Richmond Terrace, Whitehaven. The site contains a clubhouse adjacent to the entrance and a large pitch.</p> <p>Access is taken from Richmond Terrace to the north and there is some parking provision on the northern edge of the pitch which is arranged in a single row.</p> <p>The site is partially within Flood Zone 2 and lies within a coal referral area.</p> <p><b>PROPOSAL</b></p> <p>Planning Permission is sought for the extension of the existing car parking to provide an additional 22</p> |

spaces, taking the total from 29 to 51 with the inclusion of 3 disabled bays.

The bays will be a standard size at 4.8m long and 2.4m wide with the disabled bays having an additional 1.2m in width. A one way system will be used on site to minimize the lane width and a 1.1m wide footpath will be created adjacent to the pitch to allow safe access for pedestrians. The surfacing will be the same as existing – black asphalt.

### **RELEVANT PLANNING APPLICATION HISTORY**

Two bayed cricket artificial surface, metal support poles and attached safety netting, approved in January 2010 (application reference 4/09/2526/0 relates).

### **CONSULTATION RESPONSES**

#### Whitehaven Town Council

No objections.

#### Cumbria County Highways

No objections.

#### Local Lead Flood Authority

No objections, subject to full details of surface water drainage to be supplied prior to the commencement of development.

#### Sport England

In making the above assessment, Sport England does not wish to raise an objection to this application, however suggests if the application is approved that an informative be appended to any approval notice to explain that parts of the car park area are at risk of ball strike as they lie within 80 metres of the cricket square and that car park users should be made aware of the risk to persons and property (cars). This is particularly pertinent to non-sporting users who may be less vigilant to sport being played on site.

#### Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 21 properties.

No responses have been received as a result of this advertisement.

### **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

**Copeland Local Plan 2013-2028 (Adopted December 2013)**

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS4 – Community and Cultural Facilities and Services

Policy ENV1 – Flood Risk and Risk Management

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM21 – Protecting Community Facilities

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Other Material Planning Considerations

National Planning Policy Framework 2021 (NPPF)

National Design Guide (NDG)

Cumbria Development Design Guide (CDDG)

Emerging Copeland Local Plan

The emerging Copeland Local Plan 2017-2035 was recently 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

Policy ST2 designates this site as within the Borough's Principal Town, where the majority of development should be focussed. The proposed extension to the existing car park is acceptable in principle as it will be sited on the existing recreation ground and will expand the facility, formalizing the car park and supporting the needs of local residents and service users.

The protection and expansion of community facilities is generally supported throughout national and local policy, in particular Policies SS4 and DM21 of the Copeland Local Plan. The location of the pitch is accessible by means of public transport, cycling or foot, as advocated in Criteria A of Policy SS4.

The additional formalized car parking is likely to increase the demand for this facility, making it easier for people to park therefore allowing for the service to be fully utilized in accordance with Criteria D of Policy SS4 of the Copeland Local Plan.

On the basis of the location of proposal and type of development proposed, it is considered that the principle of the expansion of the car parking is acceptable and encouraged in principle, when considered against policies ST2, SS4 and DM21 of the Copeland Local Plan.

#### Loss of part of the sports pitch

The proposed extension will project into an area of grass currently used as a dead ball area which lies between the rugby and cricket clubhouses. The loss of this area will not affect game play, leaving an appropriate area intact and no effect on the existing pitch layout. Due to the loss of a community grassed area, Sports England were consulted in order to ensure there would not be a negative effect on the sports provision on site. The development is on a peripheral piece of playing field bordering the existing car park and plans show that there will be slight movement of the rugby pitch markings to the south to maintain a suitable in-goal area and a 3m safety margin. Sport England are satisfied that this is minor and on the whole would not materially affect the layout of pitches or their safety margins. No objections were raised to the proposal, however an informative was suggested to explain that parts of the car park area are at risk of ball strike as they lie within 80 metres of the cricket square and that car park users should be made aware of the risk to persons and property (cars). This is particularly pertinent to non-sporting users who may be less vigilant to sport being played on site.

Overall, the minor loss of the pitch is considered to be acceptable, when balanced against the requirement for more formalised parking on the site.

