

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

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| 1. | Reference No: | 4/22/2431/0F1 |
| 2. | Proposed Development: | RETENTION OF TEMPORARY SERVICE ROAD TO THE REAR OF WHITEHAVEN ACADEMY |
| 3. | Location: | WHITEHAVEN ACADEMY, CLEATOR MOOR ROAD, WHITEHAVEN |
| 4. | Parish: | Whitehaven |
| 5. | Constraints: | ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change |
| 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>Full Planning Permission was approved for the replacement of the main school buildings and gymnasium in March 2020. The construction of the replacement school buildings and associated landscaping etc. is substantially complete and the replacement school buildings and gymnasium are in active use.</p> <p>Full Planning Permission was approved in June 2022 for the replacement of the surface sports facilities at the school with a comprehensive scheme of artificial pitches etc. for both school and community use. The construction of the replacement pitches is yet to commence.</p> Proposal: <p>This application seeks Full Planning Permission for the retention of the existing temporary construction access road located to the rear of the replacement school buildings to provide a permanent vehicular access for maintenance of rear curtilage and sports field.</p> | |

The proposed comprises a tarmacadam surfaced access bounded by a steel mesh fence.

Tactile paving is proposed to the footways adjoining the proposed access.

| Consultee: | Nature of Response: |
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| Sport England | <p>Thank you for consulting Sport England on the above planning application which proposes retention of the access used during construction of the replacement school building approved under LPA Ref 4/19/2327/0F1 in order maintain access to the rear of the site and playing fields.</p> <p>It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.</p> <p>Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 99) and against its own Playing Fields Policy, which states:</p> <p>'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:</p> <ul style="list-style-type: none">• all or any part of a playing field, or• land which has been used as a playing field and remains undeveloped, or• land allocated for use as a playing field <p>unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'</p> <p>Sport England's Playing Fields Policy and Guidance document can be viewed via the link below: https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy</p> <p>Proposal and Impact on Playing Field</p> <p>It is understood that the access point was provided as part of the consent for the previous school building and the proposal now is to retain it in order to provide a better opportunity to access the playing fields without passing</p> |

through the wider school site. It is understood that the service road beyond the gates into the site will be removed and the highway access point and surfacing between the gates and the highway retained.

Assessment of the Proposed Development against Sport England Playing Field Policy

Sport England's Playing Fields Policy and Guidance provides clarity and advice on how Sport England assesses planning applications affecting playing fields. Sport England considers that the development is on playing field but not on land marked out as sports pitches, so assessment against policy Exception E3 would be pertinent in this case.

To comply with Exception E3 the proposed development must only affect land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch;
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- result in the loss of other sporting provision or ancillary facilities on the site; or
- prejudice the use of any part of a playing field and any of its playing pitches.

In this case the development is not considered to affect marked pitches or their safety margins; therefore Sport England consider that the proposal would meet Exception E3. Additionally, the applicant advises that retaining the access provides a direct access point onto the playing fields from the highway, enabling the playing fields to be accessed by maintenance vehicles and equipment directly from the road without needing to pass through the wider school grounds. In that case the development could also meet Exception E2 in that it is ancillary development supporting the use of a site as a playing field.

This being the case, Sport England **does not wish to raise an objection** to this application.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding

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| | | <p>agreement.</p> <p>If you would like any further information or advice please contact the me at the address below.</p> |
| | <p>Cumbria County Council – Highways and LLFA</p> | <p><i>10th November 2022</i></p> <p>Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows:</p> <p>In principle we as the LHA and LLFA and have no objections to the proposed retention of the temporary service road but would welcome some minor changes to the design. Please see minor changes below.</p> <ul style="list-style-type: none"> - The Sketch Drawing Maintenance Access plan, Drawing number WHA_ITR_XX_00_DR_L_SK0110, Revision A, Shows the proposed gates opening outwards towards the highway can this be changed to show the gates to open inwards into the development. - Also within the Sketch Drawing Maintenance Access plan it shows that the pedestrian walkway within the access road is to be retained, Although the LHA and LLFA welcome this we would expect to see a pedestrian gate at the finish of this walkway as proposed the pedestrian walkway finishes at the existing fence which then forces pedestrians into the access road. <p>Upon receipt of the points above being addressed I will be able to give a full response.</p> <p><i>23rd February 2023</i></p> <p>Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and are content that the points raised on the previous response listed below have been addressed</p> <ul style="list-style-type: none"> - The Sketch Drawing Maintenance Access plan, Drawing number WHA_ITR_XX_00_DR_L_SK0110, Revision A, Shows the proposed gates opening outwards towards the highway can this be changed to show the gates to open inwards into the development. - <i>New updated information/documents submitted to the Local Planning Authority (LPA) in February 2023 show the site gates opening inwards away from the highway.</i> |

