

Application Reference Number:	4/24/2355/0F1
Application Type:	Full Planning Application
Application Address:	Millom School, Salthouse Road, Millom
Proposal	Community leisure centre and associated parking and landscaping including formation of temporary construction compound
Applicant	Cumberland Council
Agent	Cohesion Consult
Valid Date	23 rd October 2024
Case Officer	Christie Burns

Cumberland Area and Region

Copeland and Millom Parish

Relevant Development Plan

Copeland Local Plan 2021 – 2039.

Reason for Determination by the Planning Committee

The planning application is on land that is in the ownership of Cumberland Council, who are also the applicant, and the Head of Service considers the application to raise significant issues that it is in the public interest for the application to be considered by committee.

Recommendation

It is recommended that Members grant and delegate to Assistant Director of Inclusive Growth and Placemaking to grant planning permission subject to agreement by Sports England to revised BNG proposals, agreement from the Highway Authority to the location of the construction compound and the conditions set out under Appendix 1 with delegated powers to Assistant Director of Inclusive Growth and Placemaking to amend any conditions as deemed necessary.

1. Site and Location

- 1.1. The application relates to the Millom School site which is located to the northern edge of Millom. The site comprises Millom Secondary School and Sixth Form, Millom Community Hub, and the associated car park.
- 1.2. The site is bounded to the north west by Salthouse Road (A5093), to the south west by existing residential properties, to the north by existing school playing fields, and to the south and east by the Cumbrian Coastline Railway Line.
- 1.3. Access to the site is from Salthouse Road to the west of the site, providing access to the car park to the front of the existing buildings.
- 1.4. The site is owned by Cumberland Council.

2. Directly Relevant Planning Application History

4/18/9005/0F2 – Prior notification of proposed demolition of swimming pool – County Council Approved.

4/25/2022/0F1 – Prior approval for demolition of caretakers cottage – Ongoing.

3. Proposal

- 3.1. This application seeks planning permission for the construction of a community leisure centre and associated parking and landscaping, including demolition of existing buildings and formation of temporary construction compound.
- 3.2. The proposed leisure centre will be located to the rear of the school buildings on an area of playground which previously sited the school's former swimming pool (now demolished) and on the current location of the school's outdoor changing facility which are to be demolished as part of this scheme. Updated changing provisions will be accommodated within the new building.
- 3.3. To develop the proposed leisure centre an extension will be added to the existing school gymnasium with part of the existing building sectioned off from the existing school buildings and incorporated into the new facility. The proposed extension will develop the existing building to the north and north east of the existing structure, projecting a maximum of 44.5m from the existing structure and extending by a maximum of 31.1m to the side. The building will have a split-level roof, with an overall height of 9.1m

within the area serving the sports hall and 5.9m for the remainder of the building.

- 3.4. The proposed new community leisure centre will provide the following new facilities: 8m x 15m swimming pool, a sports hall, fitness gym, a multipurpose community activity studio, male and female group changing facilities, a wet changing village, and indoor/outdoor flexible group changing facilities.
- 3.5. Externally, the proposed leisure centre will be finished with composite cladding. A light grey cladding will be utilised above 3m on all sides, with a feature colour cladding used on lower areas.
- 3.6. Access to the proposed leisure centre will be via the main school site entrance through the existing car park via an existing access road to the north of the existing buildings. The access road to the building will only provide access for service vehicles and pedestrians and will allow access to the proposed four accessible parking spaces and 12 cycle spaces.
- 3.7. The existing school car parking will be enlarged as part of this development by demolishing the existing unused groundskeeper bungalow and garden (also subject to a prior notification application ref: 4/25/2022/0F1). The car park will be reconfigured to provide 67 parking spaces, 4 accessible parking spaces, and 26 cycle parking spaces.
- 3.8. The application also seeks permission to create a temporary construction vehicle compound within the car park to the west of the site, within the former curtilage of the groundskeeper's bungalow.

4. Consultation Responses

Millom Town Council

8th November 2024

Millom Town Council support this planning application.

One Councillor did however state that it seems a shame to knock down the bungalow and garden for a car park. The access to the new building front is going to be dangerous with only a one-way system for vehicles and no control. Additionally, the reference to footpaths to the site is not correct as far as I read it. On the school side of Salthouse Road the footpath runs out. Potentially dangerous on a main road at night. Will the sewerage system cope with the anticipated footfall?

30th January 2025

No objections in principle to this application

Active Travel

6th November 2024

Standing Advice

Following a high-level review of the above planning consultation, Active Travel England has determined that standing advice should be issued and would encourage the local planning authority to consider this as part of its assessment of the application. Our standing advice can be found here:

<https://www.gov.uk/government/publications/active-travel-england-sustainable-development-advice-notes>

ATE would like to be notified of the outcome of the application through the receipt of a copy of the decision notice, in addition to being notified of committee dates for this application.

17th January 2025

Same comments as received on the 6th November 2024.

Cumberland Council – Highway Authority & Lead Local Flood Authority

27th November 2024

Cumberland Council as the Infrastructure Planning, Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below.

Infrastructure Planning response:

Active Travel England Planning Application Assessment Toolkit:

ATE have already issued standing advice for the application. The applicant is advised to review this.

Impact on existing walking, cycling and wheeling:

The proposed relocation of cycle parking away from the bin store area in front of Millom Hub location would make it more accessible. The revised internal layout with footway along the western edge of the car park and crossing will improve access to the hub for pedestrians. Increased vehicle numbers related to the leisure centre car park would impact on those accessing the Millom Hub on a bicycle.

Cycle Parking:

The location of cycle parking under the canopy at the entrance to the leisure centre is welcomed. This location provides a degree of protection from the weather and casual surveillance from people entering and leaving the building. Relocation of the cycle parking away from its current location is welcomed as currently cycle parking could often be blocked by refuse bins.

There is a discrepancy in the information relating to cycle parking:

On the application form cycle parking levels are identified as 10 spaces, already existing and there will be no increase in provision. In paragraph 2.13 of the Transport Assessment reference is made to 26 cycle parking spaces outside of the Millom Hub. Paragraph 3.6 of the Transport Assessment set out the proposal for cycle parking as ‘...provided for 12 bikes close to the new leisure centre building. The 13 Sheffield stands located near Millom Hub will be relocated as part of the proposal.’

The internal floor space of the new leisure centre is 1,950sqm. Table 11 in chapter 11 of Local Traffic Note 1/20 – Cycle Infrastructure Design (LTN 1/20) provides guidance on cycle parking provision. The advised level of cycle parking provision for a leisure centre is:

Short Stay - 1 cycle parking space per 50sqm of internal floor area or per 30 seats (whichever ever is greatest).

Long Stay - 1 cycle parking space per 5 employees

The advised level of cycle parking for a school is:

Long Stay – 1 cycle parking space per 10 students and 1 cycle parking space per 20 staff.

The applicant should provide updated information on current and proposed cycle parking. Clearly identifying locations and type of cycle parking as well as the building or facility being served. Cycle parking should be both long and short stay. Due consideration should be given to security and the applicant is encouraged to consider provision of a larger covered cycle store. They could also consider providing a robust outdoor cycle maintenance stand. In determining provision of cycle parking the applicant should be mindful of UK Government ambitions for 50% of short journeys to be via active travel by 2030 and the proposals for upgraded active travel infrastructure on Salthouse Road which form part of the wider town deal programme.

Internal Layout

Proposed internal layout is car focused. Consideration has been given to the needs of pedestrians but the full potential has not been realised. Cyclists would be required to traverse the car park to reach the proposed cycle parking. This results in a situation where cyclist are in a high risk area in relation to vehicle movements – collisions caused by reversing and turning. LTN 1/20 sets out principles of access to cycle parking. The applicant is advised to provide a clear segregated route for cyclists from the site entrance to the cycle parking. Shared use provision would be sufficient. The applicant is encouraged to re-visit designs and maximise integration with the Millom Town Deal Cycling and Walking schemes. The applicant is encouraged to consider providing a new or upgraded separate active travel access / egress into the site to minimise mixing of active travel and vehicle transport modes.

We recommend:

The applicant reviews proposals in relation to cycle parking, internal layout and connectivity to facilitate active travel to and from the site.

Local Highway Authority response:

The LHA have reviewed the information submitted in support of this application and have the following comments that need addressed before a final response can be issued.

- All new footways within the proposed site are required to be a minimum of 2 metres in width and tactile paving to allow safe passage for pedestrians and better connectivity to the proposed site. a 3 metre shared cycleway/footway should also be considered to encourage active travel rather than vehicles.
- The access road from the proposed new car park to the leisure centre can be no less than 3.7metres in width as this is to allow safe passage for emergency vehicles.
- The proposed footway that runs on the opposite side of the Millom Hub joining the grassed bank area should be relocated to the opposite side against the existing building, this would remove 2 pedestrian crossing points and give better forward visibility to motorists using the access road.
- The give way markings on the leisure centre access road should be removed and a hatched area outside the hub should be created, stating that only service vehicles and accessible parking beyond this point, inclusion of signs saying the same could be installed, this would also encourage users not parking outside the designated car parking spaces.

