



COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2118/OF1
2.	Proposed Development:	DEVELOPMENT OF SURFACED SPORT FACILITIES ON SITE OF EXISTING REDGRA SURFACED SPORTS FACILITY AND PART OF EXISTING PLAYING FIELD, INCLUDING: AN ARTIFICIAL HOCKEY TURF PITCH, AN ARTIFICIAL GRASS PITCH, HARDSTANDING TENNIS/NETBALL COURTS, POLYMERIC SURFACED SPRINT STRAIGHT, ACCESS/SPECTATOR AREAS AND ASSOCIATED FENCING AND SPORTS LIGHTING SYSTEM
3.	Location:	WHITEHAVEN SCHOOL, CLEATOR MOOR ROAD, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Preferred Route Corridor - Within Preferred Route Corridor
6.	Publicity Representations & Policy	See report.
7.	Report: Site and Location <p>The Application Site comprises the property known as Whitehaven Academy, Cleator Moor Road, Whitehaven.</p> <p>The Application Site comprises an existing surfaced sports facility and part of an existing playing field within the school grounds.</p> <p>The school grounds are bounded by commercial development and a sports ground to the northwest; residential development to the southwest; and, agricultural land to the northeast and southeast.</p> <p>Access to the Application Site is via a one-way access system, the entrance to which is on Moresby Road to the northwest and the exit to which is on Cleator Moor Road to the southwest.</p> <p>Full Planning Permission has been approved for the phased demolition of the existing school building and the replacement with new school building and sports hall under planning application ref.</p>	

4/19/2327/OF1. This development is currently ongoing, with the replacement school building now occupied and the demolition and redevelopment of the old school buildings underway.

Proposal

The proposed comprises the development of surfaced sport facilities on the site of the existing redgra surfaced sports facility and part of existing playing field, including: an artificial hockey turf pitch, an artificial grass pitch, hardstanding tennis/netball courts, polymeric surfaced sprint straight, access/spectator areas and associated fencing and sports lighting system.

Consultee:	
Town Council	No comments.
CCC – Highways and LLFA	<p><i>7th April 2022</i></p> <p>LHA We as the LHA are content with proposed application but would welcome a construction environment management plan (CEMP) at this stage.</p> <p>LLFA Although we as the LLFA are happy with the surface water design in principle we would like further information regarding the following points before we can create a accurate response.</p> <ul style="list-style-type: none">- Construction drawings/detail of the catchpit and Hydrobrake manholes.- Surface Water exceedance routes set out and shown on a plan.- The existing Surface water system within the site has a blockage reducing flow, We as the LLFA would like to see this removed before any application decisions are made, once removed the cctv survey that was abandoned can be carried out to provide evidence that the existing system is fit for purpose and any damage can be identified and repaired before a new connection is carried out. <p>- Within the Design Access Planning Statement paragraph 3.2 the table showing times of use doesn't seem to be correct can this be amended please for completeness.</p> <p>Once the following points have been addressed I will be able to respond in full.</p> <p><i>23rd May 2022</i></p> <p>Cumbria County Council as the Local Highway Authority (LHA) and Lead Local</p>

		<p>Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below.</p> <p>Following our previous response new information has been submitted to the local planning authority to which we as the LHA and LLFA are content that the points raised have been answered.</p> <p>I can confirm that we have no objections to the proposal, subject to the following recommended conditions being included in any Notice of Consent which may be issued:</p> <p>CONDITION 1: No development shall commence until a further CCTV survey of the existing surface water drainage system has been undertaken to show repairs carried out and the condition of the pipe and outfalls, the completed survey shall be provided to the Local Planning Authority.</p> <p>Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.</p> <p>CONDITION 2: Any works within or near the Highway must be authorised by Cumbria County Council and no works shall be permitted or carried out on any part of the Highway including Verges, until you are in receipt of an appropriate permit (I.E Section 184 Agreement) allowing such works.</p> <p>Enquires should be made to Cumbria County Councils Street Work's team - streetworks.central@cumbria.gov.uk</p> <p>Fees: https://www.cumbria.gov.uk/roads-transport/fees.asp</p> <p>Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.</p>
	David Bechelli	<p><i>1st April 2022 and 16th May 2022</i></p> <p>No comments and no objections.</p>
	Environmental Health	<p>No consultation response received.</p>

	Tree Consultant	<p><i>23rd March 2022</i></p> <p>Following our site visit, we have the following comment/observation to make on the proposed development.</p> <p>The proposal is to construct an artificial sports pitch to the east of the school. This proposal does not affect any trees.</p> <p>RECOMMENDATIONS</p> <p>The proposed development does not affect any trees.</p>
	Sport England	<p><i>23rd March 2022</i></p> <p>The planning application proposes a new sports facility at The Whitehaven Academy, the majority of which would be on the redgra pitch, and partly on the natural turf playing field.</p> <p>Sport England has sought to consider the application in light of the National Planning Policy Framework (particularly Para. 99) and against its own Playing Fields Policy. On the basis of the information submitted there is insufficient information to enable Sport England to adequately assess the proposal or to make a substantive response. It's not clear what impact the proposed development would have on the sports uses on the existing natural turf playing field, and it is known that on measuring the plans there is a maximum measurement of 2 metres between the proposed development and known sports pitch markings on satellite images.</p> <p>Please therefore could the following information be provided as soon as possible:</p> <ol style="list-style-type: none"> 1. A scale plan that shows all the existing position of the various sports pitch markings for both summer and winter sports on the natural turf playing field; and 2. A scale plan that shows the various sports pitch markings for both summer and winter sports on the natural turf playing field with the proposed development in situ; and ensuring that appropriate safety margins are protected, i.e. protects sports pitch safety margins of 3 metres for football and 5 metres for rugby. <p>Sport England's interim position on this proposal is to submit a holding objection. However, we will happily review our position following the receipt of all the further information requested above. As I am currently unable to</p>

make a substantive response, in accordance with the Order referred to above, the 21 days for formally responding to the consultation will not commence until I have received all the information requested above.

