

Application Reference Number:	4/24/2089/0F1
Application Type:	Full Planning Application
Application Address:	Land to the Rear of Wyndham Street, Cleator Moor
Proposal	Community Activity Centre Refurbishment and Extension, With Associated Parking and Landscaping.
Applicant	Cumberland Council
Agent	Cohesion Consult
Valid Date	21 st March 2024
Case Officer	Sarah Papaleo

Cumberland Area and Region

Copeland and Cleator Moor

Relevant Development Plan

Copeland Local Plan 2021-2039.

Reason for Determination by the Planning Committee

The planning application is on land that is in the ownership of Cumberland Council, who is also the applicant, and representations have been received objecting to the development on material planning grounds.

Recommendation

Planning Permission is granted subject to the planning conditions outlined in Appendix 1 of this report, with the Assistant Director of Inclusive Growth and Placemaking being given delegated authority to add to and/or make any amendments to the conditions as considered appropriate.

1. Site and Location

- 1.1 This application relates to the Community Activity Centre which is situated to the rear of Wyndham Street in Cleator Moor. It forms part of a wider sports and recreation facility that serves the town and surrounding settlements.
- 1.2 The building is surrounded by playing fields to the east, north and west, with residential properties to the south. The main square and Market Place lies approximately 200 metres to the south west
- 1.3 Access to the site is taken from the corner of Quarry Road and Wyndham Street. A car parking area lies adjacent to the building.
- 1.4 The site is owned by the Council.

2.0 Directly Relevant Planning Application History

Erection of indoor bowls facility, approved in March 1989 (application reference 4/89/0032/0 relates);

Extension for changing facilities, showers and toilets, approved in January 1994 (application reference 4/93/0837/3 relates);

Touring caravan site, car park, all weather pitch, wind turbine and extension to clubhouse, approved in April 1993 (application reference 4/93/0010/0 relates);

Toilet block, approved in June 1994 (application reference 4/94/0366/3 relates);

Temporary toilet and shower block, approved in September 1994 (application reference 4/94/0572/0 relates).

3.0 Proposal

- 3.1 The current Sports Hall is used predominantly as an indoor bowls centre.
- 3.2 Planning Permission is sought for the refurbishment of the existing Community Activity Centre, including the demolition of an existing store, the erection of an extension, the creation of additional parking, the construction of an attenuation basin and the landscaping of the wider site. The works are designed to provide a facility that can offer a greater range of sporting facilities.
- 3.3 The extension will form an “L shape” to the north of the building. It will project by 15.3m to the north and 12.7m to the west of the existing structure. It will provide additional space to accommodate offices, male, female and accessible changing rooms, a studio, fitness gym and plantroom.
- 3.4 The extension will be finished externally with composite cladding. The existing building is also to be reclad to match the new extension.

- 3.5 Internally, the building will be reconfigured to create a flexible, multi purpose spaces to accommodate badminton, basketball, netball, volleyball and 5 a side football. The function for bowlers will be retained.
- 3.6 The new section of roof will be fitted with solar panels which will cover a surface area of 200m²,
- 3.7 A small track is to be installed within the grounds to provide a designated running track and pedestrian route.
- 3.8 The existing parking area to the north west of the site will be increased to include approximately 40-50 additional spaces. These will be unmarked.
- 3.9 The overall site is to be enhanced and a landscaping scheme is proposed which includes the planting of trees and hedgerows, seeded area and new seating.

4.0 Consultation Responses

Cleator Moor Town Centre

No concerns were raised regarding this application.

Highways and Local Lead Flood Authority

1st response

I can confirm that we have no objections to the proposal, subject to the following recommended conditions being included in any Notice of Consent which may be issued:

Condition 1: Development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- Details of any proposed temporary access points (vehicular / pedestrian)
- surface water management details during the construction phase

Reason:

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety.

2nd response

I can confirm that the response made to the previous application should still apply.

Natural England

1st response

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

2nd response

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Environment Agency

No response received.

United Utilities

1st response

Following our review of the submitted Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the following condition is attached to any subsequent Decision Notice:

CONDITION:

The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Drainage Strategy Report (ref L2763, rev P1, dated 26th July 23). For the avoidance of doubt surface water must drain at the restricted rate of 4.6 l/s. 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 a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

Environmental Health

1st response

Environmental Health are supportive of this development though several matters of relevance are discussed further below. Part of the site encompassed the former 19th century Aldby Quarry (limestone), which was later infilled with made materials, and this is the subject of the approved Phase II Ground Investigation Report.

