

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/23/2344/0F1	
2.	<b>Proposed Development:</b>	THE EXTENSION, RECONFIGURATION, AND MODERNISATION OF AN EXISTING CLUBHOUSE TO PROVIDE 2x RFU COMPLIANT CHANGING FACILITIES, 4x ADDITIONAL CHANGING FACILITIES, NEW GYM; AND THE DEMOLITION OF AN EXISTING DETACHED STORAGE BUILDING	
3.	<b>Location:</b>	MILLOM RUGBY UNION FOOTBALL CLUB, WILSON PARK, HAVERIGG	
4.	<b>Parish:</b>	Millom	
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, SSSI - SSSI, Coal - Off Coalfield - Data Subject To Change, Key Species - Known Sites for Natterjack Toads	
6.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter	No
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	<b>Report:</b>		
	<b>Site and Location</b>		
	<p>This application relates to Millom Rugby Union Football Club, which is located to the south of Haverigg. The application site is located approximately 450m west along Sea View from the public toilets/car park and beach café and is accessed via a single access track.</p> <p>The existing Rugby Club is located to the south of the adjacent sports fields and to the west of the large car park which serves this facility. The existing site and associated building that relate to this application comprises of a single storey purpose-built clubhouse with associated</p>		

changing facilities for Millom R.U.F.C.

### **Relevant Planning History**

4/89/0310/0 – Clubhouse/sports field – Approved in outline.

4/89/0867/0 – Clubhouse and parking facilities – Approved reserved matters.

4/91/0325/0 – Store area – Approved.

4/98/0347/0 – Change of use from grazing field to football pitch – Approved.

4/05/2107/0 – Extension to club house – Approved.

4/24/2007/0F1 – Creation of a new vehicular access including the installation of gate and posts, landscaping, and 9 additional car parking spaces (part retrospective) – Ongoing.

### **Proposal**

This application seeks planning permission for the extension, reconfiguration and modernisation of the existing clubhouse. In order to accommodate the redevelopment of this site, the application also seeks permission for the demolition of the existing detached storage building located to the south west of the existing club building.

The proposed extension will be sited to the west of the existing clubhouse and will be constructed from two parts. The first will extend by 10.4m from the gable of the existing building and will project by 25.2m to match the existing rear projection of the clubhouse. This element of the development will be finished with a pitched roof benefitting from an eaves and ridge height to match the existing building. The second part of the extension will infill the existing patio between the pitched roof extension and the existing clubhouse. This element of the extension will be finished with a flat roof with an overall height of 3.8m.

Internally the proposal will allow for the reconfiguration of the existing facilities and will create the following:

- Two RFU compliant changing facilities;
- Four additional changing facilities;
- A new gym;
- Plant room;
- First aid room with external door for ambulance access;
- New hallway; and
- Four washing pod facilities for existing CCC licensed site.

Externally, the proposed extension will be finished with painted wet dash render, plain concrete roof tiles, and white UPVC doors and windows to match the existing building. The flat roof element of the proposed extension will be finished with a fibreglass roofing system.



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Access to the site will remain as existing via the car park to the east of the site. Car parking spaces serving the site will remain as existing, however a designated footpath will be created along the northern side of the car park.

It is also proposed to create a secure and covered cycle storage area along the site frontage to provide spaces for 20 bicycles.

This application is being considered along a further application (ref: 4/24/2007/0F1) to create a new vehicular access to the west of the clubhouse and the creation of an additional car parking area.

### **Consultation Responses**

#### Millom Town Council

*30<sup>th</sup> November 2023*

No objections in principle to this application.

*2<sup>nd</sup> February 2024*

No objections in principle to this application.

*29<sup>th</sup> February 2024*

No objections in principle to this application.

#### Cumberland Council – Local Highway Authority & Lead Local Flood Authority

*4<sup>th</sup> January 2024*

Cumberland 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 in principle but would like the following points addressed before we can submit our final response.

- The LLFA would welcome full details of the surface water drainage system (incorporating SUDs features as far as practicable) and a maintenance schedule (identifying the responsible parties).
- Formalisation of car parking to the west of the clubhouse building in proposed. The number of increased parking spaces does not seem to reflect the area of parking. The red line boundary does not extend to the northern site access / egress. As it stands, the approach to the clubhouse building from the western access in the rugby club would include a section of grass (based on review of aerial imagery). Grass is not suitable surface for access by wheeling.

It is suggested that further information is provided on the access route to the clubhouse from the western access point along with further information on vehicle parking provision to the

west of the clubhouse, including number of vehicles.

Plans appear to include additional overnight stay provision for camper vans but the nature and extent of surfacing is not fully disclosed. Potential increase in vehicle numbers has not been addressed.

It is suggested that further information is provided on operation of the site for campervans.