Lead Local Flood Authority response:

The LLFA have reviewed the surface water drainage proposal for the site and in principle have no objections, but would like the following points addressed before a final response can be issued.

- When BRE365 tests are carried out within the proposed attenuation tanks locations and if infiltration is deemed viable the LLFA will have no objections to the proposed drainage design for all 3 drainage sites (Leisure Centre, Car Park, Playground), however if infiltration is not an option the car park and playground drainage design needs to be reconsidered, The Town of Millom has suffered from several flooding events in recent years due to capacity issues within the combined sewers during storm events which has internal flooding to many property's within the area. The LLFA along with united utilities have planned schemes within the town to remove surface water from the combine sewer to which we the LLFA would expect this to happen on this proposed development site.

Proposed Car park area

If levels only allow connection to the existing combined sewer any existing surface water drainage gullies etc should be connected to the proposed new surface water system attenuated and discharged at an agreed rate into the combined sewer.

Proposed playground area

If levels only allow connection to the existing combined sewer any existing surface water drainage gullies etc should be connected to the proposed new surface water system attenuated and discharged at an agreed rate into the combined sewer.

Proposed Leisure Centre area

The surface water drainage design for the leisure centre is acceptable as the proposed surface water system will outfall to salthouse pool water course, although the design is acceptable we as LLFA would recommend where possible existing surface water to be removed from the combined system and connected to the new .

Conclusion:

In light to the above comments additional details are required from the applicant.

Infrastructure planning

The applicant reviews proposals in relation to cycle parking, internal layout and connectivity to facilitate active travel to and from the site.

LHA

The applicant is to amend plans to allow 2 metre footways throughout the site, Access Road to be increased to 3.7 metres, footway on the access road to be relocated and the hard standing area outside the Millom Hub is to include hashed area with signage to provide clear guidance what vehicles are allowed to use the access road.

LLFA

The applicant in the first instance is to carry out BRE365 test to show whether the ground is suitable for infiltration.

If Infiltration is not viable amended detailed drainage plans showing existing surface water being connected to the proposed and attenuated before outfalling to the combined sewer.

Upon receipt of the amended plans, I shall be better placed to provide full response.

24th January 2025

The Local Highway Authority and Lead Local Flood Authority can confirm that we have no objections to the proposal, we would however recommend that the following conditions are included in any consent you may grant: full details of surface water drainage system, construction traffic management plan, access/parking, and access/egress.

Cumberland Council – Countryside Access Officer

No comments received.

United Utilities

20th November 2024

Following our review of the submitted drainage layouts (Foul Water Drainage Layout 0911 Rev P2, Surface Water Drainage Layouts Sheet 1 0921 Rev P2, Sheet 2 0921 Rev P2, and Sheet 3 0923 Rev P1), the plans are not acceptable to United Utilities. It was agreed with the applicant that the leisure centre surface water drainage system would pick up several existing gullies / rainwater pipes that currently drain to sewer, in order to reduce the overall areas draining to the sewer. This has not been shown on the proposed drainage layouts.

Should planning permission be granted in advance of receiving the updated drainage details, we request the following condition is attached to any subsequent Decision Notice and the current drainage plans are NOT listed as approved documents on the subsequent Decision Notice: foul and surface water drainage.

Management and maintenance of Sustainable Drainage Systems (SuDS)

Without effective management and maintenance SuDS can fail or become ineffective which may have a detrimental impact on the surrounding area. There is also a risk ineffective SuDS could impact the performance of the public sewer network where the two systems interact. Therefore, when SuDS is included in a proposed development, we recommend the Local Authority include a condition relating to SuDS management and maintenance in any subsequent Decision Notice.

Reconsultation:

Awaiting updated comments

Environment Agency

13th November 2024

We have no objections to the development as proposed, however we do wish to make the following comments:-

The application is accompanied by a Flood Risk Assessment (FRA), produced by Geol Consultants Limited (GEOL) (referenced: GEOL22-8471; dated: 20/04/2023).

As a result of the FRA, the applicant, as owners of the existing property, will be aware of the potential flood risk and frequency, and that a small portion of the northwestern edge of the All Weather Sports Pitch to be resurfaced is indicated as being at risk of tidal flooding. The applicant should be satisfied that the impact of any flooding will not adversely affect their proposals.

28th January 2025

Please refer to our previous response referenced NO/2024/116400/01-L01 and dated 13 November 2024. We have reviewed the amended plans and we do not wish to add any further comments.

Sports England

27th November 2024

Assessment against Sport England Policy:

This application relates to the provision of a new indoor/outdoor sports facility or facilities on the existing playing field at the above site. It therefore needs to be considered against exception 5 of the above policy, which states:

'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'

I have therefore assessed the existing and proposed playing fields against the above policy to determine whether the proposals meet exception 5.

Sport England will assess the potential benefit of the new or extended sports facility by taking into account a number of considerations. As a guide, these may include whether the facility:

- meets an identified local or strategic need e.g. as set out in a local authority or NGB strategy (rather than duplicating existing provision);
- fully secures sport related benefits for the local community;
- helps to meet identified sports development priorities;
- complies with relevant Sport England and NGB design guidance;
- improves the delivery of sport and physical education on school sites; and
- is accessible by alternative transport modes to the car.

Proposals will also need to demonstrate that the loss of any area of playing field will not have an unacceptable impact on the current and potential playing pitch provision on the site. For example, it is unlikely that a loss would be acceptable if:

- it would result in the main user (e.g. a school or a club) being unable to meet their own minimum requirements for playing pitches (the Department for Education provide area guidelines for playing fields at existing schools and academies).
- other users would be displaced without equivalent replacement provision;
- it would materially reduce the capability and flexibility of the playing field to provide for a range of sports and natural grass playing pitches; or the area of playing field is significant in meeting local or strategic needs.

The proposed leisure centre building's encroachment onto the playing field is limited and the area affected is irregular in shape, so unlikely to be useful for the setting out of playing pitches.

There is however limited strategic justification for the proposed development within the submission. Sport England would have wished to see analysis of the local authority Built Facility Strategy and how this informed the scale and specification of the sports hall, swimming pool and gym set out in a Planning Statement.

Notwithstanding this omission, the Copeland Indoor Facilities Strategy (Strategic Leisure 2020) identifies the need for a 'small pool (15m x 8m) for Millom, potentially co-located and managed with other health and well-being provision'

Sport England has also received support from England Netball for the sports hall provision.

Accordingly Sport England is satisfied that the proposed leisure centre is of significant benefit to sport and thus it meets playing field policy exception 5.

We note that the proposed site plans show that the school's artificial grass pitch (AGP) is to be resurfaced from sand filled surface to a rubber crumb (3g) one. As this element of work is not detailed in the application description we are uncertain as to whether it forms part of the application or whether the Local Planning Authority has deemed that the work does not constitute development. If the former is the case it should be noted that the change of surface will favour football use but preclude hockey use. Sport England would expect such a change to be given strategic justification by an up to date Playing Pitch Strategy. The Copeland Playing Pitch Strategy (2023) identifies that competitive hockey can be accommodated locally by the development of a new sand-dressed AGP at Whitehaven Academy.

On the basis that the application includes the resurfacing of the AGP to a football specific surface Sport England has engaged with the Football Association. Through its delivery body (the Football Foundation) it responded to advise:

Although the Copeland 2021, Playing Pitch Strategy would be considered out of date, it does highlight the strategic importance of 3G to the area as there as supply and demand calculation suggests there would be a deficit of 2 full sized 3G AGP's (if only full-sized AGP provision was taken into consideration for football). By 2038 there will be an additional need for a further 1.1 new full size 3G AGP pitches due to population demand and team growth (football only). Due to the significant under supply of rugby league pitches in particular, the PPS advises it should be considered that at least one of the proposed new 3G AGPs should be WRC22 compliant.

Copeland LFFP also references the demand for 3G provision in the South Copeland area, referencing specifically the need for a 3G pitch around Millom School. The LFFP identifies the need for 4 full size 3G pitches in Copeland.

Lancashire FA are aware of the school's ambition for facility improvement, following their first site visit in 2019 with the School and key club (Millom FC). Millom FC have since highlighted significant difficulty in accessing of all-weather training facility.

Lancashire FA has several clubs that are within realistic geographical reach.

- Bootle AFC
- Haverigg United
- Millom FC
- Millom Juniors

Haverigg, Millom FC and Bootle AFC field predominantly senior adult teams playing in leagues such as West Lancashire Football League (regional feeder league) and Furness Premier League (Amateur Saturday open age) . Should a pitch be able to accommodate full size adult 11v11, then there is a potential that a facility could also offer some respite to grass pitches across the winter, where there is little other alternative for Matchplay, subject to the league's approval. There is also limited grass pitch access other than sharing multisport settings at Millom RFL and Millom RFU clubs and a small select number of sites.