14th April 2022

Thank you for consultation on the additional information from the applicant. Sport England is unable to remove its holding objection and provide a substantive response because there is still insufficient information.

The latest information provided on behalf of the applicant does not show pitches/pitch layouts across all the playing field, just those closest to the proposed artificial grass pitch, nor does it show the location of the rugby league pitch which would normally be shown on the summer sports layout. Please request that the applicant provide the required information as soon as possible.

Sport England's position on this proposal is to maintain its holding objection. However, we will happily review our position following the receipt of all the further information requested above. As I am currently unable to make a substantive response, in accordance with the Order referred to above, the 21 days for formally responding to the consultation will not commence until I have received all the information requested above.

27th April 2022

The Proposal and Impact on the Playing Field

It is understood that the proposal is for development on mostly the existing redgra pitch, with a small amount of natural turf playing field taken up to facilitate the provision of a new 3G Artificial Grass Pitch (AGP) and a new artificial Hockey Turf Pitch (HTP) (with perimeter fencing and sports lighting), hardstanding tennis and netball courts, a 100m polymetric surfaced sprint straight track, spectator areas and associated fencing and sports lighting. The development would resurface the existing redgra pitch with various surfaces and fencing to create a hockey pitch, a football/rugby pitch, courts and a sprint track. The football/rugby pitch would be provided with a shock pad designed to meet the World Rugby (Regulation 22) standard to enable it to be used for contact rugby.

The majority of the natural turf playing field would remain and would still be marked out with football and rugby union pitches in the winter and athletics and rugby league in the summer. The AGP development would not encroach

onto the required safety margins for pitch sports marked on the natural turf playing field (3m for football and 5m for rugby).

Assessment against Sport England Policy / NPPF

This application relates to the provision of new outdoor sports facilities on the existing playing field at the above site. The development is on an existing artificial pitch, with a small strip on natural turf playing field. It therefore needs to be considered against Exception 5 of the above policy, which states:

'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'

I have therefore assessed the existing and proposed playing fields against the above policy to determine whether the proposals meet Exception 5.

The proposal would provide a range of new court and pitch-based sports facilities to replace the existing redgra pitch. Redgra surfaces are an all-weather multi-sport surface installed many years ago. Now technology has improved, synthetic turfs have evolved into the current preferred surfaces for all-weather pitches. In essence the development would update an existing all-weather pitch with modern surfacing and facilities providing for a range of sports, the benefits of which clearly outweigh the loss of the existing redgra pitch. Additionally, a narrow strip of natural turf playing field would be needed to facilitate the project to accommodate full sized hockey and football pitches. The remaining area of wider natural turf playing field would still be able to accommodate pitch sports in the manner it did before. The proposal would also protect appropriate safety margins around the pitches marked out on the natural turf playing field.

The Copeland Playing Pitch and Outdoor Sport Strategy is in drafting stage, and therefore comprehensive evidence of strategic need is not available. However National Governing Bodies have commented on need in their advice. Community use should be secured through a Community Use Agreement, the pricing of use of such a facility should be benchmarked and consistent with other local facilities.

Consultation with National Governing Bodies for Sport (NGBs)

