

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2130/0F1
2.	Proposed Development:	TEMPORARY EMERGENCY PROVISION FOR MAXIMUM 12 MONTH PERIOD OF 2 STOREY CLASSROOM BLOCK GIVING 10 NO CLASSROOMS AND TOILET ACCOMMODATION TO REPLACE STORM DAMAGED FIRST FLOOR OF EXISTING SCHOOL. TO BE SITED ON THE SCHOOL PLAYING FIELD SITE TO THE NORTH SIDE OF THE SCHOOL (RETROSPECTIVE)
3.	Location:	JERICO COUNTY PRIMARY SCHOOL, WINDSOR COURT, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, 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>This application relates to Jericho School, a modern primary school which is set within its own grounds. The site comprises a detached school building, car parking provision and also an open space/playing field which lies to the north of the building.</p> <p>The school occupies a constrained site and is surrounded by the established residential estates of south east Whitehaven/Hensingham.</p> RELEVANT PLANNING APPLICATION HISTORY <p>4/18/9001/0F2 - construction of replacement primary school at site of existing school and associated demolition – Approved on 18th April 2018.</p> PROPOSAL	

Retrospective planning permission is sought for the retention of a two-storey temporary classroom block that has been erected on the open space/playing field immediately to the north of the existing school building complex.

The two storey block measures 40.7 metres x 12.2 metres and extends up to a height of 7 metres. The building houses 10 classrooms with associated toilet accommodation and meeting rooms. It is constructed of grey steel cladding. Each classroom covers a floor area of 63sq.m and they are all served from a circulation corridor. Two external enclosed staircases provide access to both ground and first floors of the building.

The classroom block was built as an emergency measure to ensure that education provision could continue from the site following significant storm damage to the first floor of the existing school building. It is anticipated that the temporary building will only be required for a 12-month period.

The proposal does not change the existing parking provision for the school site which remains at 30 spaces on site.

CONSULTATION RESPONSES

Town Council

No objections

Highways Authority/LLFA

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) 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

Recommend the imposition of a pre commencement condition requiring the agreement of a sustainable surface water drainage and a foul water drainage scheme. They also require details of the management and maintenance of the drainage arrangements.

Sports England

The Proposal and Impact on Playing Field

The proposal results in the loss of the western part of the school playing field for a period of 12 months.

Assessment against Sport England Policy

Playing field policy is a restrictive policy. It is based upon a presumption against any development which results in the loss of playing field (in whole or part) or prejudices their use, unless the development is of a form covered by one the exceptions (to the presumption



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against) set out.

This application relates to the (temporary) loss of existing playing fields. It therefore needs to be considered against exception 4 of the above policy, which states:

The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and
- of equivalent or greater quantity, and
- in a suitable location, and
- subject to equivalent or better accessibility and management arrangements.'

The proposal is unable to meet the timing element of exception 4, but Sport England acknowledges this is usual for a significant proportion of education proposals. Provided that the permission for temporary classroom building is for a temporary period and they are removed from site thereafter, the proposal is able to comply with the quantitative element of exception 4. The proposal is retrospective and so it has not been possible to benchmark the quality of the playing field. The building, hardstanding and ramps will damage the playing field that they have been sited upon and unless it [the playing field] is properly repaired the proposal would not be able to meet the qualitative element to exception 4. Sport England has therefore detailed a condition to ensure that the playing field is returned to a useable condition.

Conclusions and Recommendation

Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to broadly meet exception 4 of the above policy. The absence of an objection is subject to the following condition(s) being attached to the decision notice should the local planning authority be minded to approve the application:

- Within 6 months of the date of this approval a scheme for the removal of the temporary classroom building and associated hardstanding, and the reinstatement of the playing field shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The scheme must be in accordance with Sport England guidance "Natural Turf for Sport" (2011). Within three months of the removal of the temporary classroom building the playing field must be reinstated in accordance with the approved scheme.

