

# CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2475/0F1		
2.	Proposed	DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF		
	Development:	NEW YOUTH AND COMMUNITY BUILDING		
3.	Location:	WINDSCALE CLUB, GOSFORTH ROAD, SEASCALE		
4.	Parish:	Seascale		
5.	Constraints:	ASC;Adverts - ASC;Adverts,		
		Safeguard Zone - Safeguard Zone,		
		Coal - Off Coalfield - Data Subject To Change,		
		Key Species - Potential areas for Natterjack Toads,		
		DEPZ Zone - DEPZ Zone,		
		Outer Consultation Zone - Drigg 3KM,		
		Outer Consultation Zone - Sellafield 10KM		
6.	Publicity	Neighbour Notification Letter	Yes	
	Representations &Policy	Site Notice	Yes	
		Press Notice	No	
		Consultation Responses	See Report	
		Relevant Policies	See Report	
7.	Report:	<u>l</u>		
	Site and Location			

This application relates to the Windscale Club which is sited within the centre of Seascale located off Gosforth Road, the main road through the village. The Windscale Club is an existing community facility which provides facilities for the community including a gym, a bar and committee rooms. The application relates to the existing flat roof timber building which is located to the north of the main club building. This dilapidated building is currently vacant and is in poor condition.

# **Relevant Planning History**

4/10/2433/0F1 – Change of use of games/social room to fitness facility and the erection of new entrance porch and ramped access – Approved.

4/12/2105/0F1 – Siting of four air conditioning units on outside of fitness facility – Approved.

4/16/2436/0F1 – Alteration, extension, demolition and rebuilding; change of use of part of licenced lounge bar to fitness studio – Approved.

# **Proposal**

This application seeks planning permission for the demolition of the existing flat roof timber buildings and the construction of a new youth and community building.

The proposed new building will be constructed on a similar footprint to the existing building, however the building will be detached from the main club building by 500mm. The proposed new building will measure 25.88m x 8m and will benefit from an eaves height of 4.2m and an overall height of 6.7m. The proposed will also benefit from an entrance porch on the east elevation accessed via a new access ramp measuring 2.35m x 2.94m with an eaves height of 2.5m and an overall height of 3.8m.

As part of the proposed development, it is proposed to site a number of solar panels along the south roof slope, water harvesting tanks along the south elevation and air source heat pumps along the west elevation.

The proposed building will be occupied by Shackles Off, a local youth and community charity organisation, who are currently based at the Old Vicarage in Seascale on a temporary basis since the closure of their original site on South Parade. Their relocation to this new development will enable staff and members to work together in a more usable and control space then they currently have.

The proposed operation hours are:

Monday – Friday: 08:00 – 22:00

Saturday: 09:00 – 22:00



Sunday: 09:00 - 21:00

Internally, the proposal will accommodate two small offices, a large office for five people, a meeting room for 12-15 people, a large open plan main room with valued ceiling, a kitchen area, store, toilets, and accessible toilets within the ground floor. The proposed first floor will incorporate a storage area with full walk area, and a loft space accessed via a loft hatch which will store the battery for the solar panels and the associated equipment for the air source heat pump.

Externally, the development will be finished with smooth off white render, white UPVC windows and doors, and marley modern anthracite tiles.

# **Consultation Responses**

# Seascale Parish Council

4<sup>th</sup> January 2023

Shackles Off conducted a community consultation and no objections were given. Indeed the community is supportive of this proposal. The parish council also fully supports this.

5th April 2023

The Parish Council continues to fully support this application.

# Cumberland Council - Highway Authority & LLFA

3<sup>rd</sup> January 2023

Taking into account the existing use of the site, it is considered that the proposal will be unlikely to have a material effect on existing highway conditions. I can therefore confirm that the Highway Authority has no objection to the proposal.

24th March 2023

Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I can confirm that we have no objection to the proposed development 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.

# **United Utilities**

#### 19th December 2022

Request a pre commencement condition to secure details of a sustainable surface water drainage scheme and foul water drainage scheme.