The leisure centre would meet Sport England design guidance for changing rooms. FF would expect the changing room facility doors adjacent to the boot room to be lockable to meet safeguarding standards.

The applicant has not provided detail in relation to design specification of the pitch resurfacing.

The pitch as per the proposed site plan measures at 95m x 60m.

- Recommended sizes - All pitch sizes should comply with FA recommended sizes.
- Recommended sizes:
 - Mini-Soccer U7 and U8 (5v5) 37 x 27m (43 x 33m including safety run-off area)
 - Mini-Soccer U9 and U10 (7v7) 55 x 37m (61 x 43m including safety run-off area)
 - Youth U11 and U12 (9v9) 73 x 46m (79 x 52m including safety run-off area)
 - Youth U13 and U14 (11v11) 82 x 50m (88 x 56m including safety run-off area)
 - Youth U15 and U16 (11v11) 91 x 55m (97x 61m including safety run-off area)
 - Youth U17 and U18 (11v11) 100 x 64m (106 x 70m including safety run-off area)
- Run-off:
 - A minimum safety run-off of 3m must be provided from all perimeter lines.
 - Where pitches adjoin each other an additional 2m Respect spectator area should be included, meaning 8 meters should be left between pitches.
 - Run off areas must be free from obstructions and be of the same surface as the playing area.

The FF would expect the applicant to provide the below details.

- Construction Quality - The pitch is constructed to FIFA Quality Programme for Football Turf – FIFA Quality standard or equivalent International Match Standards (IMS) as a minimum.
- Testing – Any 3G pitch to be used for FA affiliated football in England must be on the FA 3G pitch register. Teams hosting matches on a pitch that is not on the register are at risk of the league or competition imposing sanctions. There are three types of tests that can be completed and used to add a pitch on to the 3G pitch register. These are as follows:
 - FIFA Quality Programme for Football Turf – Quality or Quality Pro
 - BS EN 15330-1:2013
 - The FA Register Test

If your pitch is to be used for matches at steps 1 to 6 of the National League System, it must be tested and certified annually to the FIFA Quality Programme for Football Turf. 3G pitches to be used in steps 3 to 6 must be accredited to the FIFA Quality mark and those in steps 1 and 2 the FIFA Quality Pro mark.

For pitches used outside of the National League System the minimum level of testing required is the FA Register Test. If a pitch is tested and accredited by FIFA, or has been found to comply with BS EN 15330-1:2013, these pitches will also automatically be added to the 3G pitch register.

- Pricing - Pricing policies must be affordable for community/grass roots football clubs and should be agreed with the local County Football Association. This should include match-rates at weekends equivalent to the Local Authorities price for natural turf pitches.
- Pitch Replacement Fund - Ensure that a Pitch Replacement Fund (alternatively referred to as a sinking fund, formed by periodically setting aside money over time to cover the resurface and replacement lifecycle costs) is in place to maintain 3G pitch quality in the long term. The Football Foundation recommend <£XX> per annum for a <INSERT SIZE> pitch and this should be index linked.
 - Football 11v11 (97m x 61m) / £27,000
 - Football 11v11 (106m x 70m) / £32,000
 - World Rugby pitch Compliant 3G (120m x 80m) / £42,000

Design guidance:

General – The 3G AGP design should follow The FA Guide to Football Turf Pitch Design Principles and Layouts. Notably 91x55 with shockpads installed to assist with the retention of rubber infill.

Recessed fencing – We recommend that the fencing is recessed to allow for safe and easy goal storage.

Fence height – The FA recommend the perimeter fence height on all sides of the 3G AGP is 4.5m.

Will acoustic fencing be required? Details if so.

Safety run-off area - A minimum safety run off 3m should be provided from all pitch perimeter lines that must be free from obstructions at all times.

Spectator area – A dedicated hard standing area for spectators should be provided within the perimeter fence. A 1.1m high spectator barrier should be installed to ensure that spectators can view the 3G playing area from this hard standing area which is separate from the 3G area.

Line marking – We recommend that over-marking is made to allow for different formats of football (e.g. 5v5, 7v7, 9v9 and 11v11). Over-marking should adhere to The FA Guide to Football Turf Pitch Design Principles and Layouts.

Infill retention - measures should be taken to manage and minimise the loss of infill from the playing surface. BSI Standards, working with the European Committee for Standardisation (CEN), have developed a Technical Report describing the procedures that should be used to control infill migration. Design measures and procedures to control infill migration include:

- Fitting containment barriers on a pitch's perimeter fencing.
- Installing decontamination grates and boot cleaning brushes at all player and vehicle entrance gates.
- Ensuring all stormwater drains around a pitch have suitable microfilters to capture any infill being carried by surface run-off, etc.
- Keeping a dedicated maintenance brush within the boundaries of the pitch, so it cannot carry infill into the surrounding environment.
- Thoroughly removing any infill from maintenance tractors, etc. before they leave the pitch.

FIFA, World Rugby and the International Hockey Federation (FIH) have all included the recommendations of CEN into their certification programmes for artificial grass pitches. Contractors building fields that require certification should therefore include the measures within their designs.

Attached is the EN Guidance FF adopted in 2020 for all our funded artificial pitches and it can also be located here <https://www.estc.info/wp-content/uploads/2020/03/FprCENTR-17519-Public.pdf>

Applicants should refer to this guidance when proposing infill retention and mitigation measures in their 3G pitch designs.

Sport England concurs with the FA that there is insufficient detail around the AGP's resurfacing in the application. If it is intended to be used for competitive football (and therefore be on the FA's register) then there a range of matter to be addressed. We have proposed the inclusion of a condition requiring further details, but the applicant

may wish to address them through the submission of further details during the consideration of this application.

Conclusions and Recommendation:

Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to meet/broadly meet exception 5 of the above policy. The absence of an objection is subject to the following condition being attached to the decision notice should the local planning authority be minded to approve the application:

1) No development shall commence until details of the construction, line marking, layout, floodlighting and fencing of the refurbished artificial grass pitch have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The artificial grass pitch shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy

2) Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to leisure centre and AGP and include details of pricing policy, hours of use, access by non-school users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement."

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy **.

Informative: Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications>. For artificial grass pitches it is recommended that you seek guidance from the Football Association on pitch construction when determining the community use hours the artificial pitch can accommodate

If you wish to amend the wording of the recommended conditions, or use another mechanism in lieu of the conditions, please discuss the details with the undersigned. Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments.

3rd February 2025

Thank you for consulting Sport England in respect of the additional information relating to the above application.

Sport England notes the amended red edge boundary and the Assessment of Biodiversity Net Gain Figure 3: UKHab Plan of the Proposed Development and

Recommended Habitat Creation to Attain a Net Gain. It shows the playing field being used as wildflower grassland and tree planting.

We have reviewed this amendment against our playing field policy which is:

‘Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.’

Sport England Policy Exceptions	
E1	A robust and up to date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.
E2	The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.
E3	<p>The proposed development affects only land incapable of forming part of a playing pitch and does not:</p> <ul style="list-style-type: none">▪ reduce the size of any playing pitch;▪ result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);▪ reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;▪ result in the loss of other sporting provision or ancillary facilities on the site; or▪ prejudice the use of any remaining areas of playing field on the site.
E4	<p>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:</p> <ul style="list-style-type: none">▪ 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.
E5	The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.

Sport England would expect any BNG related planting to conform with playing field policy exception 3 if they located on playing field. Our simple view, given the creation of the running track around the playing field's perimeter is that planting outside of the track is in compliance with exception 3, whilst planting on the inside of the track is likely to reduce the sporting capacity of the playing field to accommodate playing pitches and be contrary to playing field policy exception 3.

As the proposal involves tree planting and wildflower grassland creation within the useable area of playing field it is considered contrary to playing field policy. Sport England therefore wishes to object to the amended application.

Please note our position on the main element of the application (ie no objection) as set out in our response dated 27/11/2024 would remain if the BNG planting proposal were amended to accord with playing field policy exception 3.

Cumberland Council – Open Space Team

No comments received

Cumberland Council – Environmental Health

28th November 2024

Insofar as its remit is concerned, Environmental Health has no objections to this development, subject to the matters discussed below.

The demolition and construction phases may cause some disturbance to residents and school alike.

A site specific construction environmental management plan and the imposition of construction working hours constraints are requested.

If these times conflict with school opening times, there may be scope for flexibility in the construction hours though it is requested that liaison is made with this Councils Environmental Health team and Highways Authority beforehand.

The Phase 2 Ground Investigation Report is noted.

The proposed surface water cellular attenuation tank in the playground drainage area is within Brownfield Land (a former brick and tile works, and clay pits). An unexpected contamination condition is therefore requested.

The External Lighting Layout and Noise Assessment Report confirm that residential amenity will not be adversely affected.

An optional condition to place a noise limit, based on the established background noise levels from the Noise Assessment Report, is suggested.

In both the above cases, external lighting and noise are covered by the statutory nuisance provisions of the Environmental Protection Act 1990 as alternative means of redress for residents in the event that problems do arise after development.

