

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2333/0F1
2.	Proposed Development:	SITING OF 8FT X 8FT GREEN METAL SHIPPING CONTAINER TO BE USED AS STORAGE FOR RUGBY TRAINING AND MATCH DAY EQUIPMENT
3.	Location:	LAND REAR OF RUGBY PITCH (HAIG PIT END), SOLWAY ROAD, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Key Species - POTENTIAL AREA for the Small Blue
6.	Publicity Representations &Policy	See Report
7.	Report: SITE AND LOCATION The application site comprises land situated to the south east of an existing rugby playing pitch, off Solway Road within Whitehaven. The site is accessible via a lane to the rear of Basket Road. To the south of the development area are the Grade II Listed Engine Houses, Power Station and Pithead Gear at Haig Colliery, which is also a Scheduled Monument. To the east of the development area are the dwellings and gardens at Basket Road, which are separated from the application area by the lane to the rear of these properties. To the west of the application site and playing pitches is open space and public footpath 431056, which form part of the St Bees and Whitehaven Heritage Coast. PROPOSAL The proposal involves the siting of a container, to be used for storage of rugby training and match day equipment associated with Kells ARLFC. It is indicated that the club does not have existing storage at the pitch and has been reliant on neighbouring properties for storage. The club has grown and requires suitable storage to store rugby equipment.	

The container would measure approx. 2.45m x 2.2m, with a height of approx. 2.26m. It would be sited to the southeast of the playing pitch, alongside an existing grassed mound separating the pitch and surrounding open space from the lane to the rear of Basket Road.

RELEVANT PLANNING APPLICATION HISTORY

N/A

CONSULTATION RESPONSES

Town Council

No negative objections or comments were raised.

United Utilities

No further comment on the application.

Local Highways Authority and Lead Local Flood Authority

No objections.

Footpaths Officer

No response to date.

Public Representations

The application has been advertised by way of neighbour notification letters issued to adjacent properties and a notice placed at the site.

Six representations have been made with following comments:

1. The container would be higher than the grass bank, obstructing views and providing an eyesore.
2. The container will be an eyesore for the coastal walk views and landscape.
3. The container will possibly reduce the value of properties.
4. The development may result in vandalism and anti-social behaviour.
5. The development will cause rubbish which is left all over after training and matches.
6. Concern about rats.
7. Could the container be sited elsewhere e.g. near the car park, on the enterprise park.
8. Could they not use storage at the rugby club.

PLANNING POLICIES

Planning law requires applications for planning permission must be determined in accordance



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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 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 Local Plan as commenced by Copeland Borough Council.

The Local Plan 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 following policies are relevant to this proposal:

Policy DS4: Design and Development Standards

Strategic Policy SC1: Health and Wellbeing

Policy SC2: Sport and Leisure facilities (excluding playing pitches)

Policy SC4: Impact of new development on sporting facilities (including playing fields and pitches)

Strategic Policy N6: Landscape Protection

Strategic Policy N7: St Bees and Whitehaven Heritage Coast

Strategic Policy N8: The Undeveloped Coast

Strategic Policy N12: Protected Open Spaces

Strategic Policy BE1: Heritage Assets

Policy BE2: Designated Heritage Assets

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

ASSESSMENT

The key issues raised by this proposal are the principle of development, its scale and design, the potential impacts upon adjacent residential amenity, existing sports facilities, landscape setting and heritage assets.

Principle of Development

The proposed application relates to an existing sports facility within Whitehaven. The development would provide a storage facility associated with the activities at the adjacent playing pitch.

Strategic Policy SC1 and Policies SC2 and SC4 of the Copeland Local Plan support proposals for new and enhanced sports and leisure facilities which support the health and well-being residents and do not prejudice the use of existing sports facilities.

The principle of the development is therefore accepted within the context of Strategic Policy SC1 and Policies SC2 and SC4 of the Copeland Local Plan, subject to compliance with other relevant Policies.