Its findings include:

- That the site is within an elevated level Radon 1 km grid and so full Radon protection is required in to the build;
- Slightly increased levels of CO₂ and depleted O₂ levels were found during Ground Gas monitoring and, therefore, Ground Gas protection measures are required in the build (which may also provide full protection for Radon);
- An elevated PAH contamination 'hotspot' was identified that should either be covered or that further soil testing should be carried out to determine the extent of the hotspot and allow for the contaminated soil to be removed off site to landfill. There may also be the possibility of further contaminated hotspots being encountered during ground works.
- A small area of Japanese Knotweed was seen on the site, which needs to be eradicated.

The Noise Assessment establishes background noise levels for the area and, whilst not rating any proposed plant and equipment for the Community Activity Centre, lays the basis for a possible planning condition on noise levels from such equipment. Environmental Health do not expect that noise disturbance may be likely, however, though the noise condition below is suggested if required.

Standard construction working hours are requested to limit any disturbance during the construction phase.

It should be noted that the Ecological Survey and Assessment does not directly mention gulls on the site. Environmental Health have had past dealings regarding gull nuisance on this site and a recent site visit confirms that gulls are still present in limited numbers. Gull proofing to roofs and the buildings could be considered, as could litter / waste management measures to deter scavenging gulls.

The Light Assessment is approved and an optional condition on external lighting is suggested below.

The following planning conditions are therefore suggested:

1. Land Affected by Contamination – Verification and Implementation of Approved Remediation Scheme

No development shall take place until all outstanding remediation measures laid out in the approved Phase II Ground Investigation Report are fully completed. Following completion of remediation measures, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and approved in writing by the Local Planning Authority. Such remediation measures shall be implemented as approved and should ensure that the land will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to use of the land after its remediation.

Reason:

To ensure that risks from land contamination both during the construction phase and to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

2. Land Affected by Contamination – Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken and, where remediation is necessary, a remediation scheme must be prepared and submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that risks from land contamination both during the construction phase and to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

3. Land Affected by Japanese Knotweed

Prior to the commencement of development on site, a Management Plan for the control and management of the invasive species on the site must be submitted to and approved in writing by the Local Planning Authority.

Development must be carried out in accordance with the approved plan at all times thereafter.

Reason:

To protect the ecological interests evident on the site and in accordance with policies ENV3 and DM25 of the Copeland Local Plan.

4. Restriction of noise from plant and equipment

The rating level of any noise generated by plant and equipment as part of the development shall not exceed the existing background noise level of 31 DB LA90 (07.00 – 23.00 hours daytime) and 23 DB LA90 (23.00 – 07.00 hours night time) at 1m from the façade of the nearest noise sensitive premises. Measurements and assessments shall be made in accordance with BS 4142:2014 and its subsequent amendments.

Reason:

To safeguard the amenity of residents and the area generally.

5. Noise from Construction Works

Following approval of the development, construction activities that are audible at the site boundary shall be carried out only between the following hours: Monday to Friday 08.00 – 18.00 and Saturday 08.00 – 13.00 and at no time on Sunday or Bank Holidays. Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above unless otherwise agreed with the Local Planning Authority.

Reason:

In the interests of the amenities of surrounding occupiers during the construction of the development.

6. Artificial Lighting (External) Artificial light to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E3 contained within Table 2 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting GN01:2021.

Reason:

To safeguard the amenities of nearby residential occupiers.

2nd response

There are no objections from Environmental Health as regards the additional information / submissions to this application.

There is one amendment, however, to the response from Environmental Health dated 17.04.24 regarding the suggested condition for the restriction of noise from

plant and equipment; it should read "...at 3.5 m from the façade of the nearest noise sensitive premises..." and not 1m as originally stated.

Sport England

1st response

Having assessed this part of the application, Sport England is satisfied that it would meet exception 3 of our playing fields policy, in that: 'The proposed development affects only land incapable of forming part of a playing pitch and does not:

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

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

Given the above, Sport England raises no objection to the running track and car parking which form parts of the application because it is considered to accord with exception 3 of our Playing Fields Policy and paragraph 103 of the NPPF.

2nd response

The additional information does not alter our substantive response set out in our letter dated 22nd April 2024, albeit the Facility Mix Rationale document provides useful contextual information to the changes proposed to the community activity centre. It is unclear, however, who has prepared the Facility Rationale document. We note that its details seem to have been drawn from a Facilities Needs Assessment undertaken by Strategic Leisure. Sport England would consider it useful and beneficial to have a copy of the Assessment if we are to move from a position of 'no objection' (in respect of the centre's refurbishment) to one of support.

Arboricultural Consultant

1st response

Following our site visit, we have the following comment/observation to make on the proposed development.

Many early-mature and mature trees are growing within the property boundary and their health could be affected by the proposed development if not adequately protected.

The applicant submitted an Arboricultural Constraints Appraisal (BTC2692) which gives details of the existing trees. This appraisal does not demonstrate how the proposed layout will impact the trees; neither does it illustrate how retained trees should be protected during construction.