Sport England has a Memorandum of Understanding on planning applications

		<p>with the National Governing Bodies for Sport (NGBs), such as England Hockey, Football Foundation, the Rugby Football Union and the Lawn Tennis Association; and the NGBs provide local intelligence and technical advice to Sport England on their respective sports.</p> <p>Sport England has consulted with the England Athletics (EA), England Hockey (EH), England Netball (EN), Football Foundation (FF), Lawn Tennis Association (LTA), England Rugby Football League (RFL), Rugby Football Union (RFU), A summary of their advice is set out below:</p> <p>England Athletics (EA): Athletics is well serviced by the nearby 400m track at Cumbria Sports Academy (Copeland Stadium). However, development of a Compact Athletics Facility at the Whitehaven Academy will be beneficial in development terms; allowing pupils at the school / local communities to develop the fundamentals of athletics, help stimulate demand for athletics and support increased membership in local clubs. There needs to be a 1 metre safety margin on all sides of the track kept free of obstruction. Basic lighting of the athletics facility would enable the facility to be used by the community during evenings. The pricing structure for any community use should be comparable to other facilities and not undermine them.</p> <p>England Hockey (EH): No community use at the site at present although aware of hockey playing pupils and staff at the school. The Western Lakes Hockey Club (WLHC) are currently homeless due to the loss of their previous home facility in Cleator Moor. EH would support WLHC being a long-term partner of this development. EH have specific concerns about the 1.2m high spectator fencing specifically at congregation areas around the 3G and netball/tennis courts gates. High traffic areas should be protected from cross field play/training with a higher fence line alongside warning signs. The removal of permitted development rights should be applied to the Hockey AGP to ensure that Hockey has a home in Copeland for the long-term future.</p> <p>England Netball: The Academy is not currently used for community netball as there are no suitable facilities. England Netball are confident that local teams would look to train and play at the venue. Netball courts are extremely sparse in Copeland, as it currently stands, there are only 3 suitable venues for netball in the Region, and approx. 8 – 10 teams that play regularly. England Netball have included a design guidance document on the construction of outdoor netball courts. (Attached)</p> <p>England Rugby (RFU): There is no known, regular community rugby union use of provision on the site. There is a need locally to access additional floodlit</p>
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	<p>provision for midweek training; which is expected to increase in the coming years. Therefore, access to the AGP for midweek training would be welcomed, however, World Rugby Regulation 22 certification would need to be obtained and sustained to ensure that the AGP is viable for contact rugby union activity. Whitehaven RUFC may have an interest in accessing the site for some midweek training demand during the winter months (Oct-March). The RFU recommends a 5m (min) run off from the perimeter of a pitch; although will allow a 3m run off provided that regular and appropriate risk assessments are undertaken to ascertain the suitability of the activity. The pitch line markings proposed are solely for football and if the school intend to use it for rugby then rugby line markings should be included. Should it obtain World Rugby certification, it could only be used for training demand by rugby union teams. It should also be noted that World Rugby Regulation 22 certification requires pitches to be retested every 2no. years and there certainty in the submitted information that the school would secure this certification over the long term. A commitment to this would be welcomed to ensure that the facility is suitable for rugby union.</p>
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England Rugby League (RFL): Generally supportive of the proposal provided that the safety margins around the grass rugby league pitch are protected. There may be a winter need for the use of the artificial pitch (January-March) for training purposes, because without line markings it would not be suitable for match-play.

Lawn Tennis Association (LTA): The Copeland PPS is currently on-going but is likely to identify a future need for tennis on this site and short-fall in tennis provision for Whitehaven more broadly. In addition to the WTC membership base and coaching programme on-site, both WTC and the school have expressed a desire to open up the courts on a Pay and Play basis to serve the wider community in a more accessible way and meet latent demand. LTA are not aware of the nature of the community tennis offer (if any) at St Benedict's Catholic High School nearby. The footprint of the proposed courts appears to meet tennis requirements.

Football Foundation (FF): The current community use of the site is contained within the sports hall. This is due to the poor quality of the natural turf. Cumberland County FA advised data emerging from the PPS identifies a need for additional training demand for the AGP provision within this analysis area. FF would encourage the School to work with the County FA in maximising the usage opportunities and securing use through community use agreements that are in line with other local facilities, especially from a pricing policy perspective. A minimum safety run-off of 3m must be provided from all perimeter lines, be of the same surfacing material and kept free from obstructions. The site

operator must undertake a risk assessment to ensure the run-off area is safe and does not pose a risk of harm to a player or spectator. This also applies to any built structure that is located outside of the 3m safety run-off area that could cause harm to any player.

The AGP should be constructed to FIFA Quality Programme for Football Turf – FIFA Quality standard or equivalent International Match Standards (IMS) as a minimum. Any 3G pitch to be used for FA affiliated football in England must be on the FA 3G pitch register. We recommend recesses in the fencing to allow for safe and easy goal storage. A dedicated hard standing area for spectators should be provided within the perimeter fence. A 1.1m high spectator barrier should be installed to ensure that spectators can view the 3G playing area from this hard-standing which is separate from the 3G area. These recommendations don't appear to be present from the supplied documents.

Conclusion

The development would provide new outdoor sports facilities which:

- ☐ meets an identified local need e.g. athletics, football, netball, rugby training, tennis, and hockey;
- ☐ helps to meet identified sports development priorities;
- ☐ should meet relevant Sport England and NGB design guidance compliance of which should be secured through planning conditions;
- ☐ improves the delivery of sport and physical education on a school site;
- ☐ could secure sport related benefits for the local community through a Community Use Agreement; and
- ☐ are accessible by alternative transport modes to the car, i.e. able to be accessed by the local community on foot or cycle and is served by a local bus route. (See attached accessibility map)

Sport England has reconsidered its holding objection and considers that the proposal is considered to meet Sport England's Playing Fields Policy Exception E5 as, in this instance, it provides a new outdoor sports facility on an existing artificial surfaced pitch. The development of new outdoor sports facilities would have significant benefits to the development of sport to outweigh its loss. Appropriate planning conditions would be required to secure protection of the wider playing field during construction, construction to meet sport industry standards to deliver a fit for purpose development and secure community use through a Community Use Agreement as follows (taken from Sport England's Model Planning Conditions <https://sportengland-production-files.s3.eu-west-2.amazonaws.com/s3fs-public/sport-england-model-planning-conditions-march-2017-published->