- The car park east of the clubhouse has a bound surface. There is no segregated walking route through the car park. Surfacing of the west car park and approach to it may mean this is not suitable for all cyclists. There is a risk the operation of the gym and access to the building means cycle parking is not located conveniently for the facilities.

The car parks and areas east and west side of the clubhouse building do not appear to be fully connected by suitable paths.

The applicant should review internal access for walking, cycling and wheeling and make appropriate provision to enable people to move around the site without coming into conflict with vehicles.

Sufficient cycle parking should be proposed as part of the development and located in a safely accessible and attractive location to encourage active travel, in line with LTN1/20 guidance. Being an existing site does not exempt it.

The opening hours and operation of the building are going to impact on which entrances are being used. It is suggested that this is factored into cycle parking proposals.

LTN 1/20 advises cycle parking spaces for leisure and institutions should be:

- Short Stay – 1 per 50m<sup>2</sup> (total floor space) or 1 per 30 seats/ capacity
- Long Stay – 1 per five employees

It is suggested that the relevancy of Note LTN 1-20 Figure 11.1: Relationship between cycle parking duration of stay, location and ancillary facilities should be addressed. Options should be considered around covered provision in a compound or a small number of cycle lockers or cycle hangers.

The fact that the club operates a number of junior teams means those team members may be access the site by active travel. Provision of secure cycle parking would benefit them.

In light to the above comments additional details are required from the applicant. Upon receipt of the amended plans I shall be better placed to provide full response

*23<sup>rd</sup> January 2024*

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and attached previous comments below and the current status following additional information submitted to the Local Planning Authority (LPA) in January 2024.

- The LLFA would welcome full details of the surface water drainage system



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(incorporating SUDs features as far as practicable) and a maintenance schedule (identifying the responsible parties).

*The above point still needs addressed as no drawings have been submitted showing any drainage detail and states within the amended application that the surface water will outfall via an existing water course, the water course has also not been shown on any plans, it also states within the application no watercourses are within 20 metres of the site. The LLFA would welcome a detailed plan showing how surface water will leave this site.*

- Formalisation of car parking to the west of the clubhouse building in proposed. The number of increased parking spaces does not seem to reflect the area of parking. The red line boundary does not extend to the northern site access / egress. As it stands, the approach to the clubhouse building from the western access in the rugby club would include a section of grass (based on review of aerial imagery). Grass is not suitable surface for access by wheeling.

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Plans appear to include additional overnight stay provision for camper vans but the nature and extent of surfacing is not fully disclosed. Potential increase in vehicle numbers has not been addressed.

It is suggested that further information is provided on operation of the site for campervans.

*The above point will be dealt with via a new application as stated in the new information submitted to the LPA in January 2024.*

The car park east of the clubhouse has a bound surface. There is no segregated walking route through the car park. Surfacing of the west car park and approach to it may mean this is not suitable for all cyclists. There is a risk the operation of the gym and access to the building means cycle parking is not located conveniently for the facilities.

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The fact that the club operates a number of junior teams means those team members may be access the site by active travel. Provision of secure cycle parking would benefit them.

*The above point will be dealt with via a new application as stated in the new information submitted to the LPA in January 2024.*

In light to the above comments additional details are required from the applicant. Upon receipt of the amended plans I shall be better placed to provide full response.

*14<sup>th</sup> March 2024*

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and the additional information submitted to the Local planning Authority in February 2024, we as the LHA and LLFA are content that the information submitted has addressed the points raised on our previous response.

Therefore, 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

*20<sup>th</sup> March 2023*

Noting this is a Full application, we request that the applicant provides a detailed drainage plan, and that United Utilities has the opportunity to review and comment on this plan prior to determination of this application. Should planning permission be granted without the provision of this information we request the inclusion of a condition to secure details of a sustainable surface water drainage scheme and a foul water drainage scheme for the development.

#### Sports England

*19<sup>th</sup> December 2023*

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



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statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 99), and against its own playing fields policy, which states:

'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:

- 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

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

[https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing\\_fields\\_policy](https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy)

Having assessed the application, Sport England is satisfied that the proposed development meets exception 2 of our playing fields policy, in that:

'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

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

Sport England has engaged with the RFU as part of its consideration of the consultation and it has responded to advise;

The submitted design for the proposed new changing rooms does not comply with RFU Changing Room Guidance. Information is required showing the number of showers in each changing room; and the 14 person changing rooms do not meet the minimum size requirement for RFU Design Guidance (15 persons minimum). The consideration of providing en-suite facilities in all changing rooms is an upgrade on existing provision and the externally accessible toilet facilities are a thoughtful addition to the design.

The RFU's advice does not affect Sport England's substantive response but may affect the applicant if they are seeking funding from the RFU for the proposed work and should therefore be brought to the applicant's attention.

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 agreement.