RECOMMENDATIONS

Prior to determining this planning application, we recommend asking the applicant to provide the following:

- Submit an Arboricultural Impact Assessment in accordance with the guidance given in the British Standard BS 5837 (2012) – Trees in relation to design, demolition and construction – recommendations. This should be carried out by a qualified Arboricultural Consultant and include:
 - o an assessment of the impacts of the proposed development on the trees.
 - o plans illustrating how the proposed layout will interact with the trees both above and below ground level. These should show indicative underground service routes.
 - o protection and mitigation measures for construction in proximity to retained trees.

And:

- Submit a Landscaping Plan to include a specification for the proposed plants and trees, along with a maintenance plan for establishing and maintaining the trees and plants for at least five years.

2nd response

Following our site visit, we have the following comment/observation to make on the proposed development.

Many early-mature and mature trees are growing within the property boundary and their health could be affected by the proposed development if not adequately protected.

The applicant submitted an Arboricultural Constraints Appraisal (BTC2692) which gives details of the existing trees. This appraisal does not demonstrate how the proposed layout will impact the trees; neither does it illustrate how retained trees should be protected during construction.

UPDATE: October 2024

The applicant has submitted an Arboricultural Impact Assessment (BTC2692) which contains a plan of the proposed site layout and how it will interact with the trees. The Impact Assessment does not illustrate how retained trees should be protected during construction.

The applicant has also submitted a Landscape Masterplan (Dwg. No.P8101 C01) showing the basic landscape layout of the site.

RECOMMENDATIONS

As part of any planning permission, we recommend attaching the following conditions:

- Prior to any construction work onsite, the applicant must submit a detailed Arboricultural Method Statement, in accordance with the guidance given in the British Standard BS 5837 (2012) – Trees in relation to design, demolition and construction – recommendations. This should be carried out by a qualified Arboricultural Consultant and must show on a Tree Protection Plan how the retained trees will be protected during the construction and landscaping phases of this project. The document should include details of any proposed underground service routes and the protection and mitigation measures for any construction in proximity to retained trees.
- Prior to any construction work onsite, the applicant must submit a detailed Landscaping and Planting Plan, to include a specification for the proposed plants and trees, along with a maintenance plan for establishing and maintaining the trees and plants for at least five years.

3rd Response

The attached information fulfils the landscaping requirement.

The Landscape Maintenance Management Plan document contains details of the plants, planting information, their maintenance and a plan for the proposed landscaping scheme.

Section 5 of the document gives details for protecting the retained trees, but the document does not include a plan to show the locations of the tree protection fencing. The impact assessment also gives details of protective fencing measures but does not indicate where these should be erected. The Impact Assessment Plan refers to providing a Tree Protection Plan as part of a planning condition.

The applicant will need to provide a Tree Protection Plan in accordance with the guidance given in the British Standard BS 5837 (2012) – Trees in relation to design, demolition and construction – recommendations, to show how the retained trees will be protected during the construction and landscaping phases of this project. This should be carried out by a qualified Arboricultural Consultant.

Public Representation

The application has been advertised by way of a site notice and notification letters issued to 81 neighbouring dwellings.

There were 54 objections received to the first consultation raising the following concerns:

- Loss of the bowling facility within the centre;
- Another gym is not necessary within Cleator Moor;
- Surface water drainage concerns;
- The adverse effect on the neighbouring properties from the works;
- Concerns about the speed of traffic visiting the facility and whether traffic calming measures should be proposed;
- Likelihood of antisocial behaviour occurring within the surrounding gardens of residential properties.

Members should note that issues raised with regards to traffic speeds and the potential for antisocial behavior are not matters that can be taken into consideration as they are anticipated concerns.

16 letters of support were also received with the following comments:

- The badminton facility is welcomed;
- The new facilities will be utilized by a wide range of people;
- The overgrown boundaries being trimmed is welcomed.

Reconsultation

A further consultation was undertaken following the submission of additional information in support of the proposed development. There were 7 responses received to the second consultation raising the following concerns:

- Loss of the bowling facility within the centre.

5,0 Planning Policies

- 5.1 Planning law requires 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 2021 – 2039 (LP)

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

The policies relevant to this proposal are:

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Policy DS5: Hard and Soft Landscaping

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Policy DS8: Soils, Contamination and Land Stability

Policy R8: Retail and Leisure Impact Assessments

Strategic Policy E1: Economic Growth

Strategic Policy R1: Vitality and Viability of Town Centres and villages within the Hierarchy

Strategic Policy R2: Hierarchy of Town Centres

Strategic Policy R4: The Key Service Centres

Policy R9: Non-Retail Development in Town Centres

Strategic Policy SC1: Health and Wellbeing

Policy SC2: Sporting, Leisure and cultural Facilities (excluding playing pitches)

Policy SC3: Playing Fields and Pitches

Policy SC4: Impact of new development on sporting facilities

Policy SC5: Community and Cultural Facilities

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy N12: Protected Open Spaces

Strategic Policy N13: Local Green Spaces

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

6.0 Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide (NDG).