	<p>version.doc?UwwdbsvkUJPCLiEW7kZo9nDztdKYX29h):</p> <p>28th April 2022</p> <p>Thanks for you email. The pitch/court spec in the section drawing numbered NSTWA010/B is acceptable and can be referenced in the condition.</p> <p>Sport England finds that the informatives signpost a developer to the current published guidance on specialist sports development for different sports, even to the level of detail of the line colour for pitch markings. The agent in this case is a specialist sports contractor, however in some instances the applicants are far well less informed.</p> <p>20th May 2022</p> <p>Thank you for consulting Sport England on the “Construction Management Plan Lite” for the development at the Whitehaven Academy. Sport England has no objections to the location of the Contractors Compound as marked on the plan included in the document numbered NSTWA013/RevA dated 5/5/22. However the full details required by the suggested condition 1 on Sport England’s response dated 27 April are somewhat sparse and not all provided, therefore Sport England advises that the condition should be included on any planning approval.</p>						
Planning Policy	<p>6th May 2022</p> <p><u>Copeland Core Strategy and Development Management Policies 2013-2028</u></p> <p>The Core Strategy was adopted in 2013 and remains the basis for determining planning applications. The policies most relevant to the application are the following:</p> <table><tr><th>Policy</th><th>Policy Team Comment</th></tr><tr><td>ST1 Strategic Development Principles</td><td>The proposal supports criteria Aiv and Ciii</td></tr><tr><td>SS4 Community and Cultural Facilities and Services</td><td>The proposal supports criteria A B D as it provides new accessible sports facilities within Whitehaven.</td></tr></table> <p>Consideration also needs to be given to Policies ST2, ST4, ENV1, ENV3, DM10, DM22</p>	Policy	Policy Team Comment	ST1 Strategic Development Principles	The proposal supports criteria Aiv and Ciii	SS4 Community and Cultural Facilities and Services	The proposal supports criteria A B D as it provides new accessible sports facilities within Whitehaven.
Policy	Policy Team Comment						
ST1 Strategic Development Principles	The proposal supports criteria Aiv and Ciii						
SS4 Community and Cultural Facilities and Services	The proposal supports criteria A B D as it provides new accessible sports facilities within Whitehaven.						

Copeland Local Plan 2021-2038

Development of the Emerging Local Plan

The Council is in the process of producing a new Local Plan to replace the Core Strategy. This will cover the period 2021-2038.

In September 2020, the Local Plan Preferred Options document was produced. This was available at the time the application was validated. In September/October 2021, the Council consulted on a pre-publication document that set out a number changes being considered in light of comments received at the Preferred Options stage. Changes included additions and deletions to both policies and sites. The feedback received then informed the Local Plan Publication Draft.

The Copeland Local Plan Publication Draft was agreed by Full Council on 7th December 2021 and a public consultation took place between January and March this year. The Policy Team are currently reviewing all responses received.

Weight of Emerging Policies

The weight emerging policies can be given is determined by:

- ☐ the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- ☐ the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- ☐ the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The Local Plan is at an advanced stage and all emerging policies are considered by the Council to be consistent with the NPPF. The weight policies can be given is therefore dependent upon the significance of objections they have received. The Council has produced a "Traffic Light Document" which sets out how many objections have been received to each policy, and the significance of each.

Accordance with relevant emerging policies

There is no mention of any emerging Local Plan policies within the submitted Planning Statement, however the Policy Team considers the following policies

are the most relevant to the application:

Policy	Policy Team Comments
Strategic Policy DS2PU Reducing the impacts of development on Climate Change	<i>It is not clear from the submitted documents whether the proposal includes any of the measures set out within this policy, although many are not appropriate to this type or scale of development.</i>
Strategic Policy DS3PU Settlement Hierarchy; Strategic Policy DS4PU Settlement Boundaries	<i>The proposal is within the settlement boundary of the Principal Town.</i>
Strategic Policy DS5PU Planning Obligations	<i>The Council may wish to seek developer contributions under this policy, particularly in light of responses from Statutory Consultees. In this case a S106 agreement (Community Use Agreement) may be appropriate to guarantee the community use of the site in perpetuity.</i>
Strategic Policy SC1PU Health and Wellbeing	<i>The proposal supports many of the criteria listed within this policy as it provides new and improved sports facilities which will help improve the health and well-being of users.</i>
SC2PU Sporting, leisure and cultural facilities (excluding playing pitches)	<i>The “new facilities” section of this policy is relevant as the proposal includes a running track and ancillary facilities. Unfortunately, due to Covid restrictions in place at the time, the current PPS was unable to assess athletics needs and provision.</i>
SC3PU Playing Fields and Pitches	<p><i>The proposal involves the loss of part of an existing grass playing field, therefore the Council will need to assess whether one of the exceptions criteria set out within this policy applies. The Policy Team considers that criteria iv and v apply in this case.</i></p> <p><i>The proposal involves the creation of a new hockey pitch, a new artificial grass pitch (AGP) and new tennis/netball facilities. The Council’s 2021 PPS considers the demand for hockey and AGPs. At the time it was produced there was</i></p>