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| | | <p>- Also within the Sketch Drawing Maintenance Access plan it shows that the pedestrian walkway within the access road is to be retained, Although the LHA and LLFA welcome this we would expect to see a pedestrian gate at the finish of this walkway as proposed the pedestrian walkway finishes at the existing fence which then forces pedestrians into the access road.</p> <p><i>New information/documents submitted to the LPA in February 2023 show that the pedestrian walkway is to be removed as this access will be for vehicles only so a pedestrian gate is not required.</i></p> <p>I therefore can confirm that we have no objection to the proposed as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.</p> |
| | Whitehaven Town Council | No objections. |
| Neighbour Responses: | | |
| <p>The application has been advertised by way of a site notice and notification letters issued to 21no. neighbouring properties.</p> <p>No representations have been received.</p> | | |
| <p>Planning Policy</p> <p>Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.</p> <p>Development Plan:</p> <p><u>Copeland Local Plan 2013-2028 (Adopted December 2013):</u></p> <p><u>Core Strategy (CS):</u></p> <p>Policy ST1 – Strategic Development Principles</p> <p>Policy ER11 – Developing Enterprise and Skills</p> <p>Policy SS4 – Community and Cultural Facilities and Services</p> <p>Policy SS5 – Provision and Access to Open Space and Green Infrastructure</p> <p>Policy ENV1 – Flood Risk and Risk Management</p> <p>Policy ENV3 – Biodiversity and Geodiversity</p> <p>Policy ENV5 – Protecting and Enhancing the Boroughs Landscapes</p> | | |

Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 - Landscaping

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) was recently the subject of an examination by the Planning Inspector.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) 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 NPPF.

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS2PU: Reducing the impacts of development on Climate Change

Policy DS6PU: Design and Development Standards

Policy DS7PU: Hard and Soft Landscaping

Strategic Policy DS8PU: Reducing Flood Risk

Policy DS9PU: Sustainable Drainage

Strategic Policy SC1PU: Health and Wellbeing

Policy SC3PU: Playing Fields and Pitches

Policy SC4PU: Impact of new development on sporting facilities

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3PU: Biodiversity Net Gain

Strategic Policy N6PU: Landscape Protection

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

National Planning Practice Guidance (NPPG).

The Conservation of Habitats and Species Regulations 2017 (CHSR).
Copeland Local Plan 2013-2028: Site Allocations and Policies Plan (SAPP).
Cumbria Development Design Guide (CDDG).

Assessment:

Principle of Development

The Application Site comprises part of an existing playing field forming part of existing school located within the defined settlement boundary of Whitehaven.

The land is the subject of an Urban Greenscape Protection in the CS.

The proposed development comprises small scale development to provide an improved opportunity to access the playing fields without passing through the wider school site for their maintenance and management.

The proposed development does not affect marked pitches or their safety margins, is ancillary development supporting the use of the playing fields and results in the loss of a very minor and peripheral area of the playing field only.

For the above reasons, the proposed development meets the requirements of Exception E2 and Exception E3 of Sport England's Playing Fields Policy and Guidance.

Sport England have confirmed no objections to the development.

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

The Application 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 and townscape would be negligible.

Impact on Ecology

The proposed comprises the retention of an existing access and so no ecological impacts will occur.

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| | <p>Impact on Highway Safety</p> <p>Visibility splays of 2.4m x 70m have been demonstrated as achievable.</p> <p>Given the nature of the proposed use, traffic volumes will be extremely limited.</p> <p>Cumbria County Council – Highways have assessed the proposed development and have raised no objections to the development on highway grounds.</p> <p>Flood Risk and Drainage</p> <p>The access falls away from the public highway.</p> <p>The hard surfacing will generate surface water run off, which will discharge into the landscaped areas within the playing fields, which themselves discharge to watercourse as per the remainder of the existing school development.</p> <p>Impact on Residential Amenity</p> <p>Given the scale, form and nature of the development, no unacceptable impacts through loss of light, overshadowing and overbearing etc. will result from the development.</p> <p>The proposed development would not result in additional noise and traffic generation.</p> <p>The Planning Balance</p> <p>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.</p> |
| 8. | <p>Recommendation:</p> <p>Approve (commence within 3 years)</p> |
| 9. | <p>Conditions:</p> <p>(1) The development hereby permitted shall begin not later than three years from the date of this decision.</p> <p>Reason:</p> <p>To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as</p> |

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

Location Site Plan – Drawing No. WHA-AHR-XX-XX-DR-A-PL-006 Rev. P1 S2

Design Statement Ref. WHA-CUR-XX-XX-DS-C-92001 Revision: P01

Composite General Arrangement Plan – Sheet 4 of 4 – Drawing No. WHA_ITR_XX_00_DR_L_3103 Rev. C06

Detailed Landscape Levels Plan – Sheet 4 of 4 – Drawing No. WHA_ITR_XX_00_DR_L_3107 Rev. C06

Landscape Context Plan – Drawing No. WHA_ITR_XX_00_DR_L_3000 Rev. C12

Detailed Layout Drawing Maintenance Access – Drawing No. WHA_ITR_XX_00_DR_L_3107 Rev. C01

Reason:

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

(3) The access hereby approved shall be used by persons and vehicles/machinery used in the undertaking of maintenance and groundworks at the Whitehaven Academy and its associated grounds only and for no other purpose.

Reason:

For the avoidance of doubt and in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013 – 2028.

Informative

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

Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and negotiating with the applicant's acceptable amendments to address them. As a result, the Local Planning Authority has been able to grant

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| | planning permission for an acceptable proposal in accordance with Copeland Local Plan policies and the presumption in favour of sustainable development as set out in the National Planning Policy Framework. | |
| Case Officer: Chris Harrison | | Date : 09.03.2023 |
| Authorising Officer: N.J. Hayhurst | | Date : 14.03.2023 |
| Dedicated responses to:- | | |