

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/21/2338/OF1	
2.	Proposed Development:	ERECTION OF NEW SWIMMING POOL BUILDING ON THE FORMER FOOTPRINT OF RECENTLY DEMOLISHED SWIMMING POOL BUILDING	
3.	Location:	BROCKWOOD HALL, WHICHAM, MILLOM	
4.	Parish:	Millom Without	
5.	Constraints:	ASC;Adverts - ASC;Adverts, TPO - TPO, Coal - Off Coalfield - Data Subject To Change	
6.	Publicity Representations & Policy	Neighbour Notification Letter	No
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
	This application relates to Brockwood Hall, located within Whicham Valley. The site is a holiday retreat, including a guest house and a number of holiday lodges. The site is protected by a TPO.		
	Relevant Planning History		
	4/21/2338/OF1 – Prior notification of demolition of derelict swimming pool building – Approve		
	Proposal		
	In March 2021 prior notification was granted at this site for the demolition of the derelict swimming pool, located to the rear of the main guest house building. This building had a cubic content of		

587.4m₃ and had not been used for a number of years due to structural failures.

Planning permission is now sought for the erection of a new swimming pool building on the former footprint of the recently demolished swimming pool building. The proposed swimming pool will measure 26m x 14.6m, there will also be a small plant room extending 2.2m x 5.2m to the south gable of the building. The main roof structure of the development will benefit from an eaves height of 2.8m and an overall height of 4.8m. The proposal also includes two front facing gables benefiting from an eaves height of 2.8m and an overall height of 4.2m, these will be joined by a flat roof at the height of the proposed eaves.

Internally, the development will incorporate an L-shaped pool with a spa pool, viewing area, pool lobby, sunbeds, female/male changing rooms and toilets, sauna, feature showers, steam room, and storage. The development will also benefit from an outdoor terrace and seating area. Externally, the development will be finished with vertical timber cladding and PPC aluminium pressing to the walls, a metal standing seam roof, and PPC windows and doors.

Consultation Responses

Millom without Parish Council

The Parish Council wish to support this application

Cumbria County Council – Cumbria Highways & LLFA

The agent has confirmed that the replacement swimming pool will be available for use by both day members and country members. They have stated that the daily occupancy will not exceed 70 members and that this is the same level of use as the existing pool. Cumbria Highways have therefore confirmed that on the basis that the volume of use is not anticipated to change from the existing use, the Highway Authority have no objections to this proposal. They have, however requested details relating to the proposed surface water drainage systems.

Following confirmation from the applicant's agent that the proposal includes provisions to utilise the existing surface water drainage system, the LLFA have confirmed that they have no objections to this but as it will connect to an existing watercourse, a consent permit may be required. The applicant should contact LFRM.consent@cumbria.gov.uk for further advice.

Copeland Borough Council – Environmental Health

No comments received.

United Utilities

UU have stated that their records show they have no wastewater assets in this area.

Arboricultural Officer – Capita

Initially, the Council's Consultation Arboriculturalist Officer stated that the location of the proposed replacement swimming pool is within a holiday park characterised by its woodland setting. A Tree Preservation Order protects the woodland. No arboricultural information has been provided to support the application. The proposed swimming pool sits on the foundation of the previous swimming pool. Any direct physical impact on the trees by the construction of the pool on the footprint of the previous pool will be minimal. However, the construction of the pool will extend beyond the redline area and harm could arise to the trees from, for example, space to implement the build, machinery damaging trees, movement of vehicles/plant, mixing of cement etc. The Officer therefore recommended that to ensure the project as a whole can be carried out without harming the surrounding trees a condition requiring an arboricultural method statement should be attached to the decision letter, should the proposal prove acceptable. The arboricultural method statement must be agreed in writing by the local planning authority prior to commencement of work on site.

Further to these comments the applicant's agent has submitted an arboricultural impact assessment. The Council's Consultant has reviewed this detail and has stated that he has no comments or observations to make on the proposed tree works to implement the proposal, however, the proposed tree and ground protection recommended in the AIA must be implemented to reduce the harm to the retained trees.

Natural England

No objections. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Public Representation

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

Planning Policy

Planning law requires that 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

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

Policy ER6 – Location of Employment

Policy ER7 – Principle 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 ER11 – Developing Enterprise and Skills

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 DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Policy DM28 – Protection of Trees

Other Material Planning Considerations

National Planning Policy Framework (2021)

Wildlife and Countryside Act 1981.

