

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2340/0F1
2.	Proposed Development:	ERECT A SINGLE STOREY EXTENSION TO THE WEST GABLE OF THE EXISTING CRICKET CLUB TO ALLOW FOR STORAGE
3.	Location:	WHITEHAVEN CRICKET CLUB, RICHMOND TERRACE, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change
6.	Publicity Representations &Policy	See Report
7.	Report: SITE AND LOCATION <p>The application site comprises a cricket club building, which is located to the north of Whitehaven Cricket Ground, within Whitehaven.</p> <p>The site is accessed via Richmond Terrace. Car parking associated with the cricket club is positioned to the west of the application building.</p> <p>Whitehaven Conservation Area is situated to the north of the application site.</p> PROPOSAL <p>The proposal involves the erection of a single storey extension to the west gable of the clubhouse, to create an extended bar area. The extension would measure approx. 1.9m in width, approx. 5.2m in depth, with a height to eaves of approx. 2.2m and overall height of approx. 4.2m. Finishes include rendered walls and concrete roof tiles.</p>	

The applicant originally proposed a flat roof to the extension. The application has since been amended to incorporate a pitched roof within the design.

RELEVANT PLANNING APPLICATION HISTORY

N/A

CONSULTATION RESPONSES

Town Council

No negative objections or comments were raised.

The Coal Authority

The eastern part of the application falls within the defined Development High Risk Area. Any intrusive works require the permission of the Coal Authority. An informative should be attached to any planning approval.

Local Highways Authority and Lead Local Flood Authority

No objections.

Environmental Health

As the proposed development is in close proximity to residential dwellings and in an area of historical industrial site, conditions relating to noise from construction works and reporting of unexpected contamination are suggested to be attached to any planning approval.

Environment Agency

No response to date.

Public Representations

The application has been advertised by way of neighbour notification letters issued to adjacent properties.

One comment has been received raising concerns that as the area is inundated with seagull activity, the flat roof would serve as a nesting site causing nuisance for nearby residents.

An additional comment raises no objections to the proposal.

PLANNING POLICIES

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan



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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

Policy DS8: Soils, Contamination and Land Stability

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 BE1: Heritage Assets

Policy CO7: Parking Standards

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 and highways safety.

Principle of Development

The proposed application relates to an existing sports facility within Whitehaven. The development would extend the existing clubhouse at the site, to provide a bar extension area to the west of the existing building, upon the site of an existing footpath surrounding the building.

Policy SC2 of the Copeland Local Plan supports proposals for new sports and leisure facilities subject to detailed criteria, which are considered below.

The principle of the development is therefore accepted within the context of Policy SC2 of the Copeland Local Plan.

Scale and Design

Policy SC2 of the Copeland Local Plan indicates that sports and leisure development must be of a scale that is appropriate to its surroundings. Strategic Policy SC1 and Policy DS4 of the Copeland Local Plan supports development which improves health and wellbeing and delivers high quality, safe development.

The proposal would result in a single storey extension to the western end of the existing building at the site. The proposal has a relatively small footprint and has been amended throughout the course of the planning application, to include a pitched roof. The form of the roof, finishes and architectural features of the amended proposal would replicate those of the existing building.

The proposal therefore complies with Strategic Policy SC1 and Policies Policies SC2 and DS4 of the Copeland Local Plan in this regard.

Impact on Sporting Facilities

Policy SC4 of the Copland 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.

The proposed extension would be situated to the western gable of the existing clubhouse, on an existing hard standing. The development would not result in the loss of any of the existing cricket 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 proposed extension would be situated approx. 12m to the south of the rear boundaries of the residential properties at Catherine Mews. Given the limited scale of the proposed development and separation distance of the application area from adjacent residential properties, the proposal would maintain suitable standards of amenity.

The Council's Environmental Health Officer noted the proximity of the development site to residential dwellings and the potential for noise disturbance during construction works. A



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condition is suggested to restrict construction activities. It is considered appropriate to secure appropriate working hours by condition, to protect adjacent residential amenity.