*1<sup>st</sup> February 2024*

Thank you for consulting Sport England in respect of the additional information submitted in respect of the above application.

Sport England's substantive response dated 14<sup>th</sup> December 2023 advised that as the proposal met plating field policy exception 2 we did not wish to raise an objection.

The applicant has submitted additional information in response to design matters raised by the RFU. The RFU has reviewed the first amended plans and advised;

*The RFU appreciates the clarification that has been provided in relation to the 4no. smaller changing rooms (14 person). From the amended Design & Access Statement it is clear that the aforementioned changing rooms are not for rugby union purposes; and as such the RFU is happy to consent to their development.*

*The RFU is also supportive of the two new larger changing rooms and confirms that, subject to final designs showing the number and placement of shower heads in each changing room, these meet RFU Design Guidance in each other aspects.*

*The other components of the development i.e. the gym, first aid room and officials room are all positive contributions to the wider club development; with the gym, in particular, a potential source of income to help sustain the Club's operations.*

There has not been the opportunity to further review the most recent plans, but their level of detail is out with the planning system's focus and can be progressed between the respective parties without delaying the determination of the application.

*14<sup>th</sup> March 2024*

Thank you for consulting Sport England on the additional information on the above named application.

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.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para.103), and against its own playing fields policy, which states:

'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:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or





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- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

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Having assessed the additional information, Sport England remains of the view that the proposed development meets exception 2 of our playing fields policy, in that:

'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

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 agreement.

Cumberland Council – Footpaths Officer

*21<sup>st</sup> December 2023*

A Public Right of Way - Bridleway 415013 passes along main access to Wilson Park. See attached Plan.

Section 7.7 of Policy ENV6 – Access to the Countryside within the Copeland Local Plan 2013-2028 recognises that existing Public Rights of Way are protected in law.

The applicant should be advised that:

- The granting of planning permission would not give the applicant the right to block or obstruct the right of way shown on the attached plan.
- The right of way as shown on the definitive map and statement must be kept open and unaltered for public use until an order made to divert, stop up or to temporarily close it has been confirmed.

Natural England

*18<sup>th</sup> December 2023*

Thank you for consulting Natural England on this application, and we apologise for the delay

in our response. Proposal 4/23/2344/0F1 is in close proximity to Morecambe Bay Special Area of Conservation (SAC), Morecambe Bay and Duddon Estuary Special Protection Areas (SPA), Duddon Estuary Site of Special Scientific Interest (SSSI) and Duddon Estuary Ramsar. Natural England have reviewed the relevant documents and provide the following advice:

### CEMP

As construction will be taking place in close proximity to Morecambe Bay SAC and Morecambe Bay and Duddon Estuary SPA a Construction Environmental Management Plan (CEMP) will need to be secured through Condition to detail the pollution prevention measures that will be implemented during the works. Appropriate pollution prevention guideline measures should include materials and machinery storage, biosecurity, and the control and management of noise, fugitive dust, surface water runoff and waste to protect any surface water drains and the SAC from sediment, and pollutants such as fuel and cement. The respective developer would also be required to produce a management plan on how they propose to manage surface water run-off in conditions of heavy rainfall to prevent pollution of the SAC.

Natural England advises that dust reduction activities are applied during all construction stages of the development, and a dust management plan should be prepared to control fugitive emissions during construction activity. There must be a 10-metre buffer strip to the SAC, and a bund is required to be installed to prevent any sediment and pollution in surface water run-off from reaching SAC. All materials and equipment must be stored outside the buffer strip, and there should be a designated concrete mixing/refuelling site outside the buffer strip, with spill kits on site and drip trays used for refuelling.

*22<sup>nd</sup> January 2024*

Natural England has previously commented on this proposal and made comments to the authority in our response dated 18 December 2023 reference number 459578 (attached)

The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

*8<sup>th</sup> March 2024*

Natural England has previously commented on this proposal and made comments to the authority in our response dated 18 December 2023 reference number (459578).



## **Cumberland Council**

The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

### Public Representation

This application has been advertised by way of a site notice. One letter of objection has been received to this statutory notification period raising the following concerns:

- The design and access statement fails to mention that the secondary access to the new proposed parking area will be from an official bridleway not a highway.
- The local authority should not be approving plans that encourage the improper use and increased traffic use onto a bridleway which impacts the safety of walkers and horse riders.
- The fact that this bridleway is already being used improperly by the club due to a lack of enforcement is not a justification for the authority to turn a blind eye to the fact that it is a bridleway.
- The proposed extension can be accessed from the existing parking area and entrance which club already has. If the new parking area is really needed then access to the new parking area should be created from within the land of the club i.e. a short road in the front of the club could link the two parking areas.

One letter of support was also received which stated that this would be a fantastic development for residents within the area.