			<p><i>sufficient provision to meet the need identified, however this position has changed as the sand-based hockey pitch at the Cleator Moor Centre has been removed without being replaced. The former sand-based pitch at Millom School is also no longer available. There is therefore a need for new hockey provision and this will be identified in the forthcoming PPS Update; the proposal will help meet this need.</i></p> <p><i>The 2021 PPS also identifies a need for additional 3g AGPs in the borough. The level of need will however be lower than that identified in the 2021 PPS as a new 3G pitch has since been created at the Cleator Moor Centre.</i></p> <p><i>The proposal supports the following Strategic Recommendations identified in the PPS: G5, G7, F1, F2, F4, R4 and H3.</i></p> <p><i>The 2021 PPS Strategy and Action Plan document can be found here:</i> https://www.copeland.gov.uk/sites/default/files/attachments/strategyandactionplan.pdf</p> <p><i>Netball and tennis needs and provision will be identified in the PPS Update document. Early discussions have indicated that there are teams from both sports active in the area that would benefit from additional provision. Covid restrictions in place at the time meant that summer sports were unable to be considered when producing the current document.</i></p>	
		<p>Consideration also needs to be given to policies DS1PU, DS6PU, DS7PU, DS8PU, DS9PU, DS10PU, DS11PU, SC4PU, N1PU, BE3PU.</p> <p>In terms of biodiversity net gain, as the application site is currently a redgra surface in active use, the biodiversity value of the site is likely to be 0. Policy N3PU is therefore not considered relevant as 10% of 0 is still 0.</p> <p>NPPF</p>		

		<p>At the heart of the NPPF is a presumption in favour of sustainable development, this means that proposals that accord with an up-to-date development plan should be approved without delay.</p> <p>The proposals support many of the aims of the NPPF chapter 8 in particular (Promoting Healthy and Safe Communities) as they enable and support healthy lifestyles and address identified local health and well-being needs set out in the PPS and wider Sports Strategy.</p> <p><u>Summary</u></p> <p>The Policy Team supports the proposals which create new and improved sports facilities to meet identified needs. A Community Use Agreement should be put in place to maintain community benefits. The opening hours should also be clarified as there are slight inconsistencies on pages 4 and 14 of the Design and Access Statement.</p>
	Natural England	No consultation response received.
	Environment Agency	No consultation response received.
	United Utilities	<p><i>6th April 2022</i></p> <p>DRAINAGE</p> <p>Following our review of the submitted Flood Risk Assessment, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the following condition is attached to any subsequent Decision Notice:</p> <p><i>CONDITION:</i></p> <p><i>The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment (Ref No. 14437-Drainage Strategy-01, Dated 08.03.2022) which was prepared by Waterco. No surface water will be permitted to drain directly or indirectly into the public sewer. 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.</i></p> <p><i>Reason: To ensure a satisfactory form of development and to prevent an undue</i></p>

increase in surface water run-off and to reduce the risk of flooding.

OBJECTION PENDING REQUEST FOR INFORMATION

Following our review of the proposed site layout, we have concerns regarding the proximity of proposed development to our water assets. To demonstrate that this layout can be achieved, and to avoid any unnecessary costs or delays to either the applicant or any future developer, we request the applicant submits a detailed site layout plan which overlays the proven location of the water main in relation to any proposed development (including walls, fencing, parking etc.). We strongly recommend this matter is resolved PRIOR TO THE SCHEME BEING DETERMINED.

Without resolution of this matter before determination, our position must be to OBJECT to the proposal.

13th May 2022

Further to ongoing discussions between Water Developer Services and the applicant, United Utilities wishes to confirm the **removal of the objection** raised in our previous letter dated 6th April 2022 on the agreement that the following condition **must** be included on any Decision Notice the Council deem appropriate to grant:

CONDITION

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 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.

The applicant should be aware that should the precise location of the water main differ from their assumed location, it may result in significant delays and additional costs being incurred on their behalf.

	<p>DRAINAGE</p> <p>Following our review of the submitted Flood Risk Assessment, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the following condition is attached to any subsequent Decision Notice:</p> <p>CONDITION:</p> <p><i>The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment (Ref No. 14437-Drainage Strategy-01, Dated 08.03.2022) which was prepared by Waterco. No surface water will be permitted to drain directly or indirectly into the public sewer. 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.</i></p> <p><i>Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.</i></p>
	<p>Neighbour Responses:</p> <p>The application has been advertised by way of a planning application site notice, press notice and neighbour notification letters issued to neighbouring properties.</p> <p>29no. representations have been received in support of the planning application.</p> <p>The material planning issues raised include:</p> <p>Great to see investment.</p> <p>The inclusion of a variety of sports is supported.</p> <p>The development will increase participation and encourage engagement across different sectors of the community.</p> <p>Hockey is a dying sport in the north of the country with so many AstroTurf pitches being replaced with 3G pitches.</p> <p>Cumbria needs better hockey facilities to support the game at all ages and encourage new participants.</p> <p>The development will reinstate the Western Lakes Hockey Club to the area. This should help them build a stronger platform for club growth with a facility that wants them on site with a long term sustainable programme.</p>

The development will have a positive impact on young people.

The development will enhance sports provision at Whitehaven Academy to the benefit of pupils.

Anything that can encourage young people to have a safe space to contribute to sport should be encouraged.

The development will be beneficial to the mental and physical health of local communities.

The development will reduce the requirement for local people to travel to engage in sport.

