



## CUMBERLAND COUNCIL

### DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2342/0F1
2.	<b>Proposed Development:</b>	VARIATION OF CONDITION 2 (PLANS) FOR VARIATION IN DESIGN OF PLANNING APPLICATION 4/24/2149/0F1 PROPOSED DINING & CHANGING ROOM EXTENSION
3.	<b>Location:</b>	WHITEHAVEN ACADEMY, CLEATOR MOOR ROAD, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp; Policy</b>	See report.
7.	<b>Report:</b> <b>SITE AND LOCATION</b>  This application relates to Whitehaven School; a secondary school located on Cleator Moor Road in Whitehaven. There are playing fields surrounding the site with The Haven Club to the northwest and residential dwellings on the opposite side of Cleator Moor Road.  Access is taken to the northwest of the school building with parking to the north.  <b>PROPOSAL</b>  In June 2024, Planning Permission was granted for a proposed dining and changing room extension to the school.  This current application seeks to vary condition 2 attached to the original planning permission granted under application reference 4/24/2149/0F1 to make minor amendments to vary the design of the extension.  The wording of the original condition was as follows:  - 2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:	

- Application form, received 2nd May 2024;
- Site Location Plan, scale 1:2500, drawing number 01A, received 2nd May 2024;
- Proposed Plans and Elevations, scale 1:100, drawing number 04A, received 2nd May 2024;
- Design and Access Statement, received 2nd May 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.

#### RELEVANT PLANNING APPLICATION HISTORY

4/19/2327/0F1 PHASED DEMOLITION OF EXISTING SCHOOL BUILDING AND REPLACEMENT WITH NEW SCHOOL BUILDING AND SPORTS HALL – Approved March 2020

4/24/2149/0F1 PROPOSED DINING AND CHANGING ROOM EXTENSION – Approved June 2024

#### CONSULTATION RESPONSES

##### Whitehaven Town Council

No response received.

##### Sports England –

1<sup>st</sup> response - Some of the Governing Bodies have raised some design issues and matters of clarification in relation to the layout of the changing rooms and matters to consider such as the displaced playground use.

Notwithstanding the above, as the proposal does not negatively impact on the pitches and is an ancillary facility to support the use of the playing field, having assessed the application, Sport England is satisfied that the proposed development meets Exception E2 of our playing fields policy.

Given the above, Sport England raises no objection to the application because it is considered to accord Exception E2 and E3 of our Playing Fields Policy and paragraph 104 of the NPPF.

##### 2<sup>nd</sup> response -

Sport England has provided comments on the previous documents in our representation of



the 11 November 2025 (copy appended to this letter), where Sport England raised no objection to the proposal as it was considered to meet exception E2 and E3 of Sport England's Playing Fields Policy. Sport England notes that the additional and updated information includes amendments to the layout of the changing block element of the proposal.

The FF have commented that the new amendments are compliant with FF guidance. Sport England welcomes the fact that the applicant has addressed the design matters previously raised. However, the FF have also commented that an accessible WC does not appear on the submitted plans, and the school should ensure provision is made so that users have appropriate access where required.

Notwithstanding the above, as the proposal does not negatively impact on the pitches and is an ancillary facility to support the use of the playing field, having assessed the application, Sport England is satisfied that the proposed development meets Exception E2 of our playing fields policy.

Given the above, Sport England raises no objection to the amended plans because it is considered to accord Exception E2 and E3 of our Playing Fields Policy and paragraph 104 of the NPPF.

#### Highways and Local Lead Flood Authority

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that the response made previously should still apply.

#### Environmental Health

No objections.

#### Public Representation

The application has been advertised by way of a site notice.

There have been no responses received as a result of this advertisement.

### **PLANNING POLICIES**

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

#### **Development Plan**

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria. Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited 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 2001-2016.

The policies relevant to this application are as follows:-

Strategic Policy DS2: Settlement Boundary

Policy DS4: Design and Development Standards

Strategic Policy R3: Whitehaven Town Centre

Strategic Policy SC1: Health and Wellbeing

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

Policy SC5PU: Community and Cultural Facilities

#### **ASSESSMENT**

Under Section 73 of the Town and Country Planning Act 1990, an application can be made to vary or remove a condition associated with a permission. The effect of an application under Section 73 is the issue of a new permission sitting alongside the original permission, which remains intact and unamended.

The NPPG outlines that to assist with clarity it states that decision notices should also repeat the relevant conditions from the original permission unless they have already been discharged.

As a Section 73 application cannot be used to vary the time limit for implementation this condition must remain unchanged from the original permission.