### **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)**

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 ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM22 – Accessible Developments

Policy DM21 – Protecting Community Facilities

Policy DM22 – Accessible Developments

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Emerging Copeland Local Plan 2021 – 2038 (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which



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identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and will close on the 28<sup>th</sup> March 2024.

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 advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

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

Policy DS6PU: Design and Development Standards

Policy DS7PU: Hard and Soft Landscaping

Strategic Policy DS8PU: Reducing Flood Risk

Policy DS9PU: Sustainable Drainage

Policy DS10PU: Soils, Contamination and Land Stability

Policy DS11PU - Protecting Air Quality

Policy SC5PU: Community and Cultural Facilities

Strategic Policy SC1PU: Health and Wellbeing

Policy SC2PU: Sporting, Leisure and cultural Facilities (excluding playing pitches)

Policy SC3PU: Playing Fields and Pitches

Policy SC4PU: Impact of new development on sporting facilities

Policy SC5PU: Community and Cultural Facilities

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2PU: Local Nature Recovery Networks

Strategic Policy N3PU: Biodiversity Net Gain

Strategic Policy N6PU: Landscape Protection

Strategic Policy N9PU - Green Infrastructure

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

Policy R5PU: Retail and service provision in rural areas

Strategic Policy CO4PU - Sustainable Travel

Policy CO5PU - Transport Hierarchy

Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure

**Other Material Planning Considerations**

National Planning Policy Framework (2023)

National Design Guide (NDG)

Cumbria Development Design Guide

The Conservation of Habitats and Species Regulations 2017 (CHSR)

Wildlife and Countryside Act 1981

**Assessment**

The main issues raised by this application relate to the principle of the development; settlement character and landscape and visual impact; scale, design and impact of development; access and highway safety; ecology; and flood risk and drainage.

Principle of Development

Policy ST1 of the Copeland Local Plan seeks to provide and enhance recreational opportunities for the Borough's residents and its visitors, protecting existing provision and ensuring that future development meets appropriate standards in terms of quantity and quality. Policy SS4 of the Copeland Local Plan protects range of services and facilities serving the Borough's communities by encouraging 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. This policy also allows for the expansion and enhancement of existing community and cultural facilities to assist continuing viability.

Policy SC1PU of the Emerging Local Plan states that the Council will promote health and well-being in the Borough. Emerging Policy SC2PU states that the Council will seek to protect and enhance existing sport and leisure facilities. Policy SC5PU of the Emerging Local Plan also states that proposed for new community facilities will be supported in principle and



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developments must be located within a settlement boundary identified within the hierarchy unless the proposal is for a specific activity that required a location that cannot be accommodated within a settlement, be accessible by sustainable transport modes where possible, be of a scale appropriate to its surroundings, ensure adequate parking is provided, ensure the development does not cause unacceptable harm on residential amenity, and ensure that biodiversity conservation interests would not be harmed as a result.

The application site is located to the south of Haverigg, outside the existing settlement boundary for the Local Centre. Policy ST2 of the Copeland Local Plan restricts development outside the defined settlement boundary to that which have a proven requirement, including land use characteristically located outside settlements such as agriculture or forestry, farm diversification schemes or tourism activities requiring location in the countryside.

Policy DS3PU of the Emerging Local Plan continues to identify the application site as outside of any settlement boundary. Policy DS4P of the Emerging Local Plan also continues to restrict development outside settlement boundaries unless the development has a provide need for an open countryside location which has been demonstrated to the Council, including agricultural, forestry, farm diversification or tourism proposals which require such a location.

Paragraph 89 of the NPPF also states planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Whilst the application site is located outside of any settlement boundary, the Millom R.U.F.C is a well-established facility which has provided services for the south of the Borough for a number of years since the original approval for the facility in 1989. The current proposal seeks to enhance the existing community sports facilities and make it more acceptable to all members of the community increasing health and well-being within the south of the Borough. The proposed works will also ensure that the facility is able to comply with RFU design guidelines.

Sports England have reviewed the application and have confirmed that they have no objection to the proposal as the development is for ancillary facilities supporting the principal use of the site as a playing field and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.

On this basis, the proposal is considered to comply with Policies ST1, ST2, and SS4 of the Copeland Local Plan, Policies DS3PU, DS4PU, SC1PU, SC2PU and SC5PU of the Emerging Local Plan, and provisions of the NPPF.

### Settlement Character and Landscape and Visual Impact

Policy ENV5 of the Copeland Local Plan states 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.

Policy DM26 of the Copeland Local Plan stated that where necessary development proposals will be required to include landscaping schemes that retain existing landscape features, reinforce local landscape character, and mitigate against any adverse visual impact. Care should be taken that landscaping schemes do not include invasive non-native species.