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 (CS):

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ST4 – Providing Infrastructure

Policy ER11 – Developing Enterprise and Skills

Policy SS4 – Community and Cultural Facilities and Services

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Boroughs Landscapes

Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM21 – Protecting Community Facilities

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 - Landscaping

Policy DM28 – Protection of Trees

Copeland Local Plan 2001-2016 (LP):
Policy TSP8 – Parking Requirements

Other Material Planning Considerations

National Planning Policy Framework (NPPF).
National Planning Practice Guidance (NPPG).
The Conservation of Habitats and Species Regulations 2017 (as amended) (CHSR).
Copeland Local Plan 2013-2028: Site Allocations and Policies Plan (SAPP).
Cumbria Development Design Guide (CDDG).

Emerging Copeland Local Plan (ECLP).

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Publication Draft Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of the Copeland Local Plan 2017-2035 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft 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.

The relevant policies include: DS2PU, DS3PU, DS5PU, SC1PU, SC2PU, SC3PU, DS1PU, DS6PU, DS7PU, DS8PU, DS9PU, DS10PU, DS11PU, SC4PU, N1PU and BE3PU.

Assessment:

Principle of Development

Policy ST2 of the CS identifies Whitehaven as the Principal Service Centre and the focus for the largest scale development, regeneration and important development opportunities.

Policy ER11 of the CS supports the development of education and training facilities, to encourage people to develop the qualifications and skills that will be attractive to new business vital for new enterprise.

Policy SS4 of the CS seeks that the range of services and facilities serving the Borough's communities including sports provision will be protected.

Policy SS5 of the CS seeks to protect against the loss of designated open space including playing fields within settlements and access routes or wildlife corridors, which connect them.

Policy DM21 of the DMP seeks that development or change of use which would result in the loss of an existing social, community, cultural and sports facility will be resisted where there is evidence that there is a demand for that facility that is unlikely to be met elsewhere.

Policy SC1PU of the ELP promotes health and well-being in the borough by supporting new development that: protects or delivers sports, cultural and community facilities; improves health, social and cultural well-being; and, opens up educational facilities for community use and secures such use through Community Use Agreements where appropriate.

Policy SC3PU of the ELP supports proposals that provide new playing fields or ancillary facilities. It is stated that proposals affecting playing fields will only be permitted where defined criteria are met or exemptions are applicable.

The Copeland Playing Pitch and Outdoor Sport Strategy remains in draft; therefore, comprehensive evidence of strategic need is not available. Sport England have confirmed that National Governing Bodies have commented on need in their advice and are supportive of the proposed development.

The Site comprises an existing redgra surfaced sports facility and part of an existing playing field located within the existing playing field of an existing school located within the defined settlement boundary of Whitehaven.

The proposed development comprises the comprehensive redevelopment and improvement of an existing poor quality surfaced sports facility which would deliver benefit to the pupils and the local community.

The development would update an existing all-weather pitch with modern surfacing and facilities providing for a range of sports, the benefits of which clearly outweigh the loss of the existing redgra pitch.

A narrow strip of natural turf playing field would be needed to facilitate the project to accommodate full sized hockey and football pitches. The remaining area of wider natural turf playing field would still be able to accommodate pitch sports in the manner it did before. The proposal would also protect appropriate safety margins around the pitches marked out on the natural turf playing field. The proposed development would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field resulting from the loss of the natural turf area.

In the context of the above, the development accords with the requirements of Policy SC3PU of the ELP.

A planning condition is proposed to secure a Community Use Agreement in accordance with the requirements of Policy SC1PU of the ELP.

Sport England have confirmed no objections to the proposed development subject to the imposition of planning conditions relating to community use; construction management; and, development in accordance with the approved.

Impact of the Development on the Character of Whitehaven and the Landscape

Policy ENV5 of the CS and Policy N6PU of the ELP seeks that the Borough's landscapes will be protected and enhanced by: protecting all landscapes from inappropriate change by ensuring that the development does not threaten or detract from the distinctive characteristics of that particular area; that where the benefits of the development outweigh the potential harm, ensuring that the impact of the development on the landscape is minimised through adequate mitigation, preferably on-site; and, supporting proposals which enhance the value of the Borough's landscapes.

The Application Site is the subject of an Urban Greenspace Protection under the provisions of Policy DM26 of the DMP.

The LVA confirms that the Site is located in an area of Type 00 Urban Area but adjacent to an area of Sub-type 5d Urban Fringe as defined in the Cumbria Landscape Character Guidance and Toolkit (CLCGT).

Given the location of the Application Site and the developed context including the existing relatively dense area of urban development beyond/adjacent to the school and the changes in topography, views of the Application Site are generally confined to the immediate locality – specifically along Cleator Moor Road and the surrounding roads, the impacts upon the wider landscape character would be negligible.

The proposed development including extensive enclosures and illumination would result in materially greater impacts than the existing, especially when illuminated; however, where views exist, the facilities would be viewed in the visual context of the existing school building and grounds, where such facilities are expected. Views of the facilities would largely be at distance and would be in the context of existing mature vegetation, which soften impacts.

Impact on Ecology

Policy ENV3 of the CS seeks to ensure that new development will protect and enhance biodiversity and geodiversity.

Policy N3PU of the ELP seeks that development achieve a biodiversity net gain of 10%.

The Site comprising an existing redgra surfaced sports facility and part of existing playing field are of limited to no ecological value and so no impact or gain is reasonably applicable.

The proposed scheme of lighting is designed to create limited light spill when in operation.

Impact on Highway Safety

Policy DM22 of the DMP requires that development proposals be accessible to all users; respond positively to existing movement patterns in the area; and, incorporate parking provision to meet adopted car parking standards.