The following conditions are therefore suggested: Site specific Construction Environmental Management Plan, Land affected by contamination – Reporting of Unexpected Contamination, Noise from Construction Works, and Noise from plant and equipment – Implementation / Installation.

22nd January 2025

There are no further comments from Environmental Health further to those dated 28.11.24.

Cumberland Council – Conservation Officer

20th November 2024

Conclusion: Supportive in principle; request design revision

Assessment:

- The proposal appears to represent quite a significant improvement in the sports facilities offered at the school, as well as improvement to the north car park.
- The site is not within the conservation area, and does not contain any heritage assets. Nor do I anticipate any impact on the settings of heritage assets.
- The design of the new leisure centre appears to me rather severe and industrial, though not atypical for this type of building. Due to its location, I expect there to be little visual impact from the development outside of its immediate setting.
- I note that the proposal seems to entail the loss of a fair amount of the already rather limited green landscaping available within the school campus. This may particularly change the appearance around the main entrance, and to those passing by on Salthouse Road, where the removal of the bungalow's garden and its partial replacement with an extension to the car park will partially de-green this area.
- I appreciate that two small additional areas of planting are proposed within the car park, partially mitigating this, but wonder if the replacement planting could go further.
- Soft landscaping could also be used to soften the appearance of the new building. My thinking here is how it will be experienced by the students and staff at the school. Though the facilities will undoubtedly be an enhancement, the visualisations provided in the design and access statement suggest the experience of moving around the building will be mainly one of tarmac, railings and pale grey/green cladding.

- I wonder whether the potential of soft landscaping has been explored as far as it could?
- Hard landscaping could also be made more varied and lively. Currently, it appears to consist of light grey tarmac, dark grey tarmac, or poured concrete, however areas of natural stone paving can really improve the feel of such a place.
- Similarly, timber cladding could be used in certain areas to give the exterior a warmer and higher quality appearance. This could particularly make the entrances more appealing, or other areas where high footfall passes near to the building.
- The ramped access on the south side is particularly unattractive, enclosed by a mass of railings and hard, grey surfaces, however this hardness and greyness extends to the whole immediate context. There is a lack of joyfulness and playfulness to the scheme's external appearance.
- Is there an opportunity to use the levels where the ramped access is on the south side to create a generally more attractive area where people could gather? Its location might be a good sun trap on summer days, and a place from which to observe the outdoor pitch. Currently, it feels like a back of house, underutilised and providing a functional and visual "dead spot" dividing the north and south sides of the area between the new building and the sports pitch.

Summary:

- This proposal is within a generally low impact setting in heritage/visual terms, however, being within a busy school is high impact in terms of numbers of psychologically impressionable people experiencing it on a daily basis.
- In design terms, I therefore draw attention to the importance of creating a lively, attractive and appealing exterior and immediate context for the leisure centre. If built as visualised, the impression may end up being one of hard, grey surfaces. If more could be done, using hard and soft landscaping and perhaps some enlivening of the cladding, this would doubtless pay back the school in student wellbeing over the lifetime of the building.
- The expanded parking to the Salthouse Road side of the campus may result in a reduction in the lushness of the school approach, so consideration should be given to whether the two small additional areas of planting are sufficient.

5th February 2025

Conclusion: No objection

Assessment:

- My suggestions about ways to improve the design for the experience of the users have not found a receptive audience.
- It has been a longstanding observation that education institutions and corrective institutions often share a design language, and design priorities, to the extent that they can be difficult to tell apart, an observation that perhaps

culminated in the famous “School or Prison?” web-based picture sorting game.

- This is not a trivial or flippant point but is actually rather fundamental, raising the question of what is being prioritised in such design work – floor area, cladding toughness, vehicle turning radii, or the experience of users?
- The design of this proposal will, I anticipate, be functional by measurable metrics, and therefore I am able to support it.

Cumberland Council – Strategic Planning Policy

No comments received.

Natural England

No comments received.

Cumberland Council – Arboricultural Consultant (Arboricultural Consultant)

12th November 2024

DISCUSSION

Following our site visit, we have the following comment/observation to make on the proposed development.

The proposed car parking to the west of the school buildings will affect a variety of trees.

The applicant has submitted an Arboricultural Impact Assessment (Ref. No. BTC2691), produced by Bowland Tree Consultancy and dated June 2024³. It gives details for 23 trees, 12 tree groups, and one hedgerow.

The report illustrates the impacts of the proposed development on the Tree Impact Plan and indicates the removal of four trees (T19-T22) and one group of trees (G11). The report does not show where tree protection measures should be installed to prevent damage to retained trees.

The report suggests compensation for this tree loss through the provision of new planting with appropriate species.

RECOMMENDATIONS

We recommend attaching the following conditions to any planning permission: submission of a tree planting plan including management and maintenance, and submission of an Arboricultural Method Statement.

Cumbria Fire Service

1st November 2024

Following examination of plans in connection with the above application, I have to inform you that the Fire Authority has no objections to this application.

Cumbria Fire and Rescue Service is committed to reducing the impact of fire on people, property and the environment. For this reason, it is recommended that the

applicant should give consideration to the inclusion of a sprinkler system within the design of the premises.

There is clear evidence that sprinklers and other forms of automatic fire suppression systems can be effective in the rapid suppression of fires and therefore play an important role in achieving a range of benefits for both individuals and the community in general.

This is because sprinklers can significantly help to:

- Improve the time available to escape from a fire
- Reduce death and injury from fire
- Reduce the risks to fire fighters who we ask to fight the fires
- Protect property
- Reduce the effects of arson
- Reduce the environmental impact of fire

These benefits may far outweigh the installation costs of new sprinkler systems.

For more information on sprinklers, visit the British Automatic Fire Sprinkler Association at www.bafsa.org.uk

22nd January 2025

Same comments as received on the 1st November 2024.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to 63 properties.

Two letters of objection have been received raising the following concerns:

- Object to the swimming pool in principle.
- Swimming pool is too small.
- Whilst I am not against a swimming pool, I am against the size of the pool.
- The pool is unsuitable in that it is too short for many users.
- It is a government requirement that all primary age children learn to swim and in our area that is more important than in many places. To learn to swim successfully a 25m pool is optimum with a 8.5m width. This is a standard community pool. This type of pool would have a 1.8m depth at the deep end, which would enable the teaching of primary school children with accompanying certificates of competence. It would also enable life-saving skills to be taught as well.
- To be sustainable a community pool needs to be able to accommodate many types of swimming sports from ordinary swimming to sports like water polo etc, this is the only way you will have a popular and busy pool, that goes a long way towards paying for itself.

One letters of support has been received raising the following comments:

- Fully support the application.
- Could you please give consideration to developing an area to house the unsightly chemical toilet and the large waste bins as these are the first thing that visitors to the area from the south see rather than a modern Community Hub and subsequently the new leisure centre.

Public Reconsultation

Following the receipt of amended/additional information for the application and an amendment to the application description a reconsultation was undertaken for all neighbouring properties and those who previously commented on the application.

No comments received from the public reconsultation.

5. Planning Policy

- 5.1. 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 the 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.

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Policy DS5: Hard and Soft Landscaping Strategic

Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Policy DS8: Soils, Contamination and Land Stability

Policy R8: Retail and Leisure Impact Assessments

Strategic Policy E1: Economic Growth

Strategic Policy R4: The Key Service Centres

Strategic Policy SC1: Health and Wellbeing

Policy SC2: Sporting, Leisure and cultural Facilities (excluding playing pitches)

Policy SC3: Playing Fields and Pitches

Policy SC4: Impact of new development on sporting facilities

Policy SC5: Community and Cultural Facilities

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy N12: Protected Open Spaces

Strategic Policy N13: Local Green Spaces

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

6. Other Material Planning Considerations

National Planning Policy Framework (2024)

National Planning Practice Guidance (NPPG)

Cumbria Development Design Guide

Cumbria Landscape Character Guidance and Toolkit (CLCGT)

The Conservation of Habitats and Species Regulations 2017 (CHSR)

7. Assessment

Principle of Development

- 7.1. Millom is identified in Strategic Policy DS1 as a Key Service Centre due to it providing a wide range of services, including convenience and comparison stores, employment opportunities, schools and healthcare. They also act as service hubs for nearby villages. It is stated that the focus for development in Key Service Centres will be for town centre developments, employment development and medium scale housing extensions, windfall and infill development.
- 7.2. The settlement boundary for Millom is defined in Strategic Policy DS2. It is stated that development within the defined settlement boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise.
- 7.3. Strategic Policy R4 states that development that supports the roles of Cleator Moor, Egremont and Millom as the Key Service Centres, strengthens and diversifies their offer and improves vitality and viability will be encouraged, particularly where it defined criteria are met. These include: builds upon and addresses the strengths, opportunities and challenges associated with each town, as set out in Table 10; provides convenience and comparison shopping, or range of other services, including leisure provision to serve the settlement and surrounding communities; strengthens and diversifies the towns offer; or, promotes the reuse of brownfield land.
- 7.4. Strategic Policy SC1 promotes health and well-being in Copeland by supporting a range of new development types that: improves health, social and cultural wellbeing; creates mixed communities through new or improved developments that are located in areas with access to key services to reduce social isolation and create community resilience; and implements the policies within the Local Plan that promote active travel and protect or deliver new open spaces, sports, cultural and community facilities.
- 7.5. Policy SC2 stated that the Council will support proposals, in principle, for new sports and leisure facilities that help residents sustain and lead healthy lives and meet needs identified in the most up to date evidence. New indoor facilities should be accessible to all, should be located according to the Settlement Hierarchy unless the proposal is for a specific activity or function that requires a location that cannot be accommodated within a defined settlement, and must be informed by the Council's Built Facilities Study. Developments much: prioritise brownfield sites where

possible; be accessible by sustainable and active transport modes where possible; be of a scale that is appropriate to its surroundings; ensure that adequate parking (including safe cycle storage) is provided; ensure that the development does not cause unacceptable harm on residential amenity; and ensure that biodiversity conservation interests would not be harmed as a result of the development.