Within the Emerging Local Plan, Policy N6PU states that the Borough's landscapes will be protected and enhanced by supporting proposal which enhance the value of the Boroughs landscapes, protecting all landscapes from inappropriate change by ensuring that development conserves and enhances the distinctive characteristics of that particular area in a manner commensurate with their statutory status and value. It is stated that proposals will be assessed according to whether the proposed structures and associated landscaping relates well in terms of visual impact, scale, character, amenity value and local distinctiveness and the cumulative impact of developments will be taken into account as part of this assessment and that consideration must be given to the Council's Landscape Character Assessment, Settlement Landscape Character Assessment and the Cumbria Landscape Character Guidance and Toolkit at the earliest stage.

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 2d: Coastal Margin – Coastal Urban Fringe. The Key Characteristics of the land comprise: low lying flat land, urban influences linked to tourism development, derelict buildings and major transport routes, strong man-made landforms on coastal edges, mixed land cover of mown grass, pasture, scrub and semi natural grassland, and weak field patterns.

The Guidelines for development include: protect 'green' areas from sporadic and peripheral development, encourage new development on brownfield and vacant sites to protect and enhance habitats, minimise the impact of new development by careful siting, design and high standards of landscape treatment particularly where public views are affected, and establish new woodland belts or thick hedgerows along the edges of developments to soften their impact, provide a backcloth, define limits of urban expansion and integrate isolated development.

Given the location of the site the development will result in some localised change to the landform and would result in some minor impacts upon the local landscape character. The proposed extension is to be located to the west of the existing clubhouse, demolishing an existing store to accommodate the reconfiguration and extension of the site. Whilst the





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development has been designed to reflect the overall scale and design of the existing clubhouse, the extension to the existing facility is relatively large in scale increasing the floor area by approximately 370m<sup>2</sup>. Given the open nature of the site the proposed extension will be visible from outside of the application site, however the existing vegetation to the south of the site will provide some mitigation when viewed from the access road to the south of the site. The proposal will also be visible from existing residential properties to the north, however the impact of this within the landscape will be limited due to the location of the existing building, and the overall design which reflects the appearance of the existing building.

On this basis, the proposal is considered to comply with Policies ST1, ENV5 and DM26 of the Copeland Local Plan, Policy N6PU of the Emerging Local Plan, and the provisions of the NPPF.

### Scale, Design & Impact of Development

Policy SS1 of the Copeland Local Plan seeks to make Copeland a more attractive place to build homes and to live through requiring new development to be designed and built to a high standard.

Policy DM10 of the Copeland Local Plan expects high standards of design and the fostering of quality places. It is required that development responds positively to the character of the site and the immediate and wider setting and enhance local distinctiveness. It is required that development incorporate existing features and address vulnerability to and fear of crime and antisocial behaviour.

Policy DS6PU of the Emerging Local Plan requires all new development to meet high-quality standards of design. This includes creating and enhancing locally distinctive places, the use of good quality materials that reflect the local character, including high quality and useful open spaces, providing high levels of residential amenity, adopting active travel principles, creating opportunities for social interaction, and effective use of land whilst maintaining amenity and maximising solar gain.

Whilst large in scale the proposed extension has been designed to reflect the scale and appearance of the existing clubhouse. The main element of the proposed extension has been designed to match the existing eaves and ridge height of the existing building and will be finished with the same materials. The flat roof element of the extension will also be finished with the same materials (excluding the roof) and will sit between the two rear gables therefore is only visible from the rear of the site. Appropriately worded planning conditions will be attached to any decision notice to ensure the development is carried out in accordance with the specified materials.

Given the sites location, the nearest residential property is located approximately 190m to the north east and 130m to the existing holiday part of the east. The proposal is considered to retain adequate separation distances between the clubhouse and existing residential dwellings, therefore the development is not considered to have an adverse impact on residential amenity.

Based on the inclusion of conditions outlined above, the proposal is considered to comply with Policies SS1 and DM10 of the Copeland Local Plan, Policy DS6PU of the Emerging Local Plan, and the provisions of the NPPF.

#### Access & Highway Safety

Policy T1 of the Core Strategy requires mitigation measures to be secured to address the impact of major housing schemes on the Boroughs transportation system. 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.

Policies CO4PU, CO5PU and CO7PU of the ELP promotes active travel.

Access to the site will remain as existing via the car park to the east of the site. The car park serving the site will also remain as existing, however a designated footpath will be created along the northern side of the car park. It is also proposed to create a secure and covered cycle storage area along the site frontage to provide spaces for 20 bicycles, external details of this will be secured by condition as they have yet to be provided. This application is being considered along a further application (ref: 4/24/2007/0F1) to create a new vehicular access to the west of the clubhouse and the creation of an additional car parking area.