Reason: To ensure the site is restored to a condition fit for purpose Informative: It is recommended that a restoration scheme for playing field land is undertaken by a specialist turf consultant. The applicant should be aiming to ensure that any new or replacement playing field is fit for its intended purpose and should have regard to Sport England's technical Design Guidance Note entitled "Natural Turf for Sport" (2011)

Public Representations

The application has been advertised by way of neighbour notification letter and a site notice. One letter of representation has been received in relation to the application which raises the following concerns:

1. Historically we have suffered from flooding from the school field because of, we presume, inadequate surface water drainage. We are concerned that covering more of the field area with buildings may exacerbate the drainage issues and result in further problems with water run-off into our property.
2. The building now overlooks our property reducing our privacy whilst enjoying our garden and looks directly into our back bedroom.
3. The visual impact of the building is likely to adversely affect the value of our property when we decide to sell (although not in the next 12 months this is likely to be in the next 2 or 3 years).

We understand the need for the temporary classrooms whilst the school is repaired; however, we fear that if we do not raise our concerns now, we will see the application extended in 12 months' time, and ultimately the additional classrooms will become permanent buildings.

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

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:

The council has agreed to adopt the Local Plan on 5 November and full weight is given to the policies contained within.

The following policies are relevant to this proposal:



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Strategic Policy DS1 - Settlement Hierarchy

Strategic Policy DS2 – Settlement Boundaries

Policy DS4 – Design and Development Standards

Strategic Policy DS6 - Reducing Flood Risk

Policy DS7 - Sustainable Drainage

Strategic Policy SC1 - Health and Wellbeing

Policy SC3 – Playing Fields and Pitches

Policy SC4 – Impact of new development on sporting facilities (including playing field and playing pitches)

Policy SC5 - Community and Cultural Facilities

Policy CO7 – Parking Standards

Strategic Policy N3 - Biodiversity Net Gain

Other Material Planning Considerations

National Planning Policy Framework 2024 (NPPF)

Cumbria Development Design Guide

ASSESSMENT

Principle of Development

The school site lies within the designated settlement boundary for Whitehaven as defined under Policy DS2 of the Local Plan. Policy DS1 identifies Whitehaven as the Principal settlement within the borough which should be the primary focus for new development.

Policies SC1 and SC5 encourage the provision of education and community facilities.

The building is only required for a temporary period of time to enable the necessary repairs to be carried out to the existing school building. The temporary building is essential to enable education provision to continue from the school site.

On this basis, the principle of development is therefore considered to be acceptable with the extension satisfying the requirements of Policies DS1, DS2, DS4, SC1 and SC5 of the Copeland Local Plan 2021-2039 and the guidance set out within the NPPF.

Siting, Scale and Design

Policy DS4 and section 12 of the NPPF seek to promote high quality designs, the Local Plan seek to ensure extensions and alterations are of an appropriate scale and design which is

appropriate to their surroundings and does not adversely affect the amenities of adjacent occupiers.

Although the building is large in scale it is only required for a temporary 12 month period. Its external appearance is functional which depicts its temporary nature.

Given the need to continue to provide education on the site whilst the unforeseen repairs are completed to the school following storm damage the siting, scale and design of the building is considered to be acceptable.

Any planning permission can be limited to a short term 12 month period to minimise the visual impact of the proposal on the amenities of the surrounding residential area.

Impact on Residential Amenity

Policy DS4 of the Local Plan and Chapter 12 of the NPPF seek to safeguard good levels of residential amenity for adjacent dwellings.

Whilst the school site is relatively constrained and is surrounded on three sides by existing residential properties the impact on the amenities of the occupiers of the existing adjoining residential is likely to be limited. The separation distance between the temporary block and the nearest houses is greater than the separation distance achieved with the existing school. One letter of objection has been received from an adjoining neighbour who raises issues about the potential impact of overlooking and loss of privacy that would result from the first floor classrooms and the proposed fenestration pattern. Although these concerns are noted the proposed separation distance between the block and the nearest houses is 38 metres and this is considered to be acceptable. The temporary nature of the classroom block and also the opening hours of the school should help to restricts any impacts.

The temporary nature of the proposal will be controlled by the use of a suitably worded planning condition to ensure that the building is removed from the site once it is no longer required.

Flood Risk and Drainage

The school site lies within Flood Zone 1 and is at low risk of flooding.