- 7.6. Policy SC3 seeks to protect existing playing fields and pitches. Proposals affecting playing fields will only be permitted where one of the following criteria are met unless one of the exceptions listed below applies: the proposal affects only land incapable of forming part of a playing pitch; the proposal does not reduce the size of any playing pitch; the proposal does not result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas); the proposal does not reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality; the proposal does not result in the loss of other sporting provision or ancillary facilities on the site; or the proposal does not prejudice the use of any remaining areas of playing field on the site.
- 7.7. Policy SC4 requires that new developments do not prejudice the use of existing sports facilities, including pitches, within the vicinity of the development site. Where potential harm is identified, mitigation measures must be agreed with the Council and Sport England.
- 7.8. Policy SC5 stated that proposals new community facilities (Community Halls, Village Halls, libraries and halls related to places of worship, arts centres, theatres and cinemas) will be supported in principle. Development must: be located within a settlement identified in the hierarchy unless the proposal is for a specific activity or function that requires a location that cannot be accommodated within a settlement; prioritise brownfield sites where possible; be accessible by sustainable transport modes where possible; be of a scale that is appropriate to its surroundings; ensure that adequate parking (including safe cycle storage) is provided; ensure that the development does not cause unacceptable harm on residential amenity; and ensure that biodiversity conservation interests would not be harmed as a result.
- 7.9. The Application Site is located within the settlement boundary for Millom and relates to the site currently utilised by Millom School and Millom Community Hub.
- 7.10. The proposed development will create a community leisure centre to the rear of the existing school buildings. The proposal seeks to create a multi-function space to meet the needs of the local community to facilitate and encourage participation in physical activity and to upgrade and add to

existing facilities for Millom Secondary School. The development will significantly enhance the provision of leisure facilities and will reinstate the pool facility which was demolished at the site following approval in 2018.

- 7.11. Whilst the proposed development will be located on an area of playground to the rear of the school buildings, on the site of the former swimming pool, and on the current location of the school's outdoor changing facility (to be demolished as part of this scheme), the scheme will provide updated changing provision within the new building. The proposed leisure centre will be formed via an extension to the existing school gymnasium with part of the existing building sectioned off from the school and incorporated into the new facility. Whilst part of an existing school facility will be lost the new centre will add to the overall facilities at the Secondary School.
- 7.12. Policy SC2 requires that new facilities be informed by the Council's Built Facilities Strategy. The document, published in 2020, states that a small pool (15m x 8m) should be considered for Millom, potentially collocated and managed with other health and well-being provision.
- 7.13. Two letters of objection have been received from members of the public regarding the overall size of the swimming pool, stating that the facility is too small. The development however complies with the dimensions provided within the Council's Built Facilities Strategy and has received no objections from Sports England in terms of the acceptability of this facility.
- 7.14. As such the development of this site for a community leisure centre is considered to be acceptable in principle subject to site specific issues.

Settlement Character, Landscape Impact and Visual Impact

- 7.15. Policy N6 of the Copeland Local Plan states that the Borough's landscapes will be protected and enhanced by: supporting proposals which enhance the value of Copeland's landscapes; protecting all landscapes from inappropriate change by ensuring that development conserves and enhances the distinctive characteristics of that particular area in a manner commensurate with their statutory status and value; ensuring development proposals demonstrate that their location, scale, design and materials will conserve and where possible enhance the natural beauty, wildlife and cultural heritage of the Lake District National Park and Heritage; and Requiring a Landscape Appraisal, and where appropriate a Landscape and Visual Impact Assessment, to be submitted where development has the potential to impact upon landscape character or a protected landscape. Where harm is identified the development will only be permitted where the benefits of the development outweigh any potential harm and mitigation and compensation measures must be provided. This policy further states that development proposals must be informed by the Council's Landscape Character Assessment, Settlement Landscape Character Assessment the Cumbria Landscape Character Guidance and

Toolkit and where appropriate, the Lake District National Park Landscape Character Assessment¹⁰⁸ from the earliest stage.

- 7.16. The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type OO: 'Urban'.
- 7.17. The proposed leisure centre is to be located to the rear of the existing school complex, to the northern edge of the site. Although the development will be visible from localised views within the immediate surrounding area, some surrounding properties, and the main highway providing access into Millom from the north, the development is not considered to have a significant impact on the surrounding landscape or the overall streetscene given the building will be viewed in the context of the existing building group. The development has however been designed to limit the impact of the development with a flat split-level roof and choice of materials. The development is an extension of the existing school complex and would be viewed in this context. The development is also supported by a Landscaping Strategy which seeks to soften the impact of the development from viewpoints of the site from outside the boundary. This strategy shows the retention of several existing trees within the site, with additional planting proposed within the car park area and to the north of the existing building.
- 7.18. The Council's Arboricultural Consultant has reviewed this application and has requested the inclusion of a condition to secure an Arboricultural Method Statement, which must include a detailed tree protection plan showing how the retained trees will be protected during the construction operations. The Consultant has also requested a further condition to secure a tree planting plan to include a specification for the proposed trees, along with a management plan for establishing and maintaining the trees for at least five years.
- 7.19. It is therefore considered that, subject to the inclusion of the conditions outlined above, the proposal will not have a significant detrimental impact on the overall landscape in accordance with Policy N6 of the Copeland Local Plan, and the provisions of the NPPF.

Scale, Design and Impact on Residential Amenity

- 7.20. Policy DS4 of the Copeland Local Plan requires all new development to meet high-quality standards of design. This includes creating and enhancing locally distinctive places, the use of good quality materials that reflect the local character, including high quality and useful open spaces, providing high levels of residential amenity, adopting active travel principles, creating opportunities for social interaction, and effective use of land whilst maintaining amenity and maximising solar gain.

- 7.21. The proposed leisure centre is to be located to the rear of the existing school complex, which benefits from several different buildings with a mix of architectural style and building materials.
- 7.22. Whilst the proposed leisure centre will be modern in design and large in scale, the development is considered appropriate in the context of the existing site. It has been designed with a flat roof and contrasting cladding to reduce the scale and bulk of the development within the site. The extension will be viewed in the context of the existing school buildings and its location within the rear of the site will reduce the impact on the visual amenity of the locality.
- 7.23. Limited details have been provided about the external cladding and materials for the proposed building, these details will therefore be secured by an appropriately worded planning condition.
- 7.24. The nearest residential property is located approximately 150m to the west of the site. The proposed leisure centre will be located no closer to residential properties than the existing buildings and is therefore not considered to have a detrimental impact on existing residential amenity.
- 7.25. A Noise Assessment Report has been submitted to support this application, along with an external lighting layout plan. The Council's Environmental Health Officer has confirmed that based on these documents the development will not adversely affect residential amenity. The Officer has however suggested the inclusion of a condition to limit noise from the site based on the established background noise levels from the Noise Assessment Report. A further condition is also proposed to secure a construction environmental plan and construction working hours, given this may cause some disturbance to residents and school operations.
- 7.26. Based on the inclusion of the conditions outlined above, it is considered that the proposal complies with Policy DS4 of the Copeland Local Plan and the provisions of the NPPF.

Access and Highway Safety

- 7.27. Strategic Policy CO4 requires that proposals must include safe and direct connections to routes that promote active travel, such as cycling and walking routes where appropriate. Support in principle is outlined for developments which encourage the use of sustainable modes of transport, in particular: proposals that have safe and direct connections to cycling and walking routes where appropriate and those that provide access to regular public transport services; proposals that make provision for electric vehicles; and proposals for the integration of electric vehicle charging infrastructure into new developments. It is required that developments that

are likely to generate a large amount of movement secure an appropriate Travel Plan and be supported by a Transport Assessment.