The majority of concerns raised originally by the Highway Authority in relation to this application will be dealt with via the additional application ref: 4/24/2007/0F1. The agent has also submitted additional information in relation to the proposed cycle provision in order to address other comments raised. Based on the submission of this amended/additional information the Highway Authority have confirmed that they have no objections to the proposed development as its not considered that it will have a material effect on existing highway conditions. Conditions will be placed on any decision notice to secure the construction and retention of the proposed cycle store prior to the first use of the extension hereby approved.

Subject to these planning conditions, and given the existing use of the site, it is considered that the proposal will not have a detrimental impact on highway safety in accordance with Policies T1 and DM22 of the Copeland Local Plan, Policies CO4PU, CO5PU and CO7PU of the Emerging Local Plan and provisions of the NPPF.

#### Ecology

Policies ST1, ENV3, and DM25 seeks to ensure that new development will protect and enhance biodiversity and geodiversity.

Policy N1PU of the Emerging Local Plan LP defines a mitigation hierarchy.

Policy N3PU of the Emerging Local Plan requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1PU above. This is in addition to any compensatory habitat provided under Policy N1PU. It is stated net gain should be delivered on site where possible and where on-site



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provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.

The application site is identified as a known site for natterjack toads, therefore the proposal is supported by a Preliminary Ecological Appraisal. This report concludes:

- The amenity grassland has a very low species diversity and ecological value. The species are all indicative of specific sports pitch management with frequent mowing. This habitat does not constitute a Habitat of Principal Importance (HPI).
- There is no evidence of Japanese Knotweed, Giant Hogweed or Himalayan balsam on the site.
- There are no records for amphibians within 2km of the site. However, Natterjack Toads are known to use some areas of the dune habitat locally. There are specifically-managed duneslack ponds for use by this species for breeding to the south-east of the site on the edge of the dunes, closer to the shoreline. The nearest records for the species are over 2.5km on coastline to the north-east.
- The core development area has a low value to amphibians, including Natterjack toads. The sports pitches and hardstanding are devoid of suitable habitat for refuge of breeding. The proposed development will not result in the permanent loss of or a substantial negative effect on any waterbodies or foraging areas linked to them. Boundary areas which may provide foraging or refuge sites, are to be retained.
- No records of badgers occur within 2km of the site. The proposed development will not impact on any existing badger runs or setts. The porosity of the surrounding fields to the passage of badgers will not be affected.
- There is one record of one species of bat within 2km of the site, namely a Natterer's bat (*Myotis nattereri*). The foraging habitat at the site is very poor for bat species being open and exposed. The amenity grassland offers negligible foraging opportunities for bats. The coastal scrub offers some foraging habitat, but sparse treelines are poor in terms of their structure, diversity and interconnectivity. More extensive areas of medium quality habitat occur locally, including hedgerows and trees around the local farmland further inland and the residential areas to the east. It is not considered there would be significant degradation of foraging habitat as a result of the proposal so long as the trees are retained and or their loss is compensated for in any landscaping scheme.
- The buildings at the site were inspected for their potential for use by bats. The clubhouse (TN1) was found to be in excellent condition, with rendered walls and boxed soffits sealed. The roof tiles, ridge tiles and verge caps were in place, tightly fitted. Overall, this building has negligible potential for use by bats.
- The outbuilding (TN2) is to be removed as part of the proposals. The rendered walls were sealed. The flat corrugated metal roof is intact, and securely held in place by verge caps at the roof edges. The metal roof is unsuitable for bats, having poor insulating properties. The building has no separate roof void and there were no potential roost features externally or internally. Overall, this building has negligible

potential for use by bats.

- Bat species are highly unlikely to rely on the site for feeding but may occur in the local area. Roosting by bats will not occur on the site. No mitigation for bats required.
- No signs of nesting birds were found on the site. Precautionary mitigation is considered appropriate.
- A risk assessment of the site in respect of its future potential for and value to brown hares could be adequately made. We consider the risk to brown hares is very low.
- Given the poor quality habitats contained within the site in comparison to the wider area, it is not considered that this site is of any local significance for invertebrates.
- Reptiles may occur within the dune scrub to the south of the site, although the area is frequently disturbed by humans/dogs. It is also outside the site boundary and should be unaffected by the proposal. As a consequence, precautionary mitigation would be appropriate in respect of construction activities so as to ensure reasonable avoidance measures are taken to avoid the killing or injury of these species.

