

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2041/0F1
2.	Proposed Development:	Creation of a batting net and two storage containers on field.
3.	Location:	Seascale Cricket Club, Gosforth Road, Seascale
4.	Parish:	Seascale
5.	Constraints:	<p>Flood Area - Flood Zone 2 & 3</p> <p>Safeguard Zone</p> <p>Coal - Off Coalfield</p> <p>Key Species - Potential areas for Natterjack Toads</p> <p>DEPZ Zone</p> <p>Outer Consultation Zone - Drigg 3KM</p> <p>Outer Consultation Zone - Sellafield 10KM</p>
6.	Publicity Representations & Policy	See Report
7.	Report: SITE AND LOCATION <p>This application relates to Seascale Cricket Club, a large open space which is located off Gosforth Road in Seascale.</p> <p>The premises is set back in an isolated position from the main road and accessed via a private road that leads to the site. The buildings on the Application Site comprise an existing clubhouse and some storage containers that are located 100 metres to the south.</p>	

PROPOSAL

Planning permission is sought for the siting of two containers to the south of the cricket ground which are to be used for the storage of equipment. Each container is to be 6m in length, 2.4m in width and 2.6m in total height. The containers are to be green in colour with white UPVC cladding on the cricket field elevation which is to function as a side screen.

The proposal also includes the installation of a batting net area to the east of the cricket ground. This structure is to be 33m in length, 3.3m in width and 3.65m in total height. It comprises a steel frame enclosed by a mesh screen.

RELEVANT PLANNING APPLICATION HISTORY

None.

CONSULTATION RESPONSES

Seascale Parish Council

No objections.

Environment Agency

No objections, however, we do wish to make the following comments:-

The planning application is accompanied with the FRA titled flood risk and justification statement. We have reviewed in so far as it relates to our remit and given the scale and nature of the proposed development, we are satisfied that the development would be safe without exacerbating flood risk elsewhere. A note to applicant should be placed in relation to the storage containers to be secured to the ground.

Highways Authority/LLFA

No objections to the proposed development as it is considered that it will not have a material effect on existing highways conditions nor will it increase the flood risk in the site or elsewhere.

Natural England

No comments received within the consultation period. .

Ecologist

No comments received within the consultation period. .

Sports England

Do not wish to raise any objections to this application.

Public Representations

The application has been advertised by way of a site notice being placed adjoining the site and 1 neighbour letter being sent – No representations have been received as a result of this consultation process.

PLANNING POLICY

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 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 application are as follows:-

Policy DS1 – Development Strategy

Policy DS4 – Design and Development Standards

Policy DS6 – Reducing Flood Risk

Policy N1 – Conserving and Enhancing Biodiversity and Geodiversity

Policy N3 – Biodiversity Net Gain

Policy SE1 – Economic Growth

Policy SC1 – Health and Wellbeing

Policy SC2 – Sports and Leisure Facilities

Policy SC4 – Impact of new development on sporting facilities

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, design and the potential impacts on residential amenity, highway safety, ecology and flood risk.

Principle of Development

This application seeks permission for the siting of two storage containers on the site and also the installation of a cricket practice net.

The proposed two freight containers will be located to the south of the cricket ground. Policy SC1 and SC2 support the improvement and quality of sports facilities providing they are of an appropriate standard of design. There are other containers located on site and the proposal is considered to be moderate in scale in comparison to the site as a whole.

The batting net area is to be sited to the east of the cricket ground. Whilst this is a relatively large structure it is considered to be appropriate due to its nature and functional design and given the scale of the proposal in comparison to the site as a whole.

On this basis, the principle of development is therefore considered to be acceptable, and the proposals satisfy Policies SC1, SC2 and SC4 of the Local Plan and the NPPF guidance.

Scale and Design

Policy DS4 and section 12 of the NPPF seek to promote high quality designs. Policy DS4 seeks to ensure a high standard of design and development proposals should respond positively to the character of the site and immediate wider setting.

The two proposed containers are considered to be moderate in scale in relation to the site itself and wider area and would provide a temporary solution to the storage requirements on the site associated with its sports use. Whilst temporary structures as a means of expansion are not normally supported it is considered that the two temporary containers can be supported in this instance on a temporary basis. This can be controlled by the imposition of a suitably worded planning condition.

The proposed bat netting area is of a reasonable scale and is functional in its appearance and design. This structure would be seen in conjunction with the existing sporting facility which will limit its visual impact on this large-scale site.

The proposal is located within an isolated position and there will be visibility from public vantage points. However, given that the proposals will be seen in the context with the existing sporting facility any impact upon the character of the wider area would be limited.

On this basis, the proposal is considered to respect the character and appearance of the site and character of the wider area in accordance with Policies DS4 and SC2 and NPPF guidance.

Residential Amenity

Policy DS4, SC2 and section 12 of the NPPF seek to safeguard good levels of residential amenity.

The site is already in use as an established cricket ground.

The proposal is located in excess of 60m away from the nearest neighbouring property. The land levels on the site are also lower than the neighbouring properties located to the north and west of the site. On this basis the proposal would not create any unacceptable impact upon residential amenities within the local area.

On this basis, the proposal is considered to comply with Policy DS4, SC2 and the NPPF.

Highway Safety

Policy DS4 seeks to ensure that development proposals do not impact upon highway safety and/or the capacity of the highway network. Policy C07 requires an adequate provision of car parking.

There are no alterations to the existing access and parking arrangements and the proposal will not impact upon the use of the existing facilities.

The Highways Authority have raised no objections to the proposal.

On this basis, the proposal is considered to comply with Policies DS4 and C07 of the Local Plan.