- 7.28. Policy CO5 details the Transport Hierarchy and prioritises sustainable methods of transport such as walking, cycling and public transport. Policy CO7 of the LP requires that new development provides adequate parking provision.
- 7.29. The applicant has prepared a Transport Assessment to support this application. This assessment concludes that the proposal will not have a severe impact on highway operation or unacceptable effects on road safety and provides sufficient levels of parking.
- 7.30. The accessibility analysis within the submitted Transport Assessment confirms that the site is well located in relation to the community it will serve, with existing infrastructure in place to allow connections, including Millom Station. The proposal also includes measure to support sustainable travel, including EV charging, cycle parking, and pedestrian routes across the site in compliance with the Transport Hierarchy outlined in Policy C05.
- 7.31. The existing school car parking will be enlarged and reconfigured as part of this development by demolishing the existing unused groundskeeper bungalow, to provide 67 parking spaces, 4 accessible parking spaces, and 26 cycle parking spaces. The submitted Transport Assessment states that as there are no adopted parking standard for leisure developments, the parking level proposed is based on the surveyed parking demand and leisure centre demand using TRIC. The assessment concludes that sufficient parking is provided at the site to accommodate future forecast demand levels, with appropriate levels of disabled and EV parking provided.
- 7.32. Following the submission of additional information relating to the layout of the site, the Highway Authority have offered no objections to the proposed development subject the inclusion of conditions to secure a construction traffic management plan, access/parking, and access/egress.
- 7.33. The development will also include a temporary construction vehicle compound within the car park to the west of the site, within the former curtilage of the groundskeeper's bungalow. The original application sought to locate this compound to the north of the site, however this has now been amended to relocate the area within the red line for this application. Comments from the Highway Authority are outstanding on this matter. If Members are minded to grant, as per the recommendation, this is on the proviso that no objections are received from the Highway Authority to the location of the proposed temporary construction compound. If an objection is raised then planning permission would not be issued.

- 7.34. On the basis of the amended plans, no objections to the amended location of the construction compound, and the planning conditions requested by the Highway Authority the proposal will not have a detrimental impact on highway safety in accordance with Policies CO4, CO5, and CO7 of the LP and the provisions of the NPPF.

Flood Risk and Drainage

- 7.35. Policy DS7 of the LP requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate.
- 7.36. Policy DS6 seeks to direct development where: there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.
- 7.37. The application site is located within Flood Zone 1 (lowest probability of flooding). A small area to the north of the site is located within Flood Zone 2 (medium probability of flooding) and 3 (high probability of flooding), this area however is to only accommodate the BNG requirements for the development. The proposed comprises a less vulnerable use and is therefore a compatible use in Flood Zone 1.
- 7.38. The application is supported by a Flood Risk Assessment, which concludes that the development will increase the impermeable surfacing within the site and therefore the proposal could increase flood risk elsewhere by increasing the volume and rate of surface water discharge required from this site. As such, the report states that appropriate surface water management will be required to reduce this potential risk, and to deal with the additional area of new impermeable surfacing. Based on the use of an appropriate drainage strategy, the report confirms that the development will not have an adverse impact on any nearby watercourses, floodplains and areas of flood storage capacity, nor will the development result in flooding of adjacent sites.
- 7.39. The application is also supported by a Drainage Strategy. This strategy states that surface water from the development will be disposed of in line with the drainage hierarchy, however a full surface water drainage strategy has not been proposed for the development.
- 7.40. The Drainage Strategy also confirms that foul water from the development will be discharged into the 525mm United Utilities combined sewer to the east of the site.
- 7.41. United Utilities have reviewed the submitted information for this application and have confirmed that the submitted drainage plans are not acceptable

as it was agreed with the applicant that the leisure centre surface water drainage system would pick up several existing gullies/rainwater pipes that currently drain to the sewer. This has not been shown on the proposed drainage layouts. A condition is therefore requested to secure full details of the proposed sustainable surface water drainage scheme and a foul water drainage scheme for the development. UU have also requested a condition to secure the management and maintenance of SUDs should this form part of the drainage strategy for the development.

- 7.42. The LLFA have also requested a condition to secure full details of the surface water drainage scheme for the development and a maintenance schedule.
- 7.43. Based on the inclusion of the requested conditions it is considered that a satisfactory drainage scheme can be achieved for the site to ensure the proposal will not have a detrimental impact on flood risk in the area in accordance with Policies DS6 and DS7 of the LP and the provisions of the NPPF.

Ground Conditions

- 7.44. Policy DS6 and Policy DS10 includes provisions requiring that development addresses land contamination and land stability issues with appropriate remediation measures.
- 7.45. A Phase II Ground Investigation Report which covered ground conditions and ground gas monitoring has been prepared in support of the Full Planning Application. This provides an overview of the current ground conditions, soil permeability, levels of contamination, and ground gas monitoring. Trial pits determined the land stability and influenced the proposed foundation details. The report also determined the scope of any further investigation works or remediation measures required for the site prior to commencing with the development works.
- 7.46. The Council's Environmental Health Officer has reviewed the application and have offered no objections to the proposal. The Officer has noted that the proposed surface water cellular attenuation tank in the playground drainage area is within Brownfield Land, therefore condition relating to unexpected contamination is requested.
- 7.47. Subject to the inclusion of this planning condition, the proposal is considered to achieve the requirement of Policies DS6 and DS10 of the LP and the provision of the NPPF.

Ecology & Biodiversity

- 7.48. Policy N1 seeks to ensure that new development will protect and enhance biodiversity and geodiversity and defines a mitigation hierarchy.

- 7.49. Policy N3 of the ELP requires 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 above. 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.
- 7.50. An Ecological Survey and Assessment has been submitted to support this application.
- 7.51. This assessment confirms that the site is in close proximity of a number of statutory designated sites. It is however concluded that the proposal will redevelop areas of already development land within the curtilage of the school and would therefore not extend outside the existing urban area, however appropriate precautionary measures should be adopted during the construction phase of the proposed development to ensure that impacts associated with construction activities are avoided during the proposed works. A Construction Environmental Management Plan is therefore required, this will be secured by condition.
- 7.52. The assessment also concludes the following:
- Only common and widespread plant species were found.
 - Montbretia, an invasive species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended), has been detected within the site. It is considered that the proposals present an opportunity for the eradication of this species as part of the proposed development.
 - The buildings are of 'negligible' suitability for use by roosting bats; the presence of roosting bats is reasonably discounted at the buildings within the site and no further surveys are considered necessary.
 - Two trees are assessed to be of 'PRF-I' suitability for roosting bats.
 - Habitats within and adjacent to the site are of 'low' suitability for foraging and commuting bats.
 - The buildings, trees and scrub provide suitable habitat for use by nesting birds.
 - The habitats within the site are suitable for use by foraging hedgehog, a Priority Species.
 - The presence of protected or notable species is otherwise reasonably discounted at the site.
- 7.53. The Appraisal sets out several recommendations and forms of mitigation for the protection and long-term conservation of fauna such as roosting bats, nesting birds and commuting / foraging bats associated with the site.

- 7.54. Development at the site will provide an opportunity to secure ecological enhancement for fauna associated with the local area such as breeding birds and roosting bats.
- 7.55. A planning condition will be utilised to secure inclusion of the mitigation and enhancement measures along with their implementation and retention.
- 7.56. 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.
- 7.57. 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.
- 7.58. Based on the information available this permission is 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.
- 7.59. The application is supported by a Preliminary Assessment of Biodiversity Net Gain. This assessment concludes that required Net Gain can be achieved at the site.
- 7.60. A planning condition will be required in order to secure the production of a Biodiversity Gain Plan and Biodiversity Monitoring Plan, to ensure that there is a minimum 10% net gain in biodiversity within a 30-year period as a result of the development.
- 7.61. Sports England have reviewed the amended details for this application and have objected to the BNG element of the proposal as the proposal involves tree planting and wildflower grassland creation within the useable area of playing field. The agent has submitted a revised BNG proposal to overcome concerns from Sports England. Updated comments are awaited from Sports England. If Members are minded to grant permission, as per the recommendation, this is on the proviso that this objection is lifted. If the objection remains then planning permission would not be issued.

- 7.62. Natural England did not submit any comments on the application when consulted.
- 7.63. Based on the inclusion of the required conditions, it is considered that the development would be in accordance with Policy N1PU and N3PU of the Local Plan and the NPPF.

8. Planning Balance & Conclusion

- 8.1. The Application Site is located within the defined settlement boundary of the Key Centre of Millom, where growth is encouraged for a range of development types. This is given significant weight.
- 8.2. The proposal will promote health and wellbeing and will create a multi-function space to meet the needs of the local community to facilitate and encourage participation in physical activity and to upgrade and add to existing facilities for Millom Secondary School. The development will significantly enhance the provision of leisure facilities and will reinstate the pool facility which was demolished at the site following approval in 2018. This is given significant weight.
- 8.3. Although the proposed development is located to the rear of the existing school complex, the development will be visible from some localised views within the immediate surrounding area, some surrounding properties, and the main highway providing access into Millom from the north. The development will, however, not have a significant impact on the surrounding landscape or the overall streetscene given the building will be viewed in the context of the existing building group. The development has also been designed to limit the impact of the development and is supported by a Landscaping Strategy. This is given moderate weight.
- 8.4. Whilst modern in design and large in scale the development is considered appropriate in the context of the existing site. Its location to the rear of the existing site will ensure that the development will not have a detrimental impact on existing residential amenity. This is given moderate weight.
- 8.5. The development is well located in relation to the community it will serve, with existing infrastructure in place to allow connectivity. The proposal also includes measure to support sustainable travel, including EV charging, cycle parking, and pedestrian routes. Cumbria Highways have offered no objections to the application subject to conditions. This is given great weight.
- 8.6. The development will not result in the loss of habitat supporting roosting, foraging, and nesting birds. Enhancements and appropriate mitigation are proposed and secured by condition. The delivery of a 10% biodiversity net

gain can also be secured by planning conditions. This is given moderate weight.