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

Cumbria Development Design Guide (CDDG).

10 Year Sport and Physical Activity Strategy – Built/Indoor facilities Assessment and Strategy (October 2020)

7.0 Assessment

Principle of Development

- 7.1 Cleator Moor is identified in Strategic Policy DS1 as one of the Key Service Centres which are deemed to be self-sufficient providing a wide range of services and facilities. The town also acts as a service hub for nearby villages. The focus for development within Cleator Moor will be based on town centre developments, employment, residential and leisure uses.
- 7.2 The settlement boundary for Cleator Moor is defined in Strategic Policy DS2. It is stated that development within the defined settlement boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise.
- 7.3 Policy R9 encourages non retail development in the defined town centre where it would widen its community, social, leisure and entertainment offer.
- 7.4 Policy SC1 promotes health and well-being by supporting a range of development types including new sports, cultural and community facilities,
- 7.5 Policy SC2 seeks to protect and enhance existing sports and leisure facilities. Proposals resulting in the loss of a sports or leisure facility will only be permitted where there is fully justified and supported by the most up to date evidence.
- 7.6 Policy SC3 seeks to protect existing playing fields and pitches.
- 7.7 Policy SC4 requires that new developments do not prejudice the use of existing sports facilities.

- 7.8 Policy SC5 seeks to protect existing community and cultural facilities.
- 7.9 Policy DS6 of the LP seeks to achieve a high standard of design whilst Policy CO7 of the LP ensures that developments are accessible for all and include sufficient parking.
- 7.10 The Application Site is located within the defined settlement boundary of Cleator Moor.
- 7.11 As a result of the consultation undertaken on the planning application a significant number of objections were received with regard to the proposed changes to the indoor bowling facility. The existing green is proposed to be changed to a multi-purpose games surface, suitable for a wider variety of uses. Indoor bowls will still be possible on this surface using long mats, but it will not be to competition standard as present.
- 7.12 In response to the opposition received the Agent submitted additional information to justify rational for the decided use of the facility. Several options were explored, with the multi-use solution being the most financially viable and inclusive option which will encourage greater use of the facility.
- 7.13 Policy SC2 requires that new facilities be informed by the Council's Built Facilities Strategy. The document, published in 2020, detailed the likelihood of the facility being changed to a multi-purpose facility, retaining the bowling function on long mats.
- 7.14 Further to public engagement by the Applicant, a further consultation was undertaken following the submission of the supporting additional documentation. A total of 7 objections were received in response to this second consultation raising issues regarding the loss of the permanent bowling facility. However, as noted above, it will still be possible to play bowls on long mats and so this is not being lost.
- 7.15 It is considered that Policy SC2 of the LP has been satisfied. Whilst it is regrettable that the previous bowling facility is being altered, so that bowls is still accommodated but just not to competition standard, it is considered that this change has been mitigated where possible and play will still be possible within the building at a reduced scale. The planning application does not seek to change the use of the building as a sporting facility. Any changes to the bowling facility are considered to be a commercial decision by the Council and unrelated to planning.
- 7.16 Given that the proposed development relates to an existing building, it will enhance the overall provision of sport and leisure facilities within the town and it lies within the designated settlement boundary for Cleator Moor which is recognized as one of the Key Service Centre's where new development is encouraged, it is considered that the principle of development is acceptable in planning terms.

Scale and Design

- 7.17 Policy DS6P outlines the requirement for new development to meet high-quality standards of design, including measures such as: creation and enhancement of locally distinctive places sympathetic to surrounding context; use good quality building materials that reflects local character and vernacular, sourced locally where possible; support good health and well-being by incorporating high quality, inclusive and useful open spaces and providing high levels of residential amenity; create layouts that encourage walking and cycling; provision of safe and accessible pedestrian routes; create opportunities that encourage social interaction; be of flexible and adaptable design; maximise solar gain; and, address land contamination and land stability.
- 7.18 The proposed extension will be located on the northern and north eastern side of the building, away from the public viewpoints on Quarry Road and Wyndham Street. The area for development is currently grassed. Whilst some of this open space will be lost, significant grounds will still be available for leisure.
- 7.19 The scale of the extension is modest and is of an appropriate design which will be in keeping with the existing building. It has been designed with a flat roof and contrasting cladding to reduce its scale and bulk on the northern elevation. The extension will be seen in the context of the main existing building and its location to the rear will reduce its impact on the visual amenity of the locality.
- 7.20 On balance and given the existing characteristics, appearance and constraints of the Application Site, it is considered that in design terms, the development is acceptable in its context.