#### Impact on the surrounding area

The extension to the car park is modest and is contained within the land already utilized for the club. The formalized parking will allow for a greater number of cars to park within the site, lessening the anti-social on street parking in the surrounding area during big events.

As the area of land to be developed is already utilized as informal car parking, it is unlikely that there will be a material change to the amenity of the surrounding dwellings. The extension to the car parking will be to the south, towards the playing field and away from the residential dwellings.

#### Access and Highway Safety

The proposal increases the formal car parking, which will improve the approach to the club on Richmond Terrace by lessening the number of cars parking on the street. Access to the site will remain as existing and movement around the site will be improved with the introduction of a one way system allowing the site to be more legible. The Cumbria Highway Authority raised no objections to the proposal and it is considered that there will not be a material change in the surrounding highway network. There is suitable access for emergency and service vehicles and due to the town centre location, the site is fully accessible by means of public transport.

Overall, it is considered that the proposal complies with Policy DM22 of the Copeland Local Plan,

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|    | <p>providing an accessible development.</p> <p><u>Flood Risk</u></p> <p>The site is situated within flood zone 2, subject to watercourse flooding and possible surface water flooding. The proposed development falls within the “less vulnerable” classification as set out by the Environment Agency and therefore it is deemed that the proposal is acceptable in this flood zone. The Local Lead Flood Authority have requested a pre-commencement condition to provide details on the management of surface water, in order to ensure that this does not drain to the highway. This can be included as part of any approval.</p> <p>The proposal meets the criteria set out within Policies ENV1 and DM24 of the Copeland Local Plan and is therefore considered to be acceptable.</p> <p><u>Ground Conditions</u></p> <p>The site is partly within a coal referral area, suggesting that there are possible coal mining risks in the vicinity. The Coal Authority set out a number of exemptions, whereby the development is not significant and does not require to be consulted upon. As the car park will require minimal groundworks and is partly already in situ, there is no necessity to consult with the Coal Authority, however it is considered prudent to include an informative for the Applicant to ensure that the discovery of any coal mining issues are notified to the relevant body.</p> <p>The proposal therefore complies with Criteria D iv) of the Copeland Local Plan, addressing land contamination and ensuring that the development is suitable.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The proposal seeks to develop the existing community facility and enhance it further. This is supported by the policies within the Local Plan which seek to retain and develop community facilities and encourage their usage. The proposal is likely to improve the local parking situation, allowing for more on-site parking and reducing anti-social parking in the area. Issues relating to flooding and coal mining risks have been addressed and there were no objections to the proposal.</p> <p>On balance, there are no material planning considerations that would preclude the development, therefore this proposal is considered to be an acceptable form of development which accords with the policies set out in the adopted Local Plan and the guidance set out in the NPPF.</p> |
| 8. | <p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>  |
| 9. | <p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</li> </ol>   |

Reason

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: -

Site Location Plan, scale 1:1250, received 20<sup>th</sup> July 2021;

Block Plan, scale 1:500, received 20<sup>th</sup> July 2021;

Existing and Proposed Site Plan, received 20<sup>th</sup> July 2021;

Drainage Design, scale 1:750, drawing number TGMS-0892.9-2 0, received 20<sup>th</sup> July 2021;

Summary report, document number 5164639-301-0001-B, received 20<sup>th</sup> July 2021.

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. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway must be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works must be implemented prior to the development being completed and must be maintained operational thereafter.

Reason

In the interests of highway safety and environmental management and in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

**Informatives**

- 1) The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance

of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) <<http://www.groundstability.com>> or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

2) Parts of the car park area are at risk of ball strike as they lie within 80 metres of the cricket square and car park users should be made aware of the risk to persons and property (cars). This is particularly pertinent to non-sporting users who may be less vigilant to sport being played on site.

### **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.

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| <b>Case Officer: Sarah Papaleo</b>        | <b>Date : 14/09/2021</b> |
| <b>Authorising Officer: N.J. Hayhurst</b> | <b>Date : 14/09/2021</b> |
| <b>Dedicated responses to:- N/A</b>       |                          |