Scale, Design and Siting

Strategic Policy SC1 of the Copeland Local Plan supports development which improves health and wellbeing and delivers high quality, safe development. Policy SC2 of the Copeland Local Plan indicates that sports and leisure development must be of a scale that is appropriate to the surroundings. Policy DS4 of the Copeland Local Plan indicates that all new developments should be sympathetic to the surrounding area and preserve existing amenities.

The proposal would result in the siting of a storage container to the southwest of the rugby pitch. The proposal would be of a relatively small scale and massing and would be of a standard container design. The structure would be sited alongside an existing grass mound, which separates the site from the properties at Basket Road and the intervening rear lane.

The applicant indicates that the proposed siting of the container has been agreed as appropriate with the National Trust and Land Trust, with the site being alongside the highest point of the adjacent mound, therefore having limited obstruction to residents' views. It is also indicated that the scale and design is the minimum required to meet the storage needs of the club.

The nature of the container design is that it would be functional and temporary in appearance. Given the siting and appearance of the container, it is considered that any permission granted should be on a temporary basis only which would enable the club to continue to operate, in support of the health and well-being of the community, whilst protecting the visual amenity of the locality in the longer term. It is suggested that a condition be attached to any planning approval to ensure the container be removed from site after a

period of 3 years, unless otherwise agreed with the Local Planning Authority.

Comments have been received from neighbouring properties that the container would create an eyesore and would be seen above the banked land. It has also been suggested that the siting of the container would devalue adjacent properties.

Although a small proportion of the container would be visible above the mound from the dwellings and lane to the rear of basket Road, given the modest scale and massing of the proposed structure, it is considered that the impact of the proposal would be limited. The details of the container provided with the application suggest a green finish, which would ensure that the development is not apparent against the grass bank and surrounding land. It is suggested that a condition be attached to any planning approval to ensure the container be coloured and maintained in a green finish.

The proposal therefore complies with Strategic Policy SC1 and Policies SC2 and DS4 of the Copeland Local Plan in relation to scale, siting and design.

Impact on Sporting Facilities

Policy SC4 of the Copeland Local Plan sets out that new development must not prejudice the use of existing sports facilities, including pitches, within the vicinity of the development site.

It is considered that the proposed container would be sufficiently separated from the rugby pitch so as not to result in the loss of any of the existing rugby pitch, nor would it prejudice the use of the sports facility.

The proposal therefore complies with Policy SC4 of the Copeland Local Plan in this regard.

Residential Amenity

Policy DS4 of the Copeland Local Plan states that all new development should maintain high levels of amenity.

The proposal would be situated approx. 10m away from the rear boundary of the nearest property at Basket Road. A rear lane and grass mound of approx. 2m in height separates the development area from these properties.

Concerns have been raised by residents that the development would obscure the views from adjacent dwellings. Comments also suggest that the proposal could create problems with rubbish, rats and anti-social behaviour.

Given the limited scale of the proposed development and separation distance of the application area from adjacent residential properties, it is considered that the proposal would maintain suitable standards of amenity to these properties. Any potential for environmental issues or anti-social behaviour would be dealt with under separate legislation, outside the Planning system.

The proposal therefore complies with Policy DS4 of the Copeland Local Plan in relation to maintaining residential amenity standards.

Landscape Impact

Strategic Policies N6, N7 and N8 of the Copeland Local Plan seek to protect and enhance landscapes within the Plan area, with development proposals required to demonstrate that their location, scale, design and materials would conserve the natural beauty, wildlife and cultural heritage of the Heritage Coast.

Strategic Policy N12 of the Copeland Local Plan sets out a requirement that open spaces which are of high quality and/or value be protected.

The application site is situated alongside a playing pitch and protected open space, as identified within the Local Plan Proposals Map. In addition, the development area would be visible from public footpath 431056 which runs along the St Bees and Whitehaven Heritage Coast.

Comments have been received in relation to the application expressing concerns that the development would have an adverse impact upon the landscape and coastal walks.