Residential Amenity, Noise and External Lighting

- 7.21 Policy DS6 includes provisions that development mitigates noise pollution through good layout, design and appropriate screening.
- 7.22 The nearest residential property to the development is located on Eleanors Way, approximately 130 metres to the south east and 95 metres to the south west. This separation is considered to be acceptable and is unlikely to result in any impact on residential amenity.
- 7.23 Given the form and layout of the proposed, adverse impacts upon the residential amenity of the existing residents through loss of daylight, loss of sunlight, overshadowing, overbearing effects or overlooking will not result.
- 7.24 A noise assessment was submitted with the application in order to ensure that the neighbouring properties would not be subject to adverse amenity issues from the development. This was assessed by the Environmental Health Officer who considered it to be acceptable, with the recorded data at a satisfactory level.

Planning conditions are proposed to limit both the hours of construction and noise from plant and equipment.

- 7.25 The Design and Access Statement submitted with the application contains limited information with regards to external lighting stating that there will be well lit, clear and visible entrances to the building, a visible external perimeter and an artificially lit public car park. Further information was provided within the Lighting Design plan showing a combination of 6-, 40- and 60-watt LED lighting as necessary. In response to this information the Environmental Health Officer has requested a condition to ensure that all external lighting conforms with the Obtrusive Light Limitations for Exterior Lighting Installations. This will ensure that the impact of any external lighting will be limited in terms of residential amenity and also on the night sky.
- 7.26 The proposal is therefore considered to be acceptable and unlikely to create any visual or residential amenity issues.

Landscaping and Invasive Species

- 7.27 Policy DS7 of the LP requires the submission of a high-quality landscaping scheme including a management plan, full positioning details and details of any trees, hedgerows or landscape details to be lost. Furthermore, hard landscaping including materials and levels should be submitted for approval.
- 7.28 The application was originally submitted with a landscaping masterplan which illustrated the position of existing features along with the general layout for the new landscaping proposed. The Councils Arboricultural Consultant requested that an Arboricultural Impact Assessment and detailed landscaping scheme should be submitted to include positioning and species. In response to this request a plan was submitted which detailed comprehensive boundary treatments including hedgerows, trees, planting and seeding. Furthermore, the grounds to the northeast, east and south will be landscaped to include a walking/running circuit and the provision of outdoor seating.
- 7.29 These details were considered to be acceptable in accordance with the aims of Policy DS7.
- 7.30 The Environmental Health Officer also raised the issue of potential invasive species on the site. A planning condition is proposed to secure a Management Plan for the control of invasive species on the site prior to the commencement of development.

Access and Parking

- 7.31 Policy CO5 details the Transport Hierarchy and prioritises sustainable methods of transport such as walking, cycling and public transport. Policy CO7 of the LP requires that new development provides adequate parking provision.

- 7.32 The Leisure Centre is located within the town centre of Cleator Moor which allows for journeys to be taken on foot, bicycle and by public transport in accordance with the transport hierarchy.
- 7.33 A Transport Assessment was submitted with the application. This concludes that, whilst the proposed development will increase the scale of the building, its use will not materially change and therefore there is unlikely to have an adverse impact on the surrounding road networks.
- 7.34 It is proposed to create an additional parking area comprising 40-50 bays to the southwest of the building, adjoining the additional car park. This is welcomed, increasing the capacity for the building and ensuring that antisocial parking does not occur on Wydham Street or Quarry Road.
- 7.35 Pedestrian access is to be enhanced from the northwest which will provide improved routes across the site.
- 7.36 Cumberland Council – Highways have assessed the proposals and raised no objections from a highway perspective. The traffic impact and road safety assessment show that the proposal will not have a severe impact on highway operation or unacceptable effects on road safety.

Flood Risk and Drainage

- 7.37 Policy DS9PU requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate.
- 7.38 Policy DS8PU seeks that development will not be permitted where: there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.
- 7.39 The submitted Flood Risk Assessment details that the development is situated within Flood Zone 1, therefore not being at significant risk of flooding. However, due to the increase in impermeable areas it recommends that new surface water drainage infrastructure is required.
- 7.40 A Drainage Strategy full drainage scheme has been submitted. This details that surface water will be dealt with via a system draining to a detention basin to the north of the building. This will allow a controlled rate of discharge into the combined sewer that lies within the site boundary. The connection will be controlled through a separate agreement with United Utilities,
- 7.41 Foul water will drain to the existing to the existing public sewer that lies within the site boundary.
- 7.42 United Utilities and Cumberland Council – LLFA have confirmed no objections to the surface water and foul water drainage strategy proposed.