- 8.7. The development would not result in unacceptable impacts in respect of land contamination and drainage subject to the imposition of planning conditions. This is given moderate weight.
- 8.8. In overall terms, the limited impacts on the local landscape and visual impacts of the development to the north of the site are not sufficiently harmful to significantly and demonstrably outweigh the benefits of the development which will expand and enhance the leisure facilities within Millom and encourage participation in physical activity promoting health and wellbeing within the Local Centre and wider Borough.

9. Recommendation

It is recommended that Members grant and delegate to Assistant Director of Inclusive Growth and Placemaking to grant planning permission subject to agreement by Sports England to revised BNG proposals, agreement from the Highway Authority to the location of the construction compound and the conditions set out under Appendix 1 with delegated powers to Assistant Director of Inclusive Growth and Placemaking to amend any conditions as deemed necessary.

APPENDIX 1

List of Conditions and Reasons

Defining the Permission:

1. The development hereby permitted must be commenced 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 shall be carried out in accordance with them:-
 - Application Form (Amended), received by the Local Planning Authority on the 15th January 2025.
 - Site Location Plan (Amended), Scale 1:2500, received by the Local Planning Authority on the 15th January 2025.
 - Existing Site Plan (Amended), Scale 1:500, Drawing Number: 24015-0002D, Revision: D, received by the Local Planning Authority on the 14th January 2025.
 - Existing Gym Plan, Elevations & Sections, Drawing Number: 24015-0101, Revision: P01, received by the Local Planning Authority on the 21st October 2024.
 - Demolition Site Plan, Scale 1:500, Drawing Number: 24015-0102, Revision: P01, received by the Local Planning Authority on the 21st October 2024.
 - Proposed Site Plan (Amended), Scale 1:500, Drawing No: 24015-2001E, Revision: E, received by the Local Planning Authority on the 13th January 2025.
 - Proposed Site Plan – Construction Compound, Scale 1:500, Drawing No: 24015-2001E, Revision: E, received by the Local Planning Authority on the 3rd January 2025.
 - Proposed Site Plan Change of Land Use, Scale 1:500, Drawing Number: 24015-2002, Revision: P01, received by the Local Planning Authority on the 21st October 2024.
 - Existing Site Plan 1:1000, Scale 1:1000, Drawing Number: 24015-20004B, Revision B, received by the Local Planning Authority on the 14th January 2025
 - Proposed Site Plan 1:1000, Scale 1:1000, Drawing Number: 24015-2003D, Revision: D, received by the Local Planning Authority on the 13th January 2025.

- Proposed Ground Floor Plan, Scale 1:100, Drawing Number: 24015-2101, Revision: P02, received by the Local Planning Authority on the 21st October 2024.
- Proposed Roof Plan, Scale 1:100, Drawing Number: 24015-2111, Revision: P01, received by the Local Planning Authority on the 21st October 2024.
- Proposed Longitudinal Sections, Scale 1:100, Drawing Number: 24015-2201, Revision: P01, received by the Local Planning Authority on the 21st October 2024.
- Proposed Cross Sections, Scale 1:100, Drawing Number: 24015-2202, Revision: P01, received by the Local Planning Authority on the 21st October 2024.
- Proposed Elevations Sheet 1 of 2, Scale 1:100, Drawing Number: 24015-2301, Revision: P02, received by the Local Planning Authority on the 21st October 2024.
- Proposed Elevations Sheet 2 of 2, Scale 1:100, Drawing Number: 24015-2302, Revision: P01, received by the Local Planning Authority on the 21st October 2024.
- Proposed Site Sections, Scale 1:500, Drawing Number: 24015-2501, Revision: P02, received by the Local Planning Authority on the 21st October 2024.
- Proposed Landscape Masterplan, Scale 1:500, Drawing Number: 24015-8101, Revision: P01, received by the Local Planning Authority on the 21st October 2024.
- Landscape Masterplan, Scale 1:500, Number: P8101, Revision: C01, received by the Local Planning Authority on the 21st October 2024.
- External Lighting Layout, Scale 1:250, Drawing No: D49738/JB/A, received by the Local Planning Authority on the 21st October 2024.
- Transport Assessment, Prepared by SK Transport Planning Ltd July 2023, Ref: 230706/SK22263/TA01(-01), received by the Local Planning Authority on the 21st October 2024.
- Ecological Survey and Assessment (Including a Licensed Bat Survey), Prepared by ERAP (Consultant Ecologists) Ltd June 2023, Reference: 2023-044, received by the Local Planning Authority on the 21st October 2024.
- Ecological Survey and Assessment (Including a Licensed Bat Survey), Prepared by ERAP (Consultant Ecologists) Ltd October 2024, Reference: 2023-044c, received by the Local Planning Authority on the 21st October 2024.
- Preliminary Assessment of Biodiversity Net Gain (Amended), Prepared by ERAP (Consultant Ecologists) Ltd February 2025, Reference: 2023-044b, received by the Local Planning Authority on the 5th February 2025.

- The Statutory Biodiversity Metric (Amended), received by the Local Planning Authority on the 5th February 2025.
- Flood Risk Assessment, Prepared by GEOL Consultants Ltd April 2023, received by the Local Planning Authority on the 21st October 2024.
- Phase II Ground Investigation Report, Prepared by GEOL Consultants Ltd February 2023, received by the Local Planning Authority on the 21st October 2024.
- Drainage Strategy, Prepared by Furness Partnership Consulting Structural and Civil Engineers August 2023, Job No: L2762, received by the Local Planning Authority on the 21st October 2024.
- Existing Drainage Layout & Impermeable Areas, Scale 1:350, Job No: L2762, Sheet No: 0901, Rev: P1, received by the Local Planning Authority on the 21st October 2024.
- Proposed Impermeable Areas, Scale 1:350, Job No: L2762, Sheet No: 0902, Rev: P1, received by the Local Planning Authority on the 21st October 2024.
- Proposed Foul Water Drainage Layout, Scale 1:200, Job No: L2762, Sheet No: 0911, Rev: P2, received by the Local Planning Authority on the 21st October 2024.
- Proposed Surface Water Drainage Layout Sheet 1 of 3 Car Park Site, Scale 1:200, Job No: L2762, Sheet No: 0921, Rev: P2, received by the Local Planning Authority on the 21st October 2024.
- Proposed Surface Water Drainage Layout Sheet 2 of 3 Leisure Centre Site, Scale 1:200, Job No: L2762, Sheet No: 0921, Rev: P2, received by the Local Planning Authority on the 21st October 2024.
- Proposed Surface Water Drainage Layout Sheet 3 of 3 Playground Site, Scale 1:200, Job No: L2762, Sheet No: 0923, Rev: P1, received by the Local Planning Authority on the 21st October 2024.
- Proposed Foul Water Drainage Layout, Job No: L2762, Sheet No: 0931, Rev: P2, received by the Local Planning Authority on the 21st October 2024.
- Proposed Foul Water Drainage Layout, Job No: L2762, Sheet No: 0932, Rev: P2, received by the Local Planning Authority on the 21st October 2024.
- Outline Sustainability Statement – Stage 3, Prepared by CGP/MEP June 2023, Document No: 14810-CGP-00-ZZ-RP-N-0002, received by the Local Planning Authority on the 21st October 2024.
- Energy Use Design Note, Prepared by CGP/MEP June 2023, Document No: 14810-CGP-00-ZZ-RP-N-0003, received by the Local Planning Authority on the 21st October 2024.
- Noise Assessment Report, Prepared by HOARE LEA May 2023, Document reference: REP-1014738-05-SG-20230419-Millom noise

assessment report-Rev1.docx, Revision: 1, received by the Local Planning Authority on the 21st October 2024.

- Arboriculture Impact Assessment, Prepared by Bowland Tree Consultancy Ltd June 2023, received by the Local Planning Authority on the 21st October 2024.
- Design and Access Statement, Prepared by Roberts Limbrick August 2023, Ref: 10930-RL-XX-ZZ-RP-A-P6000, Revision C01-Issued for Planning/Stage 3a, received by the Local Planning Authority on the 21st October 2024.
- Report for Surface Water Drainage Planning Comment Response, Prepared by Furness Consulting Engineers January 2025, Rev: 1, received by the Local Planning Authority on the 13th January 2025.
- Planning Consultation Comment Responses, received by the Local Planning Authority on the 13th January 2025.