The Conservation of Habitats and Species Regulation 2017 (CHSR)

Cumbria Design Guide.

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 was recently the subject of a Preferred Options Consultation which ended on 30 November 2020. 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 and ER6 of the Copeland Local Plan and the NPPF seek to concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy and to ensure employment sites are sited within the most sustainable locations. Brookwood Hall is located within the Whicham Valley, which is located outside of any settlement recognised for growth under Policy ST2 of the Copeland Local Plan. This site is therefore considered to be located within the open countryside. Policy ST2 of the Copeland Local Plan seeks to restrict development outside of the defined settlement boundaries to that which have a proven requirement, i.e. agriculture, farm diversification, or tourism activities.

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.

In March 2021 prior notification was granted for the demolition of the derelict existing swimming pool building as the site had not been used for a number of years due to structural failures. The applicant's agent has confirmed that the proposed swimming pool will be used by guests of the holiday park and also to members. The development is therefore considered to enhance both tourism activities and community facilities and the development is therefore considered to comply with Policies ST1, ST2, ER6, SS4 and SS5 of the Copeland Local Plan and Section 6 and 8 of the NPPF.

Growth of Existing Business

Policy ST1, ST2, and ER6 of the Copeland Local Plan seek to facilitate grow of the Borough's local economy. Policy ER7 seeks to promote the diversification of the Borough's economy by expanding new and expanding employment sectors, and by supporting the development of commercial units, which meet the needs of business, encourage start up and promote further expansion in order to retain enterprise, jobs and skills within the Borough. The NPPF also states that planning decisions should help to create the conditions in which businesses can invest, expand and adapt.

Brockwood Hall is a well-established leisure and tourism facility within the South of the Borough. The proposal seeks to replace a facility which was lost from this site. The replacement swimming pool will support the growth of the existing business and enhance the experience and range of leisure facilities for users of the site.

On this basis it is considered that the proposal complies with the policies ST1, ST2, ER6 and ER7 of the Copeland Local Plan and 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 application seeks permission for a replacement swimming pool upon the footprint of the previously demolished facility. The swimming pool will remain to the rear of the existing main guest house. The proposed development has been designed to reflect the height, character and scale of the previous building and the surrounding lodges to limit its impact within the site. As the development is located within the heart of the wider Brockwood Hall complex the development is not considered to have an adverse impact on the surrounding area or nearby properties.

On the basis of the above it is considered that the proposal complies with ST1 and DM12 of the Local Plan and section 12 of the NPPF.

Highways

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. Section 9 of the NPPF promotes sustainable transport.

Based on a request from Cumbria Highways, the applicant's agent has confirmed that the replacement swimming pool will be available for use by both day members and country members, as well as visitors to the site. They have stated that the daily occupancy will not exceed 70 members which corresponds to the same level of use of the previous pool. Cumbria Highways have therefore confirmed that, on the basis that the volume of use is not anticipated to change from the existing use, the Highway Authority have no objections to this proposal.

As the development will not intensify the use of the site, the proposal is considered to be compliant with the Policy DM22 of the Copeland Local Plan and Section 9 of the NPPF.

Landscape and Protected Species

Policies ST1, ENV3 and DM25 of the Copeland Local Plan and section 15 of the NPPF outline how the Council will protect and enhance the biodiversity and geodiversity within the Borough. These policies set out the approach towards managing development proposal that are likely to have an effect on nature conservation sites, habitats and protected species.

Although the previous swimming pool building has now been demolished, the application is supported by a Bat and Bird Survey which was submitted and approved as part of the prior notification application for this site. This report concluded that there was no evidence of bats, however mitigation measures were identified. Whilst demolition has now been completed an appropriately worded planning condition will be attached to any decision notice to ensure the development is carried out in accordance with these details for the avoidance of doubt.

Natural England have been consulted on this application and have offered no comments on this proposal.

It is therefore considered that the development complies with policies ST1, ENV3 and DM25 of the Copeland Local Plan and NPPF.

Impact on Trees

Policies ST1, ENV5, DM26 and DM28 and Section 15 of the NPPF set out how proposals that involve trees in the Conservation Area and those protected by TPOs will be managed. These policies seek to protect any tree worthy of retention, however development that does lead to the loss of trees the Council will seek to negotiate for replacement trees to be provided, preferably on site.