Ground Conditions

- 7.43 Policy DS6 and Policy DS10 includes provisions requiring that development addresses land contamination and land stability issues with appropriate remediation measures.
- 7.44 A Phase II Ground Investigation Report which covered ground conditions and ground gas monitoring has been prepared in support of the Full Planning Application. This provides an overview of the current ground conditions. Trial pits determined the land stability and influenced the proposed foundation details.
- 7.45 Cumberland Council – Environmental Health have confirmed no objection subject to the imposition of two planning conditions to ensure that all remediation measures are undertaken and verified and that any unexpected issues are reported and dealt with in a timely manner.

Biodiversity Net Gain and Ecology

- 7.46 Policy N1 of the ELP seeks to ensure that new development will protect and enhance biodiversity and geodiversity and defines a mitigation hierarchy.
- 7.47 Policy N3 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 N1. This is in addition to any compensatory habitat provided under Policy N1. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.
- 7.48 Biodiversity Net Gain became mandatory for small sites in the UK on 01st April 2024. Although the application was submitted prior to the introduction of the BNG legislation Policy N3 requires that all new development provides a minimum of 10% of net gain, preferably onsite.
- 7.49 The development will result in the loss of some areas of modified grassland; however, the development will deliver additional native hedgerows, which will increase the overall biodiversity value of the site.
- 7.50 An Ecological Survey and Appraisal has been prepared in support of the Full Planning Application. This identifies that the majority of the application site is currently grass land and of little value. The proposed works are concentrated on the areas that are deemed of least value. The overall site is considered to be of sufficient scale to secure compensatory and additional enhancements through the creation of wildflower meadows and additional planting of native woody species which will add to the overall biodiversity value of the site.
- 7.51 Whilst there are no designations on the land at international, national or local level with regards to ecology the Assessment identifies that the site might be suitable habitat for foraging and commuting bats and also nesting birds.

- 7.52 The Appraisal sets out a number of recommendations and forms of mitigation for the protection and long-term conservation of fauna such as roosting bats, nesting birds and commuting / foraging bats associated with the site.
- 7.53 Development at the site will provide an opportunity to secure ecological enhancement for fauna associated with the local area such as breeding birds and roosting bats.
- 7.54 The survey did not include any areas for concern and no further information is required. A planning condition is required to secure inclusion of the mitigation and enhancement measures along with their implementation and retention.
- 7.55 A planning condition will be required in order to secure the production of a Biodiversity Gain Plan and Biodiversity Monitoring Plan, to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development.
- 7.56 Natural England did not submit any comments on the application when consulted.
- 7.57 Based on the inclusion of the required conditions, it is considered that the development would be in accordance with Policy N1PU and N3PU of the Local Plan and the NPPF.

8.0 The Planning Balance

- 8.1 The Application Site is located within the defined settlement boundary of the Key Centre of Cleator Moor where growth is encouraged for a range of development types including leisure and recreation. This is given great weight.
- 8.2 This project will promote health and well being and will secure the refurbishment and enhancement of an existing sports and leisure facility. Whilst there is some local opposition to the proposals relating to the reduced facility for indoor bowling the proposals have been justified and, overall it is considered that the scheme will provide benefits to the wider community. It will also ensure that the current centre is economically viable in the longer term. This is given great weight.
- 8.3 Given the existing characteristics, appearance and constraints of the Application Site, it is considered that in design terms, the development is acceptable in its context. It has been designed to limit the impact on both residential and visual amenity. This is given moderate weight.
- 8.4 The development will have a good level of connectivity and will be accessible on foot, cycle and bus from local destinations. It has been demonstrated and assessed by Cumberland Council – Highways that the impact of the development on the local highway network and parking provision are acceptable. This is given great weight.

- 8.5 The development will not result in the loss of habitat supporting roosting, foraging, and nesting birds. Enhancements and appropriate mitigation are proposed. The delivery of a 10% biodiversity net gain can be secured by planning conditions. This is given moderate weight.
- 8.6 The development would not result in unacceptable impacts in respect of residential amenity, land contamination and drainage subject to the imposition of planning conditions. This is given moderate weight.
- 8.7 In overall terms, the development is considered to represent a sustainable form of development which is in conformity with the requirements of the development plan and so the recommendation is:-.

Recommendation:

Planning Permission is granted subject to the planning conditions outlined in Appendix 1 of this report, with the Assistant Director of Inclusive Growth and Placemaking being given delegated authority to add to and/or make any amendments to the conditions as considered appropriate.