19th December 2022

No further comments to add to our original response.

24th April 2023

Following our review of the latest plans, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the inclusion of a condition that the development will be carried out in accordance with the submitted drainage plans to support this application.

# <u>Cumberland Council – Environmental Health</u>

4<sup>th</sup> January 2023

I have no objections to the above proposal from an Environmental Health perspective.

The demolition process should be simple and quick, given the timber construction.

The construction phase could provide some noise disturbance to residents nearby, so I would request that construction hours are appropriately controlled eg 08.00 – 18.00 Monday to Friday and 08.00 – 13.00 Saturday only.

I noted that there are a couple of external condenser units on the existing building front façade and, if these have to be replaced / renewed, they should be sited in a similar position so that they face in towards the main car parking area of the premises to avoid potential noise disturbance to residents.

11th January 2023

Thanks for the information.

Can we get any manufacturer's specification on the heat pumps, their noise output and how any noise may affect the nearest noise-sensitive dwelling/s?

7<sup>th</sup> March 2023

Further to the above planning application.

The information supplied on the air source heat pumps is welcomed and looks encouraging from a noise perspective.

Can the applicants please confirm if the air source heat pumps will be running on a 24/7 basis (including night time) or if they are switched on only during the proposed opening



hours?

10th May 2023

This information is welcomed and is acceptable to Environmental Health and there are no objections to the application.

# <u>Cumberland Council – Resilience Unit</u>

3<sup>rd</sup> January 2023

There are no objections to the proposed works.

However it should be noted that the location of the property is situated within an area outside the site which, in liaison with Sellafield Ltd and the Office for Nuclear Regulation, special arrangements are made for residents/business premises, this area is referred to as the Detailed Emergency Planning Zone (DEPZ). As a direct result particular attention is paid to ensuring that people are aware of the appropriate action to take in the event of an incident at the Sellafield site.

Condition requested to ensure that the applicant contact CCC Resilience Unit office via <a href="mailto:emergency.planning@cumbria.gov.uk">emergency.planning@cumbria.gov.uk</a> to ensure information about the business can be captured and the Sellafield Off Site Emergency Plan updated accordingly.

In view of the fact that this application could increase the number of persons in the area (including trade people) I would be grateful if you could, in the event of the application being granted, also advise the applicant to liaise with this office via <a href="mailto:emergency.planning@cumbria.gov.uk">emergency.planning@cumbria.gov.uk</a> to allow for further discussion to ensure the applicant and their trades people/contractors plus paying guests are aware of the appropriate information and actions to take should there be an incident at the Sellafield site.

16th March 2023

No further comments in addition to the email response below sent on 30th December 2022.

## Natural England

No comments received.

#### Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to eighteen properties. 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**

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

# Copeland Local Plan 2013 – 2028 (Adopted December 2013)

#### Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

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 ER10 – Renaissance through Tourism

Policy SS4 – Community and Cultural Facilities

Policy T1 – Improving Accessibility and Transport

Policy ENV3 – Biodiversity and Geodiversity

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM22 – Accessible Developments

Policy DM21 – Protecting Community Facilities

Policy DM22 – Accessible Developments

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species



# Other Material Planning Considerations

National Planning Policy Framework (2021)

National Design Guide (NDG)

Cumbria Development Design Guide

The Conservation of Habitats and Species Regulations 2017 (CHSR).

Emerging Copeland Local Plan 2021 – 2038 (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

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

Strategic Policy DS3PU: Settlement Hierarchy Strategic

Policy DS4PU: Settlement Boundaries

Strategic Policy R1PU: Vitality and Viability of Town Centres and villages within the Hierarchy

Strategic Policy R2PU: Hierarchy of Town Centres

Strategic Policy T1PU: Tourism Development

Policy SC5PU: Community and Cultural Facilities

Strategic Policy BE1PU: Heritage Assets

Policy BE2PU: Designated Heritage Assets

Policy BE3PU: Archaeology

Policy BE4PU: Non- Designated Heritage Assets

Strategic Policy CO4PU: Sustainable Travel

Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

#### Assessment

The main issues raised by this application relate to the principle of the development; improvements to existing community facility; impact of the development on neighbouring properties; parking & accessible developments; ecology; and drainage.