Flood Risk and Drainage

Policy DS6 seeks to ensure 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.

The proposal is located within Flood Zone 2 and 3 and the submission is supported by a flood risk and justification statement. The applicant has confirmed that the surface water will soakaway into the existing cricket field.

The LLFA have confirmed that they have 'no objections to the proposed development as it will not increase the flood risk on the site or elsewhere.

The Environment Agency have confirmed that they have no objections to the development although they have made the following comment:-

- The planning application is accompanied with the FRA titled flood risk and justification statement. We have reviewed in so far as it relates to our remit and given the scale and nature of the proposed development, we are satisfied that the development would be safe without exacerbating flood risk elsewhere. A note to applicant should be placed in relation to the storage containers to be secured to the ground.'

This advice can be included as an informative note on the decision notice.

On this basis the proposal is not considered to raise any issues with regards to flood risk in accordance with DS6 of the Copeland Local Plan.

Ecology

Policy N1 and section 15 of the NPPF outline how the Council will protect and enhance the biodiversity and geodiversity within the Borough. These policies set out the approach towards managing development proposals that are likely to have an effect on nature conservation sites, habitats and protected species.

The application site is identified as a potential area for natterjack toads. The application is supported by a statement from the agent. It concludes that Natterjack Toads are exclusively confined to grazing marshes and sandy heaths and not the manicured grassed field which relates to the sports facility.

On this basis, it is considered that this is not likely to be a habitat to contain natterjack toads and so it would not be necessary to seek a full ecological survey for this application. However, an informative note will be included on the decision notice to ensure that the applicant is aware of the Wildlife Act and the requirements under this act should any protected species be present.

It is therefore considered that the development complies with Policy N1 of the Copeland Local Plan and the NPPF guidance.

BNG

Policy N1 of the Local Plan seeks to ensure that new development will protect and enhance biodiversity and geodiversity and defines a mitigation hierarchy.

Policy N3 required 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.

In England, BNG is now mandatory under Schedule 7a of The Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Applications must now deliver a Biodiversity Net Gain of 10%, resulting in more or better-quality natural habitat than there was before the development.

	<p>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:</p> <p>(a) a Biodiversity Gain Plan has been submitted to the local planning authority, and</p> <p>(b) the local planning authority has approved the plan.</p> <p>The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.</p> <p>Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.</p> <p>The application is supported by a statutory Biodiversity Net Gain Plan and Habitat Management and Monitoring Plan. This demonstrates that the current site is modified grassland and of low value. A 10% uplift in biodiversity can be achieved by fencing off 70 sq metres and removing it from the cutting regime at the cricket ground.</p> <p>The standard Biodiversity Gain Condition applies, and this will be included as an informative on the planning condition.</p> <p>Based on the inclusion of the above condition, it is considered that the development complies with the requirements of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 and Policies N1 and N3 of the Copeland Local Plan and the provisions of the NPPF.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The proposed containers and the batting net are considered to be of an appropriate scale and design and would not have any detrimental impact on the amenities of the adjoining properties. A temporary permission will ensure that the storage containers are removed from the site after a 5 year period which will also help to mitigate the impact of the development in the interests of visual amenity.</p> <p>The proposals are considered to be acceptable in terms of ecology, highway safety and flood risk subject to planning conditions and the inclusion of relevant informative notes.</p> <p>The BNG condition applies and is included as an informative.</p> <p>Overall, the proposals are considered to represent an 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>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p>

1. The development hereby permitted must commence before the expiration of three years from the date of this permission.

Reason

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

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:-

- Application Form, received 05/02/2025;
- Dwg 02 – Proposed Site Location Plan, scale 1:1250 and 1:500, received 05/02/2025;
- Dwg 03 Rev A– Proposed Additions, scale 1:50, 1:500 and 1:1250, received 28/03/2025;
- Design Plan – Proposed Batting Net Details, received 05/02/2025;

Reason

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

3. The temporary siting of the two storage containers hereby approved shall cease to be used/occupied and shall be removed from the site within 5 years of the date of this approval.

Reason

The storage containers hereby approved are only acceptable as a temporary measure, in accordance with the National Planning Policy Framework and Policy DS4 of the Copeland Local Plan.

Informative Notes

Biodiversity Net Gain – Applicable

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 require



Cumberland Council

the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Before commencing development, a Biodiversity Gain Plan needs to be submitted and approved by the local planning authority.

Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control.

The template for the preparation of a Biodiversity Gain Plan can be accessed via this link:
<https://www.gov.uk/government/publications/biodiversity-gain-plan>

Coal Informative

The proposed development site 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.

Wildlife Informative

The Council seek to highlight that their planning decision has been determined based on the merits of the submitted evidence and the proposal. Should any protected species be discovered during the course of implementing the development works, then under the provisions of the Wildlife and Countryside Act 1981, works should cease and further guidance should be sought from Natural England at:

Natural England
County Hall, Spetchley Road
Worcester
WR5 2NP

Email: enquiries@naturalengland.org.uk

Telephone: 0300 060 3900

Opening times: 8:30am to 5pm, Monday to Friday (excluding public holidays)

The Council emphasise that any harm to a protected species or its habitat constitutes a criminal offence under the above statutory Act and may be subject to legal prosecution.

Environment Agency

We would recommend that the proposed storage containers are secured to the ground to avoid any potential floating or displacement as a result of flooding. In addition, the applicant should ensure that any sensitive infrastructure such as gas and water pipes or electrical cabling are located and designed to withstand the potential impacts of flooding.

Biodiversity Net Gain

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: K. Bamford**Date : 28/03/2025****Authorising Officer: N.J. Hayhurst****Date : 02/04/2025****Dedicated responses to:- N/A**