The Brockwood Hall complex is protected by a group TPO covering the whole of the site. Based on this the Council's Arboricultural Officer was consulted on this application. In his response he stated that to ensure the project as a whole can be carried out without harming the surrounding trees a condition requiring an arboricultural method statement should be attached to the decision letter. Further to these comments the applicant's agent submitted an arboricultural impact assessment. The Council's Consultant has reviewed this detail and has stated that he has no comments or observations to make on the proposed tree works to implement the proposal, however the proposed tree and ground protection recommended in the AIA must be implemented to reduce the harm to the retained trees.

On the basis of the above, it is considered that the proposal complies with Policies ST1, ENV5, DM26 and DM28 and Section 15 of the NPPF.

Planning Balance and Conclusion

This application seeks permission to build a new swimming pool at Brockwood Hall, to replace the facility which was demolished earlier this year. The proposal will support the growth of the existing business and enhance the experience and range of leisure facilities for users of the site. The development will also be considered to enhance both tourism activities and community facilities within the South of the Borough.

The development is not considered to adversely impact on the overall visual amenity of the area as the development will be seen in the context of the existing buildings and has been designed to reflect the size, scale and character of the previously demolished facility.

Although the site is protected by a TPO an Arboricultural Impact Assessment has been submitted, which has been deemed acceptable by the Council's Consultant.

On balance the positive benefits that would result from this proposal outweigh any potential harm and the proposal represents a sustainable form of development which complies with the Policies set

	out in the Copeland Local Plan and the guidance within the NPPF.
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none"> 1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission. <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:- <ul style="list-style-type: none"> - Site Location Plan, Scale 1:1250, Dwg No: 5972/b/b/00, Rev: C, received by the Local Planning Authority on the 27th July 2021. - Pre-Existing Site Plan, Scale 1:200, Dwg No: 5972/b/b/01, Rev: C, received by the Local Planning Authority on the 27th July 2021. - Existing Site Plan, Scale 1:200, Dwg No: 5972/b/b/02, Rev: C, received by the Local Planning Authority on the 27th July 2021. - Existing Plan, Elevations & Section, Scale 1:100, Dwg No: 5972/b/b/07, Rev: A, received by the Local Planning Authority on the 27th July 2021. - Proposed Site Plan, Scale 1:200, Dwg No: 5972/c/b/01, Rev: A, received by the Local Planning Authority on the 27th July 2021. - Proposed Ground Floor Plan, Scale 1:100, Dwg No: 5972/c/b/02, Rev: A, received by the Local Planning Authority on the 27th July 2021. - Elevations as Proposed, Scale 1:100, Dwg No: 5972/c/b/03, Rev: B, received by the Local

Planning Authority on the 27th July 2021.

- Bat Survey, Prepared by Envirotech Ecological Consultants March 2021, received by the Local Planning Authority on the 27th July 2021.
- Design and Access Statement, received by the Local Planning Authority on the 27th July 2021.
- Arboricultural Impact Assessment, Prepared by Yew Tree+Gardens August 2021, received by the Local Planning Authority on the 13th August 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.

Prior to Use/Occupation Conditions

3. Prior to their first use on the development hereby permitted, representative samples of the materials to be used on the external surfaces of the development must be submitted to and approved in writing by the Local Planning Authority. Development must be carried out in accordance with the approved details and so maintained thereafter.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

4. Prior to the commencement of development, all mitigation measures set out in the approved document 'Arboricultural Impact Assessment, Prepared by Yew Tree+Gardens August 2021, received by the Local Planning Authority on the 13th August 2021', shall be implemented in accordance with the details provided. These measures must be retained at all times throughout the development thereafter.

Reasons

To adequately protect the existing trees on site which are subject to a TPO in the interests of visual amenity.

Other Conditions

5. The development must implement all of the mitigation and compensation measures set out in the approved document Bat Survey, Prepared by Envirotech Ecological Consultants March

2021, received by the Local Planning Authority on the 27th July 2021. These measures must be retained at all times thereafter.

Reasons

To protect the ecological interests evident on the site.

Informative:

As the development will connect to an existing watercourse, a consent permit may be required. The applicant should contact LFRM.consent@cumbria.gov.uk for further advice.

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 : 13.09.2021

Authorising Officer: N.J. Hayhurst

Date : 13/09/2021

Dedicated responses to:- N/A