Policy CO3PU of the ELP states that development that is likely to have a detrimental impact on the highway network will be resisted.

Policy CO4PU and Policy CO5PU of the ELP support active travel.

Policy CO7PU requires that proposals for new development will be required to provide adequate parking provision in accordance with the Cumbria Development Design Guide.

A Transport Statement has been submitted in support of the planning application and provides an assessment of the highway impacts of the development.

The proposed will serve the Whitehaven Academy during school time and so will not result in additional traffic during these periods.

Community use will result in additional movements outside of school times; however it is demonstrated that the increase would not be of material significance to the local highway network. The location of the Application Site and the availability of public transport will limit reliance on the private car.

There are to be 129 parking spaces within the school site including 6 disabled and 2 electric spaces. There are also 32 cycle bays. In full community use and assuming access only by private car, only 43% of the available car parking capacity would be full.

A Construction Management Plan has been prepared proposing access for construction via the existing school entrance and with limitations on hours of access, which is acceptable given the nature of the development. A planning condition is proposed to secure a detailed Construction Management Plan that better considers the impacts and addresses the specific impact on the playing pitches outlined by Sport England.

Flood Risk and Drainage

Policy DM11 of the DMP and Policy DS9PU of the ELP require that surface water is managed appropriately, with the inclusion of Sustainable Drainage Systems where possible.

Policy DM24 of the SMP and Policy DS8PU of the ELP require that development will not be permitted where: there is an unacceptable risk of flooding; or, the development would increase the risk of flooding elsewhere; or, the development would cause interference with or loss of access to a watercourse.

A Flood Risk Assessment and Drainage Strategy has been submitted in support of the planning application.

The Site is located within Flood Zone 1. The proposed comprises a water-compatible development and is therefore a compatible use in Flood Zone 1.

It has been demonstrated that the ground is unsuitable for infiltration. It is proposed to dispose of surface water to a watercourse via a scheme of attenuation. This arrangement accords with the drainage hierarchy.

The Site is located above existing United Utilities assets. A planning condition is proposed to secure protection of the assets from damage prior to the commencement of development.

The LLFA have requested that a CCTV survey of the existing drainage be completed prior to the commencement of development to demonstrate that the system is suitable to accommodate the flows from the development and secure any improvements required.

Impact on Residential Amenity

The Site comprises an existing and established school, the pupil capacity of which has recently been reduced from 1500 to 900.

Given the nature of the development, its use would not reasonably result in impacts greater than could exist now in terms of noise and traffic generation.

The proposed scheme of external lighting demonstrates the resulting reflection and light spill will not result in unacceptable impacts upon existing dwellings located outside of the Site. A planning condition is proposed to ensure that this remains in perpetuity.

A planning condition is proposed requiring the submission of an updated Construction Environmental Management Plan to secure mitigation and prevention of adverse impacts upon the residential amenity of nearby residents.

A planning condition is proposed to control hours of construction and hours of use.

The Planning Balance

	In overall terms, it is considered that subject to planning conditions, the proposed development accords with the relevant provisions of the Development Plan and relevant provisions of the NPPF when taken as a whole.
8.	Recommendation: Approve (commence within 3 years)
9.	Conditions: Standard Conditions (1) The development hereby permitted shall begin not later than three years from the date of this decision. Reason To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004. (2) The development hereby permitted shall be carried out in accordance with the following approved plans: Planning Application Form received 11 th March 2022 Location Plan (Prior Site Construction) – Drawing No. NSTWA001 Rev. E received 11 th March 2022 Aerial View – Drawing No. NSTWA003 Rev. C received 11 th March 2022 Existing Sport Provisions – Drawing No. NSTWA011 Rev. A received 24 th March 2022 Proposed Sport Provisions – Drawing No. NSTWA012 Rev. A received 24 th March 2022 Line Marking Plan 1 (Hockey Turf Pitch) – Drawing No. NSTWA005 Rev. C received 11 th March 2022 Line Marking Plan 2 (Artificial Grass Pitch) – Drawing No. NSTWA006 Rev. C received 11 th March 2022 Line Marking Plan 3 (Hard Courts) – Drawing No. NSTWA007 Rev. C received 11 th March 2022 Fencing Plan – Drawing No/ NSTWA008 Rev. A received 11 th March 2022 Cross Section – Drawing No. NSTWA010 Rev. B received 11 th March 2022 Access Plan – Drawing No. NSTWA004 Rev. C received 11 th March 2022 Siteco Lighting Specification Sheets received 11 th March 2022 Proposed Floodlighting – Drawing No. 000348 E01 received 11 th March 2022 Proposed Floodlighting – Drawing No. 3648 HLS3648 received 11 th March 2022 Drainage Strategy – Document Ref. 14437-Drainage Strategy-01 received 11 th March 2022

Whitehaven Academy Drainage Layout – Drawing No. 1405 A1_1405/1_Rev_00 received 11th March 2022

Surface Water Exceedance Route Plan – Drawing No. 14437_SW_Exceedance_Plan Rev. – received 10th May 2022

Section Through Proposed Catchpit and Hydrobrake Chamber – Drawing No. 14437-SK001 received 10th May 2022