Comments have been received raising concerns that a flat roofed extension would encourage seagull activity, creating a nuisance for all the residents of Catherine Mews. The application has since been amended, to include a pitched roof within the design, alleviating the concerns raised within these comments.

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

Contaminated Land

Policy DS8 of the Copeland Local Plan indicates that development proposals should incorporate appropriate remediation and subsequent management measures to remove unacceptable risks, where contamination and/ or land stability issues are identified.

The Council's Environmental Health Officer noted the presence of numerous historical sites surrounding the cricket club, and the possibility that contaminated soil material could be encountered during excavation works. A condition is suggested to ensure that any contamination found during development works be reported and investigated, with suitable mitigation. It is considered appropriate to secure the requirement to report any unexpected contamination by condition, to protect users of the site and those adjacent.

The proposal therefore complies with Policy DS8 of the Copeland Local Plan in relation to managing risk from contamination.

Highway Safety

Policy CO7 of the Copeland Local Plan requires that all new development provide adequate parking provision.

Although the proposal may result in some modifications to the layout of the adjacent parking area associated with the cricket club, these would be minor, leaving adequate parking provision available to users of the club.

The proposal therefore complies with Policy CO7 of the Copeland Local Plan in this regard.

Heritage

Strategic Policy BE1 of the Copeland Local Plan indicates 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 directly adjacent to the boundary of the Whitehaven Conservation Area. The proposal is to extend an existing building at the cricket club. The design and form of the extension would complement the existing development at the site.

The proposal would therefore comply with Strategic Policy BE1 of the Copeland Local Plan in terms of preserving the setting of the adjacent Conservation Area.

	<p><u>Biodiversity Net Gain</u></p> <p>Biodiversity Net Gain is now mandatory 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.</p> <p>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 is a hard standing with a footprint of less than 25 square metres. As a result, BNG is not required within the development.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The proposed single storey extension is of an appropriate scale and design for the site and locality, which would preserve the amenities of the area, sports facilities and highways safety.</p> <p>The proposal is therefore considered an acceptable form of development which complies with the policies set out in the adopted Local Plan.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. The development hereby permitted must commence before the expiration of three years from the date of this permission. <p>Reason</p> <p>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"> 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: Proposed Plans, scale 1:100, Drawing No. 001, received 19th November 2024 Location Plan, scale 1:1250, Drawing No. 002, received 19th November 2024 Block Plan, scale 1:500, Drawing No. 003, received 19th November 2024 <p>Reason</p> <p>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.</p>



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3. 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 neighbouring occupiers during the construction of the development.

4. 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 immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which should be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason

To ensure that risks from land contamination 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 offsite receptors.

Informative Notes

1. The application site lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries; shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain

permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property.

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required from the Coal Authority. Further information regarding Incidental Coal Agreements can be found at: www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements.

If any suspected coal mining feature is encountered on site, this should be reported immediately to the Coal Authority on 0800 288 4242. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

2. The site is within the Whitehaven Smoke Control Area, designated under the Clean Air Act 1956, and residents and businesses must not emit smoke from a chimney and buy or sell unauthorised fuel for use unless it is used in an exempt appliance approved by DEFRA, see <https://uk-air.defra.gov.uk/sca/>.
3. Radon Map UK shows that the site is within a 1 km grid square of elevated radon potential. Maximum radon potential is 5 – 10% and basic radon protection may be required.

Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against, primarily, the development plan policies, any duties applicable and also all material considerations, including Local Plan policy, the National Planning Policy Framework and any stakeholder representations that may have been received. In this context, having identified matters of concern with the application as originally submitted and, if applicable, following negotiations with the applicant, acceptable amendments and solutions to the proposal have been received. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

Case Officer: L. White

Date : 19.11.2024

Authorising Officer: N.J. Hayhurst

Date : 19.11.2024



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Council**

Dedicated responses to:- N/A