# Principle of Development

Policy ST1, and ST2 of the Copeland Local Plan seeks to concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy. The application site lies within the designated settlement boundary for Seascale which is identified as one of the Borough's Local Centre in Policy ST2 of the Copeland Local Plan. This policy provides an emphasis on the retention of existing service provision.

The replacement of the existing building within the Local Centre is acceptable in principle.

## Improvements to Existing Community Facilities

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

The proposed new development is to be utilised by Shackles Off. Shackles Off Youth and Community Project has operated within Seascale since 2009. The project delivers predominantly youth work, but they also offer different services for the local community. During this time, they operated from 1a South Parade, however after this building was sold, they have temporarily been sited within a former residential dwelling, The Vicarage, following the granted of planning permission (ref: 4/22/2025/0F1). This permission was granted planning permission for a period of two years expiring on the 9th March 2024. The proposed new facility will allow the community group to create a permanent base securing their long term presence within the village. Their relocation to this new development will enable staff



and members to work together in a more usable and control space then they currently have.

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

# Impact of Development on Neighbouring Dwellings

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.

This application seeks permission for the demolition of an existing flat roof dilapidated timber building, which forms part of the existing Windscale Club. The building is currently vacant but was formally utilised as a games room. The proposed new building is to be constructed upon a similar footprint to the existing demolished building however the proposed would be detached from the main club building.

Following discussion with the agent for this application additional details have been submitted to support this application including details of the existing use of the site, the proposed use of the building, and elevations to show the proposal in the context of the existing Windscale Club. Following the submission of this additional details concerns were raised regarding the overall height of the development and the proposed materials. Whilst it was requested that consideration be given to reducing the overall height of the development, the agent confirmed that the height proposed was required to enable the space to be utilised as the required storage areas. Whilst the overall height of the development is greater than that of the existing building to be replaced the proposal reflect the scale and character of the existing club house and is not considered to be excessive and over dominant within the streetscene. The proposed building is to be sited within a similar footprint of the existing building and significant separation distances with adjacent neighbouring dwellings are retained. The building has also been designed with a pitched roof sloping away from neighbouring properties, therefore the development is not considered to have a significant adverse impact on neighbouring dwellings. Existing boundary treatment will also be retained at the site. Operation times have also been confirmed and will be secured by an appropriately worded planning condition to protect the amenity of neighbouring dwellings.

Based on these discussions the agent did agree to amend the materials for the proposed development in order to reflect the character of the surrounding area. The original proposal sought permission for a brick building however following concerns with the materials the external finish was amended to be off white render in order to reflect the main club building and the surrounding residential properties. An appropriately worded planning condition will be included within the decision notice to ensure the development is carried out in accordance with the approved materials.

As part of the consultation process for this application the Council's Environmental Health team requested additional information regarding the proposed air source heat pumps. The

agent for this application submitted supplier details for the proposed heat pumps and also confirmed that the pumps would only be running during operational hours. Based on this information the Environmental Health Officer confirmed that the information is acceptable. An appropriately worded planning condition was requested to control the construction hours for the development.

No concerns have been raised by any neighbouring dwellings and the Parish Council have confirmed their support to the application. They have also confirmed that Shackles Off conducted a community consultation prior to the submission of the planning application and no objections were given.

On this basis, the proposed works are considered to comply with Policies ST1 and DM10 of the Local Plan and section 12 of the NPPF.

# Parking & Accessible Developments

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.

The existing Windscale Club is sited within an existing large car park. The proposal will create a new building upon the footprint of the existing dilapidated building at this site, therefore the existing car parking associated with this site will remain unaltered. The Highway Authority have confirmed that the proposed is unlikely to have a material impact on existing highway conditions due to the existing use of the site. The proposed new building will also include an access ramp which will improve accessibility for all users of the site.