Drainage Plan – Drawing No. NSTWA009 Rev. A received 11th March 2022

Combined Document of Flood Risk Assessment received 17th March 2022

Transport Statement – Document Ref. Feb 2022, Version 2- 07.03.22 received 17th March 2022

Design and Access / Planning Statement received 10th May 2022

Reason

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

Pre-commencement Conditions

Construction Management

(3) (a) No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority after consultation with Sport England. The CMP shall include the following:

- (i) details of the works/contractors' compound (including any buildings, moveable structures, works, plant, machinery, access and provision for the storage of vehicles, equipment and/or materials);
- (ii) a scheme for the removal of the works/contractors' compound and the restoration of the land on which it is situated;
- (iii) details of the access and parking provision for vehicles of site operatives and visitors;
- (iv) details of provisions for the loading and unloading of plant and materials;
- (v) measures to control dust and dirt during construction; and,
- (vi) measures to control noise and vibration.

(b) The development shall be completed in accordance with the approved details.

(c) The works/contractors' compound shall not be provided and used on the site other than in accordance with the approved details and shall be removed and the land on which it is situated restored in accordance with the approved details before commencement of the use of the development hereby approved.

Reason

To protect the playing fields/sports facilities from damage, loss or availability of use in accordance with the provisions of Policy SS4 of the Copeland Local Plan 2013-2028.

Drainage

(4) (a) No development shall commence until:

(i) a CCTV survey of the existing surface water drainage system to serve the development has been undertaken to show the repairs carried out to the system and the condition of the pipe and outfalls; and.

(b) scheme of mitigation measures where it is deemed that further improvements or repairs to the existing surface water drainage system are required have been submitted to and approved in writing by the Local Planning Authority.

(c) The development shall be completed in accordance with the approved details.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provisions of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013-2028.

(5) No development 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 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. The development shall be completed in accordance with the approved mitigation measures.

Reason

In the interest of public health and to ensure protection of the public water supply and mitigate flood risk in accordance with the provisions of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013-2028.

Pre-Use Conditions

Community Use Agreement

(6) (a) 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 the facilities forming part of the proposed development and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review.

(b) The development shall 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 in accordance with the provisions of Policy SS4 of the Copeland Local Plan 2013-2028.

Other Conditions

Drainage

(7)

(a) Use of the development shall not commence until the surface water drainage works have been completed in accordance with the approved details.

(b) The surface water drainage works shall be retained as implemented for the lifetime of the development.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provisions of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013-2028.

Contamination

(8) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with to the Local Planning Authority for written approval. The remediation strategy shall be implemented as approved.

Reason

To prevent harm to human health and the environment in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

Lighting

(9) The lighting scheme shall be implemented as approved and retained as approved for the lifetime of the development.

Reason

These details are required to be approved before the commencement of development to safeguard and enhance the character of the area and to minimise light pollution in accordance with the provisions of Policy ST1 and Policy ENV5 of the Copeland Local Plan 2013-2028.

Hours of Construction

(10) No work for the construction of these developments, including demolition, shall take place on the site, except between the hours:

07.30 - 18.00 Monday to Friday; and
07.30 - 13.00 on Saturdays;

unless otherwise agreed in writing with the Local Planning Authority. In particular, no work should be carried out on Sundays or officially recognised public holidays without the prior agreement in writing of the Local Planning Authority.

Reason

To safeguard the amenity of neighbouring occupiers in accordance with the relevant provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

Hours of Use

(11) The use of the development hereby approved shall not take place other than between the following hours:-

08:00 – 21:00 Mondays – Fridays;
09:00 – 19:00 Saturday; and,
10:00 – 17:00 Sundays and Bank or Public Holidays.

Reason

To safeguard the amenity of neighbouring occupiers in accordance with the relevant provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

Informatives

Coal Standing Advice

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Sport England

Informative: Guidance on preparing Community Use Agreements is available from Sport England.

<http://www.sportengland.org/planningapplications/> For artificial grass pitches it is recommended that you seek guidance from the Football Association/England Hockey/Rugby Football Union on pitch construction when determining the community use hours the artificial pitch can accommodate.

Informative: The applicant is advised that the design and layout of the [sports facility] should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England, National Governing Bodies for Sport. It is important for the right surface to be selected to meet the needs of the respective sports. Particular attention is drawn to Sport England's Artificial Surfaces for Outdoor Sport. <https://d1h1m5892gtr7.cloudfront.net/s3fs-public/selecting-the-right-artificial-surface-rev2-2010.pdf?VersionId=UXu37pVVwn6BxzteXGgzguSYuLDkhSs4>

Informative (artificial grass pitches – rugby only). The applicant is advised that the pitch should be built in accordance with RFU guidance note 7: Artificial Rugby Turf and tested bi-annually by an accredited testing laboratory in order to achieve and maintain World Rugby Regulation 22.

Informative (artificial grass pitches – football only). The applicant is advised that the pitch should be tested in accordance with The FA standard code of rules and be registered on the FA Register for 3G Football Turf Pitches.

Informative (artificial grass pitches football only) – The applicant is advised that for any football match play to take place the pitch should be built in accordance with FIFA Quality Concept for Football Turf - FIFA Quality or International Match Standard (IMS) as a minimum.

Case Officer: Chris Harrison	Date : 06.06.2022
Authorising Officer: N.J. Hayhurst	Date : 06.06.2022
Dedicated responses to:-	