In terms of the conditions attached to the previous decision notice (4/24/2149/0F1), it is necessary to repeat condition 3 which relates to hours of construction that is relevant to this revision.

The current application seeks to vary condition 2 of permission 4/24/2149/0F1. The issues relating to this element of the scheme are considered below:-



The proposed amendment to this scheme proposes minor alterations to the external appearance of the dining and changing room extension including minor revisions to fenestration and the installation of a Brise Soleil around the roof perimeter.

Policy DS4 and section 12 of the NPPF seek to promote high quality designs that are appropriate to their surroundings and do not adversely affect the amenity of the surrounding area.

The amendments propose minor changes to the window/door fenestration, some minor internal layout changes such as addition of a cleaning store, and the addition of a brise soleil canopy along the roof perimeter. The brise soleil will project 2 metres from the extension.

On this basis, the amenities of the closest residential occupants and the character of the area will continue to be maintained and therefore the proposal is considered to comply with Policy DS4 and the NPPF guidance.

In terms of the provision of new sporting facilities, Sections 6 and 8 of the NPPF seeks to promote healthy and safe communities through delivering social, recreational and cultural facilities for community needs. Policy SC4 states that new development must not prejudice the use of existing sports facilities, including pitches, within the vicinity of the development site.

The minor revisions to the design of the extension will not impact on the sporting facilities of the school - the impact of the dining/changing extension has already been considered under application reference 4/24/2149/0F1, however Sports England were consulted as a statutory consultee.

As part of their first response, Sports England requested clarification in relation to the layout of the changing rooms and matters to consider such as the displaced playground use, however no official objections were raised. After amended drawings were submitted for clarification, their second response raised a query that an accessible WC does not appear on the submitted plans, and the school should ensure provision is made so that users have appropriate access where required, however again, no official objections were raised in response to the proposal.

After seeking clarification from the agent on the above matter, it was confirmed that 2x accessible WC and 1x Accessible changing area was available within the main school building.

#### Planning Balance and Conclusion

This application seeks to vary condition number 2 of application reference 4/25/2342/0F1.

The proposed amendments comprise minor alterations to the window/door fenestration, some minor internal layout changes and the addition of a brise soleil canopy along the roof perimeter.

The proposed amendments are of a suitable scale and an appropriate design that will

	<p>enhance the provision of facilities to serve the school and are not considered to have any detrimental impact on the amenities of the wider residential area, health and wellbeing or the schools existing sports facilities.</p> <p>There have been no objections received in response to the proposal.</p> <p>On balance, the application is considered to be acceptable form of development which accords with the policies set out within the adopted Local Plan and the guidance in the NPPF.</p>
8.	<p><b>Recommendation:</b> Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>1. -</li> <li>2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: - <ul style="list-style-type: none"> <li>- Application Form, received 13<sup>th</sup> October 2025;</li> <li>- Site Location Plan, scale 1:2500, drawing 01, received 13<sup>th</sup> October 2025;</li> <li>- Existing Site Plan, scale 1:500, drawing 02, received 13<sup>th</sup> October 2025;</li> <li>- Existing Ground Floor Plans &amp; Elevations, scale 1:200, drawing 03, received 13<sup>th</sup> October 2025;</li> <li>- Design and Access Statement, received 13<sup>th</sup> October 2025;</li> <li>- Proposed Ground Floor Plans &amp; Elevations (amended), scale 1:100, drawing 04, received 11<sup>th</sup> November 2025.</li> </ul> </li> </ol> <p><b>Reason</b></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> <ol style="list-style-type: none"> <li>3. At all times, construction activities that are audible at the site boundary must only be carried out between the following hours: <ul style="list-style-type: none"> <li>Monday to Friday 08.00 – 18.00 and,</li> <li>Saturday 08.00 – 13.00 and</li> <li>at no time on Sunday or Bank Holidays.</li> </ul> </li> </ol> <p>Deliveries to and removal of plant, equipment, machinery and waste from the site must</p>



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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 and in accordance with Policy ST1 of the Copeland Local Plan.

**Informative Notes**

**Development Low Risk Area - Standing Advice**

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 Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242. Further information is also available on the Mining Remediation Authority website at: [Mining Remediation Authority - GOV.UK](http://www.mra.gov.uk)

**Biodiversity Net Gain – Exemption**

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

- (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and
- (b) the local planning authority has approved the plan. The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

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 or more of the statutory exemptions or transitional arrangements is/are considered to apply.

Applicable exemption: De Minims

**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
<b>Case Officer:</b> Demi Crawford	<b>Date :</b> 05/12/2025
<b>Authorising Officer:</b> N.J. Hayhurst	<b>Date :</b> 08/12/2025
<b>Dedicated responses to:-</b> N/A	