APPENDIX 1

List of Conditions and Reasons

Defining The Permission

1. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Plans and Documents

The development hereby permitted shall be carried out in accordance with the following approved plans:

Application form, received 21st March 2024;

Site Location Plan, scale 1:1250, drawing number P0001 C01, received 21st March 2024;

Proposed Site Plan, scale 1:500, drawing number P2002 C02, received 21st March 2024;

Proposed Block Plan, scale 1:1250, drawing number P2001 C02, received 21st March 2024;

Proposed Floor Plan, scale 1:200, drawing number P2101 C02, received 21st March 2024;

Proposed Elevations, scale 1:200, drawing number P2301 C01, received 21st March 2024;

Proposed Roof Plan, scale 1:200, drawing number P2102 C01, received 21st March 2024;

Proposed Site Sections, scale 1:500, drawing number P2501 C01, received 21st March 2024;

Proposed Building Sections, scale 1:200, drawing number P2201 C01, received 21st March 2024;

Landscape Masterplan, scale 1:500, drawing number P8101 C01, received 21st March 2024;

Outline Sustainability Statement, document number 14823-CGP-00-ZZ-RP-N-0002, received 21st March 2024;

Energy Use Design Note, document number 14823-CGP-00-ZZ-RP-N-003, received 21st March 2024;

Lighting Design, drawing number D49437/C received 21st March 2024;

Transport Statement, document number 230616/SK22315/TS01(-00), received 21st March 2024;

Ecological Survey and Assessment (including Licesnsed Bat Survey), document number 2023-043, received 21st March 2024;

Flood Risk Assessment, document number GEOL22-8472, received 21st March 2024;

Phase II Ground Investigation Report, written by Geol Consultants Ltd, received 21st March 2024;

Drainage Strategy, document number L2763, received 21st March 2024;

Proposed Impermeable Areas Plan, scale 1:250, drawing number L2763 0902 P2, received 21st March 2024;

Proposed Foul Water Drainage Layout, scale 1:250, drawing number L2763 0911 P2, received 21st March 2024;

Proposed Surface Water Drainage Layout, scale 1:250, drawing number L2763 0921 P2, received 21st March 2024;

Proposed Surface Water Drainage Details Sheet 1 of 2, drawing number L2763 0931 P1, received 21st March 2024;

Proposed Surface Water Drainage Details Sheet 2 of 2, drawing number L2763 0932 P2, received 21st March 2024;

Noise Assessment Report, written by Hoare Lea, received 21st March 2024;

Arboricultural Constraints Appraisal, written by Bowland Tree Consultancy Ltd, received 15th October 2024;

Design and Access Statement, document number P01, received 21st March 2024;

Further Planning Consultation Information, received 3rd September 2024;

Landscape Maintenance and Management Plan, written by Westwood Landscape Ltd, received 15th October 2024;

Landscape Management Scheduled Tasks, written by Westwood Landscape Ltd, received 15th October 2024;

Landscape Plan, drawing number WW/L01, received 15th October 2024;

Landscape Implementation Program, written by Westwood Landscape Ltd, received 15th October 2024;

Schedule of Quantities, written by Westwood Landscape Ltd, received 15th October 2024;

Arboricultural Impact Assessment, written by Bowland Tree Consultancy Ltd, received 15th October 2024.

Reason

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

Pre-Ccommencement Conditions

Highways

3. Development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority.

The CTMP shall include details of:

- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- details of any proposed temporary access points (vehicular / pedestrian)
- surface water management details during the construction phase

Reason:

To protect amenity and to protect the environment from pollution in accordance with Policy DS9 of the Copeland Local Plan 2021-2039.

Ground Conditions

4. No development shall take place until all outstanding remediation measures laid out in the approved Phase II Ground Investigation Report are fully completed. Following completion of remediation measures, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and approved in writing by the Local Planning Authority. Such remediation measures shall be implemented as approved and should ensure that the land will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to use of the land after its remediation.

Reason:

To ensure the safety and stability of the development, in accordance with the provisions of Policy Policy DS8 of the Copeland Local Plan 2021-2039.

Land Affected by Japanese Knotweed

5. Prior to the commencement of development on site, a Management Plan for the control and management of the invasive species on the site must be submitted to and approved in writing by the Local Planning Authority. Development must be carried out in accordance with the approved plan at all times thereafter.

Reason:

To protect the ecological interests evident on the site and in accordance with in accordance with the provisions of Policy Policy DS8 of the Copeland Local Plan 2021-2039.

Landscaping

6. Prior to the commencement of development a Biodiversity Net Gain Strategy (BNGS) and a Project Implementation Plan (PIP) shall be submitted to and approved in writing by the Local Planning Authority.

The BNGS shall detail proposals to redress loss of biodiversity and the mitigation strategy proposed shall include all on and off-site habitats required to deliver a net gain of at least ten percent. The BNGS shall use the Statutory Biodiversity Metric Calculation Tool associated with the Environment Act 2021.