The appraisal recommends the following mitigation measures:

- The roots of trees on the site boundaries should be adequately protected during work in accordance with industry standards. All trees should as far as possible be retained in the scheme. Where a tree must be removed, it should be replaced with trees/shrubs that can tolerate the exposed coastal conditions at the site.
- The landscaping scheme should utilise plants which are native and wildlife friendly.
- Badger sets will be undisturbed by work but in order to minimise impacts on badgers passing over the site, with all works taking place during daylight hours, trenches should be fitted with escape ramps, and no trenches should be left open overnight, and boundary fences/walls should incorporate gaps at their base to facilitate the passage of badgers across the site.
- New roosting provision for crevice dwelling bats could be incorporated into the new buildings on site and works at night should be restricted and light spill into the boundary should be minimised.
- Any vegetation to be trimmed or cleared should be checked for nesting birds before it is removed. Ideally this should occur outside the bird nesting period March-September. If vegetation clearance is to occur in the March-September period a check for nesting birds should be conducted first by a suitably qualified individual.
- If nesting birds are found at the site all site works shall cease and further ecological advice shall be sought with a view to a detailed method statement and programme of mitigation measures being prepared and implemented.
- In the unlikely event that any signs of any brown hare activity is subsequently found, all site works should cease and further ecological advice should be sought with a view to a detailed method statement and programme of mitigation measures being prepared and implemented.
- Contaminants should not be allowed to enter substrates during work. To effect this,



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spill kits should be provided on site. Re-fuelling of all plant and machinery should be undertaken away from open drains and water courses. Drip trays should be used under static machinery.

- There is no requirement for specific mitigation for these species. However, as a precautionary measure, in the unlikely event that any signs of any reptile activity is subsequently found, all site works should cease and further ecological advice should be sought with a view to a detailed method statement and programme of mitigation measures being prepared and implemented.
- The method statement must be followed for construction works during the scheme and the following measures adopted: a copy of method statement kept on site, appended toolbox talk displayed in site cabins, areas of vegetation to be removed must be cut back to ground level with handtools and a walkover undertaken prior to works starting, and if natterjack toads are found all works must stop immediately and contact should be made with a licensed, qualified ecologist, who will liaise with Natural England.

Appropriately worded planning conditions can be attached to any decision notice to ensure the development is carried out in accordance with the ecological appraisal and identified mitigation measures.

Natural England have been consulted on this application and have confirmed that a Construction Environmental Management Plan (CEMP) will need to be secured through a condition to detail the pollution prevention measures that will be implemented during the works. They have also confirmed that the developer will need to produce a management plan on the management of surface water run-off in conditions of heavy rainfall to prevent pollution of the SAC, and dust management plan, these details will be secured by appropriately worded planning conditions.

Based on the inclusion of the requested conditions, it is considered that the development would be in accordance with the aims and objectives of both the adopted Copeland Local Plan, Emerging Local Plan and the NPPF.

### Flood Risk & 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.

The application site is located within Flood Zone 1, therefore a Flood Risk Assessment has not been submitted to support this application.

The application states that foul water will discharge into the existing drainage system and a new proposal determined upon review. It is proposed that surface water will be dealt with via new surface water drainage to discharge into a new soakaways which will connect into the existing system.

Following initial concerns raised by the LLFA the agent has submitted additional information in relation to surface water drainage for the development. The LLFA have therefore confirmed that they have no objections to the proposal as works are not considered to increase the flood risk on the site or elsewhere.

UU have requested a condition to secure full details of a sustainable surface water and foul drainage scheme for this site, as this has not currently been provided with the application.

Noting this is a Full application, they have requested that the applicant provides a detailed drainage plan. This can be secured by an appropriately worded planning condition to secure details of a sustainable surface water drainage scheme and a foul water drainage scheme for the development.

Subject to the inclusion of this condition, it is considered that the development would be in accordance with the aims and objectives of both the adopted Copeland Local Plan, Emerging Local Plan and the NPPF.

#### Planning Balance and Conclusion

The application site is located to the south of Haverigg, outside the existing settlement boundary for the Local Centre. Policy ST2 of the Copeland Local Plan restricts development outside the defined settlement boundary to that which have a proven requirement, including land use characteristically located outside settlements such as agriculture or forestry, farm diversification schemes or tourism activities requiring location in the countryside. Emerging Policy DS4PU also restricts development outside the settlement boundaries unless an open countryside need has been demonstrated.

Millom R.U.F.C is a well-established facility which has provided services for the south of the Borough for a significant period since the original approval for the facility in 1989. The current proposal seeks to enhance the existing community sports facilities, make it more acceptable to all members of the community increasing health and well-being within the south of the Borough, and ensure the club facilities are able to comply with RFU design guidelines.

Given the location of the site, and scale of proposal, the development will result in some localised change to the landform and would result in some minor impacts upon the local landscape character. However, these impacts are mitigated through the existing landscaping at the site and the overall design of the proposal which will match the appearance of the existing clubhouse.

The proposal is considered to retain adequate separation distances between the clubhouse and existing residential dwellings and is therefore not considered to have an adverse impact on residential amenity.

There are no concerns with regard to access and parking, as these remain as existing. Conditions will be utilised to secure the proposed cycle parking. Conditions will also be utilised to secure the ecology mitigation measures proposed and full details of the proposed foul and surface water drainage for the development.