The development is therefore considered to be compliant with the Policy DM22 of the Copeland Local Plan and Section 9 of the NPPF.

#### Ecology

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.

The building to which this application relates falls within the planning and development trigger list for bat surveys contained within the Bat Conservation Trust Bat Surveys Good Practice Guidelines. The bat survey submitted for this application states that there is no evidence of bats on the site, and there are no access points available for use by bats therefore there is no potential bat habitat. Based on this there is no negative impacts envisaged on bats from this development, and therefore there are no mitigation measures proposed.

A condition can be attached to any decision notice to ensure the development is carried out in accordance with the details set out in the submitted survey. An informative will also be included within the decision notice to ensure that if any bats, or evidence of this species, are



found during construction works the applicant informs the relevant bodies.

The application site is also identified as a potential area for natterjack toads. The application is not supported by any ecology details as the site is not located within 200m of a watercourse (as indicated within the ALGE trigger list) and is located within the centre of a built-up residential area. On this basis it is considered that this is not a habitat that is likely to contain natterjack toads and so it would not be necessary to seek an ecological survey for this minor application. Furthermore the development will be located upon the footprint of an existing extension therefore will not disturb any habitats.

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

## **Drainage**

Policy ST1B(ii) and paragraph 163 of the NPPF seek to focus development on sites that are at least risk of flooding and where development in flood risk is unavoidable, ensure that the risk is minimised or mitigated through appropriate design. Policy ENV1 and DM24 of the Copeland Local Plan reinforces the focus of protecting development against flood risk. This application seeks to discharge foul water into the mains sewer and surface water into the existing watercourse.

As part of the original consultation on this application UU raised no objections to the development but requested a pre commencement condition to secure full details of the proposed sustainable water drainage scheme and foul water drainage for the development. In order to avoid this pre commencement condition the agent confirmed that the increase is floor area from the existing building is 19.57m<sub>2</sub>, the additional surface water from the development would therefore be dealt with by rainwater harvesting as there isn't space within the site to install soakaways without disturbing the existing car park which wouldn't be consented by the Windscale Club. The proposed rainwater harvesting would link into the toilet system and grey water for the proposed development. Based on this clarification UU have confirmed that the proposals are acceptable but request a condition to ensure the development is carried out in accordance with the drainage plans submitted to support this application.

Based on the above, and the inclusion of the requested condition, the development is considered to comply with Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028 and the provisions of the NPPF.

# Planning Balance and Conclusions

This application seeks permission to demolish an existing dilapidated building which is currently unused at the Windscale Club which is an existing community facility. The site lies within one of the Borough's Local Service Centres.

Permission is sought for a replacement building to relocate and provide a permanent base for a well-established local charity organisation, "Shackles Off". The proposed new building will secure the long term presence of the charity within the village and will enable staff and members to work together in a more usable and controlled space.

The replacement building will be located largely upon the footprint of the existing building however will be slightly larger in scale and height. Whilst a larger development the proposal is not considered to have a significant detrimental impact on neighbouring properties due to the overall separation with neighbours and design. No objections have been received by neighbouring properties or the Parish Council.

The proposed materials for this development have been amended to ensure the development reflects the character of the existing club house and surrounding area.

The proposal does not raise any highway safety issues as the existing large car park is to be retained for use by the development. The proposed drainage scheme, operation hours and construction hours will be secured by appropriately worded planning conditions.

Issues relating to bats can be controlled by a suitably worded planning condition.

The proposal is therefore considered to be an acceptable form of sustainable development which is complaint with policies of the Copeland Local Plan and the provisions of the NPPF.

#### 8. Recommendation:

Approve (commence within 3 years)

#### 9. **Conditions:**

#### Standard Conditions:

1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission.