The PIP shall detail the delivery of ecological BNG mitigation and compensation, in accordance with the approved BNG strategy. The PIP shall include timescales for implementation, and an ongoing management and maintenance plan.

The BNGS and PIP shall be implemented, managed and maintained in accordance with the approved details.

Reason

To ensure delivery of the required biodiversity net gain in accordance with the provisions of Policy N3P of the Copeland Local Plan 2021-2039.

7. Prior to the commencement of the development hereby approved, a Tree Protection Plan must be submitted to and approved by the Local Planning Authority. The document must be in accordance with the guidance given in the British Standard BS 5837 (2012) – *Trees in relation to design, demolition and construction – recommendations*, to show how the retained trees will be protected during the construction and landscaping phases of this project. This must be carried out by a qualified Arboricultural Consultant.

Reason

To ensure the protection of the existing trees in accordance with Policy N3 of the Copeland Local Plan 2021-2039.

Pre-Occupation Conditions

Drainage

8. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
 - (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - (ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime. The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason:

To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development in accordance with the provisions of Strategic Policy DS6, Policy DS7 and Policy DS8 of the Copeland Local Plan 2021-2039.

Prior to the Erection of Superstructure Conditions

Materials

9. No superstructure shall be erected until samples and details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and retained for the lifetime of the development.

Reason

To ensure high quality design in accordance with Policy DS4 of the Copeland Local Plan 2021-2039.

Other Conditions

Drainage

10. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Drainage Strategy Report (ref L2763, rev P1, dated 26th July 23). For the avoidance of doubt surface water must drain at the restricted rate of 4.6 l/s. 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 a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding in accordance with Strategic Policy DS6, Policy DS7 and Policy DS8 of the Copeland Local Plan 2021-2039.

Ground Conditions

11. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be must be

reported in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken and, where remediation is necessary, a remediation scheme must be prepared and submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the safety and stability of the development, in accordance with the provisions of Policy DS8 of the Copeland Local Plan 2021-2039.

Noise

12. The rating level of any noise generated by plant and equipment as part of the development shall not exceed the existing background noise level of 31 DB LA90 (07.00 – 23.00 hours daytime) and 23 DB LA90 (23.00 – 07.00 hours night time) at 3.5 m from the façade of the nearest noise sensitive premises. Measurements and assessments shall be made in accordance with BS 4142:2014 and its subsequent amendments.

Reason:

To protect amenity of nearby residential dwellings in accordance with the provisions of Policy DS4 of the Copeland Local Plan 2021-2039.

13. Following approval of the development, construction activities that are audible at the site boundary shall be carried out only between the following hours: Monday to Friday 08.00 – 18.00 and Saturday 08.00 – 13.00 and at no time on Sunday or Bank Holidays. Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above unless otherwise agreed with the Local Planning Authority.

Reason:

To protect amenity of nearby residential dwellings in accordance with the provisions of Policy DS4 of the Copeland Local Plan 2021-2039.

External Lighting

14. No external lighting shall be installed unless or until a scheme of external lighting has first been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include details of the intensity of illumination and predicted lighting spill contours.

All external lighting shall be installed in accordance with the approved details and shall thereafter be retained as such for the lifetime of the development.

Artificial Lighting (External) Artificial light to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E3 contained within Table 2 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting GN01:2021.

Reason

To protect residential amenity, to ensure high quality design and to protect the environment from light pollution in accordance with Policy DS4 of the Copeland Local Plan 2021-2039.

Ecology

15. The development hereby approved shall not proceed except in accordance with the recommendations outlined in Ecological Survey and Assessment (including a Licensed Bat Survey) compiled by ERAP (Consultant Ecologists) Ltd, Reference 2023-043, Dated November 2023

Reason

For the avoidance of doubt and to prevent harm to biodiversity in accordance with the provisions of Policy N1 of the Copeland Local Plan 2021-2039.

CCTV

16. No external closed circuit television equipment shall be installed unless or until a scheme of closed circuit television equipment has first been submitted to and approved in writing by the Local Planning Authority.

All closed circuit television equipment shall be installed in accordance with the approved details and shall thereafter be retained as such for the lifetime of the development.

Reason

To protect residential amenity and ensure high quality design in accordance with Policy DS4 of the Copeland Local Plan 2021-2039.

Landscaping

18. The development hereby approved shall not proceed except in accordance with the Landscape Maintenance and Management Plan, written by Westwood Landscape Ltd, received 15th October 2024.

Reason

For the avoidance of doubt and to ensure that the landscaping is suitable in accordance with the provisions of Policy N1 of the Copeland Local Plan 2021-2039.

Informative Note

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

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

Statement

The Local Planning Authority has acted positively and proactively in determining this application by 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.