The LLFA has confirmed that the proposal will not increase the flood risk on the site or elsewhere.

The applicant's agent has confirmed that the temporary classroom block has been connected into the existing mains sewer which currently serves the school. A services Plan has been submitted to denote the location of the existing services and the connections into the existing drainage infrastructure.

The comments received from United Utilities do not reflect the retrospective nature of the proposal. The connection of the building to the existing drainage infrastructure for a temporary period is considered to be acceptable in the circumstances and the proposed building will not result in any intensification of the use on the site. It is being used as a



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temporary provision to accommodate the existing number of school children and teachers on site whilst the existing building is not suitable for use.

Highway Safety

The temporary building has been sited to the north of the existing school buildings. In this location it does not impact on the existing access or parking provision on the site.

The Highway Authority has confirmed that it will not have a material effect on existing highway conditions within the locality.

Impact on School Playing Fields.

Policy SC4 and Sports England Policy seek to restrict development that would impact on existing sporting facilities including playing fields and playing pitches.

The proposed temporary classroom building has been sited on the existing playing field associated with the school. Given the constrained nature of the school site this was the only realistic location which could accommodate a building of this scale within the school complex.

Sports England has confirmed that the proposed development falls within the exceptions set out in their policies provided that the permission for temporary classroom building is for a temporary period and they are removed from site and the playing fields appropriately restored.

It is considered that a suitably worded planning condition can be imposed to meet the requirements of Sports England.

On this basis a temporary permission is considered to be acceptable.

Biodiversity Net Gain

In terms of considering the proposal in relation to Biodiversity Net Gain, the development relates to a retrospective application which falls under an exempted category; therefore, does not trigger a requirement for a 10% Biodiversity Net Gain.

Planning Balance and Conclusion

The proposed temporary building is required to allow education to continue from the existing school site following storm damage to the existing school building.

The site is located within the main settlement boundary for Whitehaven and can accommodate a building of the scale required without unacceptable impact to either visual or residential amenity.

Any impact resulting from the classroom block on the existing school playing facilities would be temporary and can be controlled through the use of suitably worded planning conditions.

Overall, this proposal is considered to be acceptable on a temporary basis and complies with the relevant planning policy and guidance.

8. **Recommendation:**

	Approve
9.	<p>Conditions:</p> <p>1. The classroom building hereby permitted shall be removed by 31st March 2026 and the land restored to its former condition on or before 30th June 2026 in accordance with a scheme of work submitted to and approved by the Local Planning Authority.</p> <p>Reason</p> <p>The use hereby approved is not considered appropriate as a permanent form of development in order to safeguard the amenities of the locality.</p> <p>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: -</p> <ul style="list-style-type: none"> - Application Form, dated 17th February 2025; - Site Location Plan and Block Plan, scales 1:1250 and 1:200, drawing reference PTKJERICHOA, dated 14th February 2025; - Services Plan, received on 17th February 2025 - Proposed Floor and Elevation Plans, drawing reference HD/14176/01, dated 03rd February 2025; - Flood Map, dated 13th February 2025 <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> <p>3. Within 6 months of the date of this approval a scheme for the removal of the temporary classroom building and associated hardstanding, and the reinstatement of the playing field shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The scheme must be in accordance with Sport England guidance "Natural Turf for Sport" (2011). Within three months of the removal of the temporary classroom building the playing field must be reinstated in accordance with the approved scheme.</p> <p>Reason</p> <p>To ensure the site is restored to a condition fit for purpose</p>

Informative Notes

Site Restoration

It is recommended that a restoration scheme for playing field land is undertaken by a specialist turf consultant. The applicant should be aiming to ensure that any new or replacement playing field is fit for its intended purpose and should have regard to Sport England's technical Design Guidance Note entitled "Natural Turf for Sport" (2011)

Biodiversity Net Gain – Not Applicable

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Cumberland Council.

There are statutory exemptions which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one of the statutory exemptions is considered to apply.

Applicable exemption: Retrospective Development

Statement

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

Case Officer: N.J. Hayhurst	Date : 05/08/2025
Authorising Officer: I. Fairlamb	Date : 05/08/2025
Dedicated responses to:- N/A	