#### Reason

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. This permission relates to the following plans and documents as received on the



respective dates and development must be carried out in accordance with them:-

- Existing Plans (Amended), Scale 1:50 & 1:100, DWG01, Rev A, received by the Local Panning Authority on the 11<sup>th</sup> January 2023.
- Proposed Plans (Amended), Scale 1:50, DWG02, Rev A, received by the Local Planning Authority on the 23<sup>rd</sup> February 2023.
- Proposed Elevations & Location Plan (Amended), Scale 1:50, 1:75, 1:500, & 1:1250, DWG03, Rev B, received by the Local Planning Authority on the 23<sup>rd</sup> February 2023.
- Protected Species Survey: Bats, Prepared by John Temple Licenced Bat Surveyor October 2022, received by the Local Planning Authority on the 8<sup>th</sup> December 2022.
- Design and Access Statement (Amended), received by the Local Planning Authority on the 10<sup>th</sup> May 2023.
- Office & Session Use for the Proposed New Build, received by the Local Planning Authority on the 11<sup>th</sup> January 2023.
- Planning Response Letter, received by the Local Planning Authority on the 11<sup>th</sup> January 2023.
- Planning Response Letter, received by the Local Planning Authority on the 23<sup>rd</sup> February 2023.
- Windscale Complex Usage and Times as at 1<sup>st</sup> Feb 2023, received by the Local Planning Authority on the 11<sup>th</sup> January 2023.
- AroTHERM Plus: Air Source Heat Pump, received by the Local Planning Authority on the 23<sup>rd</sup> February 2023.
- Clearline Fusion G1 Solar Photovoltic Panels, received by the Local Planning Authority on the 23<sup>rd</sup> February 2023.

#### 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 Occupation/First Use Conditions:

3. The drainage for the development hereby approved, must be carried out in accordance with principles set out in the submitted plan 'Proposed Plans (Amended), Scale 1:50, DWG02, Rev A, received by the Local Planning Authority on the 23<sup>rd</sup> February 2023', showing separate foul and surface water drainage with a rainwater harvesting system. Prior to occupation/first use of the proposed development, the drainage schemes must be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

#### 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.

# Other Conditions:

4. The development must be carried out in accordance with and implement all of the mitigation and compensation measures set out in the approved document 'Protected Species Survey: Bats, Prepared by John Temple Licenced Bat Surveyor October 2022, received by the Local Planning Authority on the 8<sup>th</sup> December 2022'.

#### Reasons

To protect the ecological interests evident on the site.

5. The development hereby approved must be completed in accordance with the approved materials detailed within the approved documents:

Design and Access Statement (Amended), received by the Local Planning Authority on the 10<sup>th</sup> May 2023.

The development must be retained in accordance with these approved details for the lifetime of the development.

#### Reason

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

6. The use of the development hereby permitted must only be open to the public/customers between:

Monday - Friday: 08:00 - 22:00

Saturday: 09:00 – 22:00

Sunday: 09:00 - 21:00



#### Reason

To minimise potential disturbance to nearby residences and to safeguard the amenities of the locality.

7. Construction site operating hours, including deliveries, will be Monday – Friday 08:00 to 18:00 and Saturday 08:00 to 13:00 only.

Reason

In the interest of residential amenity.

#### Informatives:

- 1. During demolition/construction if any bats or evidence of bat is found within this structure the application should contact the National Bat Helpline on 0345 1300 2288 for advice on how to do works lawfully.
- 2. In view of the fact that this application, if granted, could increase the number of persons in the area (including trade people) the applicant should liaise with the Resilience Unit office via <a href="mailto:emergency.planning@cumbria.gov.uk">emergency.planning@cumbria.gov.uk</a> to allow for further discussion to ensure the applicant and their trades people/contractors are aware of the appropriate information and actions to take should there be an incident at the Sellafield.
- 3. The applicant/developer must contact CCC Resilience Unit office via <a href="mailto:emergency.planning@cumbria.gov.uk">emergency.planning@cumbria.gov.uk</a> to ensure information about the business can be captured and the Sellafield Off Site Emergency Plan updated accordingly.

#### 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	<b>Date</b> : 11.05.2023			
Authorising Officer: N.J. Hayhurst	Date: 12.05.2023			
Dedicated responses to:- N/A				