Although the proposal is situated within a sensitive landscape setting, it is recognised that the development would facilitate the continued use of the adjoining sports facilities, thereby promoting the health and well-being of the community. The nature of the proposed development, being a removable structure of limited size, is such that any potential harm to the wider landscape character of the area would be minimal.

In addition, the siting of the container, against a grassed mound, would soften the landscape impact further, due to the natural green colour of the container. Longer range views from the coastline and public footpath towards the container and mound behind, would be seen against the backdrop of the modern built development of dwellings at Basket Road behind, so as not to appear incongruous in this setting.

On balance, it is considered that the visual impact of the proposal would be limited, given the backdrop of built development behind and measures taken to minimise the visual impact of the container in siting against an existing grassed mound.

The proposal therefore complies with Strategic Policies N6, N7, N8 and N12 of the Copeland Local Plan in relation to landscape and open space protection.

Heritage

Strategic Policies BE1 and BE2 of the Copeland Local Plan indicate that heritage assets and their setting will be preserved and enhanced by ensuring new development is sympathetic to local character and history.

The application site is situated to the northeast of the Grade II Listed structures and Scheduled Monument at Haig Colliery. The development area would be over 60m from these structures, separated by open space, a hedgerow boundary to Haig Colliery and the access road serving the Colliery.

Given the limited scale of the proposed development, and that it is suggested any planning permission be subject to a limited timeframe, it is considered that the impact of the proposal on the setting of the designated assets at Haig Colliery would be minimal and reversible. The



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	proposal would preserve the setting of the architectural and historic features of adjacent heritage assets. The proposal would therefore comply with Strategic Policies BE1 and BE2 of the Copeland Local Plan in terms of preserving the setting of heritage assets. <u>Biodiversity Net Gain</u> Biodiversity Net Gain is mandatory from 12 February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a Biodiversity Net Gain of 10%, to ensure a development would result in more or better quality natural habitat than there was before development. Guidance states that development that does not impact priority habitat and impacts less than 25 square metres of on-site habitat are exempt from Biodiversity Net Gain (BNG) rules. The area for development has a footprint of less than 25 square metres. As a result, BNG is not required within the development. <u>Planning Balance and Conclusion</u> The proposal would be used in connection with an existing sports club, providing suitable storage in association with the rugby pitch alongside the application site. Although located within a sensitive setting, alongside protected open space and the Heritage Coast; and within proximity of the heritage assets at Haig Colliery, given the modest scale and reversibility of the development, it is considered that the proposal would not have a significant adverse impact on the amenities of the wider locality. Given the nature of the proposed structure and setting, it is considered appropriate to secure suitable colouring and a temporary permission in this case. The proposal is therefore considered an acceptable form of development which complies with the policies set out in the adopted Local Plan.
8.	Recommendation: Approve
9.	Conditions: 1. This permission is limited to three years following the siting of the container. Immediately on the expiry of that period the container hereby permitted shall be removed and the land reinstated, unless otherwise agreed with the Local Planning Authority. Reason The Local Planning Authority wish to review the need for the development in this

landscape setting, in the interests of the amenities of the area, in compliance with the National Planning Policy Framework and Strategic Policies N6, N7, N8 and N12 of the Copeland Local Plan, November 2024.

2. This permission relates to the following plans and documents received on the respective dates and development must be carried out in accordance with them:
- Location Plan, scale 1:1250, received 1st October 2024
 - Shipping Container Details, received 1st October 2024
 - Materials Section of the application form
 - Design, Access and Heritage Statement, received 16th October 2024

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.

3. The container hereby approved shall be finished in green and maintained in this colour thereafter.

Reason

To ensure a satisfactory standard of development which is compatible with the character of the surrounding area, in compliance with the National Planning Policy Framework and Strategic Policies N6, N7, N8 and N12 of the Copeland Local Plan, November 2024.

Informative Notes

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



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	development as set out in the National Planning Policy Framework.	
Case Officer: L. White		Date : 22/11/2024
Authorising Officer: N.J. Hayhurst		Date : 26/11/2024
Dedicated responses to:-		