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	<p>On balance the positive benefits that would result from this proposal outweigh any potential harm and the proposal represents a sustainable form of development which complies with the Policies set out in the Copeland Local Plan and the guidance within the NPPF.</p>
8.	<p><b>Recommendation:</b> Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <p><u>Standard Conditions:</u></p> <ol style="list-style-type: none"><li>1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission.</li></ol> <p>Reason To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <ol style="list-style-type: none"><li>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:-<ul style="list-style-type: none"><li>- Location/Block Plan (Amended), Scale 1:500, 1:1250 &amp; 1:2500, Drawing Reference: 23-11-P-L, Revision: C, received by the Local Planning Authority on the 26<sup>th</sup> February 2024.</li><li>- Proposed Site Plan 01 (Amended), Scale 1:250, Drawing Reference: 23-11-P-01(1), Revision: A, received by the Local Planning Authority on the 26<sup>th</sup> February 2024.</li><li>- Proposed Site Plan 02 (Amended), Scale 1:250, Drawing Reference: 23-11-P-01(2), Revision: A, received by the Local Planning Authority on the 26<sup>th</sup> February 2024.</li><li>- Plans &amp; Elevations as Existing, Scale 1:100, Drawing Reference: 23-1-P-02, Revision: -, received by the Local Planning Authority on the 23<sup>rd</sup> November 2023.</li><li>- Plans as Proposed (Amended), Scale 1:100, Drawing Reference: 23-11-P-04, Revision: C, received by the Local Planning Authority on the 22<sup>nd</sup> January 2024.</li><li>- Elevations as Proposed, Scale 1:100, Drawing Reference: 23-11-P-05, Revision: A, received by the Local Planning Authority on the 23<sup>rd</sup> November 2023.</li><li>- Existing Building 3D Sketches, Drawing Reference: 23-11-P-03, Revision: -, received by the Local Planning Authority on the 23<sup>rd</sup> November 2023.</li></ul></li></ol>

- Proposed Building 3D Sketches, Drawing Reference: 23-11-P-06, Revision: A, received by the Local Planning Authority on the 23<sup>rd</sup> November 2023.
- Flood Map, received by the Local Planning Authority on the 23<sup>rd</sup> November 2023.
- Preliminary Ecological Appraisal, Prepared by Envirotech November 2023, received by the Local Planning Authority on the 23<sup>rd</sup> November 2023.
- Design & Access Statement (Amended), Prepared by Fox-AD, received by the Local Planning Authority on the 2<sup>nd</sup> January 2024.
- Application form, received by the Local Planning Authority on the 23<sup>rd</sup> November 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.

Pre Commencement Conditions:

3. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme must be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
  - i. An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
  - ii. A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
  - iii. Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
  - iv. Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
  - v. Foul and surface water shall drain on separate systems.

The approved schemes must also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.





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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.

### Reason

To ensure the provision of a satisfactory drainage scheme in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

4. Before development commences, a Construction Environmental Management Plan must be submitted to and approved in writing by the Local Planning Authority. This plan must provide details of the pollution prevention measures that will be implemented during the works, a dust management plan, and a management plan on how surface water run-off will be managed in conditions of heavy rainfall to prevent pollution of the SAC. The development must be carried out in accordance with the approved details at all times thereafter.

### Reason

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

### Prior to Installation/Use Conditions:

5. Prior to its installation at this site full details of the proposed cycle store must be submitted to and approved in writing by the Local Planning Authority. The cycle store must be installed in accordance with the approved details within two months of the first occupation of the extension hereby approved and must be retained at all times thereafter.

### Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity in accordance with Policy ST1 and DM10 of the Copeland Local Plan.

### Other Conditions:

6. The development must be carried out in accordance with and implement all of the mitigation and compensation measures set out in the approved document 'Preliminary Ecological Appraisal, Prepared by Envirotech November 2023, received by the Local

Planning Authority on the 23<sup>rd</sup> November 2023'. The development must be carried out in accordance with the approved document at all times thereafter.

**Reason**

To protect the ecological interests evident on the site in accordance with Policies ENV3, and DM25 of the Copeland Local Plan 2013-2028.

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

- Application form, received by the Local Planning Authority on the 23<sup>rd</sup> November 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 in accordance with Policy ST1 and DM10 of the Copeland Local Plan.

**Informatives:**

1. The granting of planning permission does not give the applicant the right to block or obstruct the right of way. The right of way as shown on the definitive map and statement must be kept open and unaltered for public use until an order made to divert, stop up or to temporarily close it has been confirmed.
2. During 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.

**Statement:**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.



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<b>Case Officer:</b> C. Burns	<b>Date :</b> 22.03.2024
<b>Authorising Officer:</b> N.J. Hayhurst	<b>Date :</b> 25/03/2024
<b>Dedicated responses to:-</b> N/A	