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.

BNG Conditions:

3. The development hereby approved must be carried out in accordance with and implement all the mitigation measures set out in the following approved documents:

- Preliminary Assessment of Biodiversity Net Gain (Amended), Prepared by ERAP (Consultant Ecologists) Ltd February 2025, Reference: 2023-044b, received by the Local Planning Authority on the 5th February 2025.
- The Statutory Biodiversity Metric (Amended), received by the Local Planning Authority on the 5th February 2025.

The development must be carried out in accordance with the approved document at all times thereafter.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

4. Prior to the commencement of the works hereby approved a Biodiversity Net Gain Plan must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved document at all times thereafter.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

5. Prior to the commencement of development/the development must not commence until a Habitat Management and Monitoring Plan has been submitted to and approved in writing by the local planning authority.

The Habitat Management and Monitoring Plan must include the following:

- i. A detailed scheme of habitat creation and habitat enhancement works that demonstrate the delivery of a minimum 10% net gain in biodiversity value post development over a minimum period of 30 years.
- ii. Planned management activities including details of site-wide aims and objectives.
- iii. Details of the persons and organisation(s) responsible for delivery of the habitat creation and habitat enhancement works.
- iv. The habitat condition targets that form the basis of what the Habitat Management and Monitoring Plan is setting out to achieve.
- v. Details of monitoring methods and a monitoring reporting schedule.
- vi. Details of adaptive management approaches.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

6. The development hereby approved must not be operational until the habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by planning condition 5 have been completed in accordance with the approved details.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

7. Within 3 months of the completion of the habitat creation and habitat enhancement works detailed in Habitat Management and Monitoring Plan secured by planning condition 5, a completion report, evidencing the completed habitat creation and habitat enhancements must be submitted to and approved in writing by the local planning authority.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

8. The habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by planning condition 5 must be managed and maintained in accordance with the provisions of approved Habitat Management and Monitoring Plan secured by planning condition 5 for a minimum period of 30 years post completion of the habitat creation and habitat enhancement works.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

9. Monitoring reports demonstrating how the habitat creation and habitat enhancement works detailed in Habitat Management and Monitoring Plan secured by planning condition 5 is delivering on its site-wide aims and objectives and habitat condition targets

Monitoring reports must be submitted to the Council during years 2, 5, 7, 10, 20 and 25 posts completion of the habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by planning condition 5 unless otherwise stated in the Habitat Management and Monitoring Plan secured by planning condition 5.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

Pre-Commencement Conditions:

Drainage:

10. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
 - i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;

- ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with policy DS6 and DS7 of the Copeland Local Plan 2021-2039.

Highways:

11. Development must not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP must include details of

- Retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- Cleaning of site entrances and the adjacent public highway;
- Details of proposed wheel washing facilities;
- The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- Construction vehicle routing;
- The management of junctions to and crossings of the public highway and other public rights of way/footway;
- Details of any proposed temporary access points (vehicular / pedestrian)
- Surface water management proposals during the construction phase
- Specific measures to manage and limit the impact on the school, including working hours, any special measures to accommodate pedestrians
- Deliveries and movement of equipment on the road network surrounding the site must not take place during school muster times in the interests of road safety

The development must be carried out in accordance with the approved details at all times thereafter.

Reason:

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety in accordance with Policy CO4 of the Copeland Local Plan 2021-2039.

12. Development hereby approved must not be commenced until a scheme for the proposed access, car parking area, cycle/pedestrian connectivity routes, bus stops and service vehicle access has been submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details at all times thereafter.

Reason

In the interests of highway safety in accordance with Policy CO4 of the Copeland Local Plan 2021-2039.

Environmental Management:

13. No development must take place until a site-specific Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting (if applicable). The development must be carried out in accordance with the approved details thereafter.

Reason

In the interests of the amenities of surrounding occupiers during the construction of the development in accordance with Policy DS4 of the Copeland Local Plan 2021-2039.

Arboricultural:

14. Prior to the commencement of development, an Arboricultural Method Statement, which includes adequate tree protection measures, must be submitted to and approved in writing by the Local Planning Authority. The approved Arboricultural Method Statement must be implemented in full prior to and during construction activity on the site.

Reason

To ensure that existing trees are protected in accordance with Policy N6 of the Copeland Local Plan 2021-2039.

15. Prior to the commencement of development a Tree Planting Plan, which includes a specification for the proposed trees along with a management plan for establishing and maintaining the trees for at least five years, must be submitted to and approved in writing by the Local Planning Authority. The approved Tree Planting Plan must be carried out in the first planting season

following the completion of the development. Any trees or shrubs that die, are removed, or become severely damaged or diseased, within five years of planting must be replaced the following planting season with trees or shrubs of a similar size and species to those originally specified, unless varied by written consent from the Local Planning Authority.

Reason

To ensure that existing trees are protected in accordance with Policy N6 of the Copeland Local Plan 2021-2039.

Prior to Erection of External Walling Conditions:

Materials:

16. No superstructure must be erected until samples and details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development must be completed in accordance with the approved details of materials and must be retained for the lifetime of the development.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity in accordance with Policy DS4 of the Copeland Local Plan 2021-2039.

Prior to First Use/Occupation Conditions:

Noise Assessment:

17. Prior to the first use of the building hereby approved, the recommendations set out in the approved document 'Noise Assessment Report, Prepared by HOARE LEA May 2023, Document reference: REP-1014738-05-SG-20230419-Millom noise assessment report-Rev1.docx, Revision: 1, received by the Local Planning Authority on the 21st October 2024' must be implemented in full, and must be maintained as such at all times thereafter.

Reason

To safeguard the amenity of nearby premises and the area generally in accordance with Policy DS4 of the Copeland Local Plan 2021-2039.

Sustainable Drainage:

18. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development must subsequently be completed, maintained and managed in accordance with the approved plan.

Reason

To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development in accordance with policy DS6 and DS7 of the Copeland Local Plan 2021-2039.

Community Use Agreement:

19. Use of the development must not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to leisure centre and AGP and include details of pricing policy, hours of use, access by non-school users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement."

Reason

To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and in accordance with policies SC1, SC2 and SC4 of the Copeland Local Plan 2021-2039.

Other Conditions:

Flood Risk Assessment:

20. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the approved document "Flood Risk Assessment, Prepared by GEOL Consultants Ltd April 2023, received by the Local Planning Authority on the 21st October 2024", and must be maintained as such at all times thereafter.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with policy DS6 and DS7 of the Copeland Local Plan 2021-2039.

Ground Conditions:

21. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the approved document 'Phase II Ground Investigation Report, Prepared by GEOL Consultants Ltd February 2023, received by the Local Planning Authority on the 21st October 2024'. All mitigation measures identified must be maintained as such at all times thereafter.

Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in accordance with policy DS6 and DS10 of the Copeland Local Plan 2021-2039.

Ecology:

22. The development must be carried out in accordance with and implement all of the mitigation and compensation measures set out in the approved documents:

- Ecological Survey and Assessment (Including a Licensed Bat Survey), Prepared by ERAP (Consultant Ecologists) Ltd June 2023, Reference: 2023-044, received by the Local Planning Authority on the 21st October 2024.
- Ecological Survey and Assessment (Including a Licensed Bat Survey), Prepared by ERAP (Consultant Ecologists) Ltd October 2024, Reference: 2023-044c, received by the Local Planning Authority on the 21st October 2024.

The development must be carried out in accordance with the approved document at all times thereafter.

Reason

To protect the ecological interests evident on the site in accordance with Policy N1PU and N3PU of the Copeland Local Plan 2021 – 2039.

Landscaping:

23. All hard and soft landscape works must be carried out in accordance with the details illustrated on the approved "Landscape Masterplan, Scale 1:500, Number: P8101, Revision: C01, received by the Local Planning Authority on the 21st October 2024". The works shall be carried out in the first planting season following the completion of the development. Any trees or shrubs that die, are removed, or become severely damaged or diseased, within five years of planting must be replaced the following planting season with trees or shrubs of a similar size and species to those originally specified, unless varied by written consent from the Local Planning Authority.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme in accordance with Policy DS5 of the Copeland Local Plan 2021-2039.

Construction Hours:

24. Following approval of the development, construction activities that are audible at the site boundary must be carried out only between the following hours:

- Monday to Friday 08.00 – 18.00;
- Saturday 08.00 – 13.00

There shall be no construction activated at any time on Sundays 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 in accordance with Policy DS4 of the Copeland Local Plan 2021-2039.

Highways:

25. There must be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.

Reason

To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety in accordance with Policy CO4 of the Copeland Local Plan 2021-2039.

Contamination:

26. 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 in accordance with Policies DS6 and DS10 of the Copeland Local Plan 2021-2039.

Informatives:

BNG:

1. 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 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.

Smoke Control Area:

2. The site is within the Millom Smoke Control Area, designated under the Clean Air Act 1993, 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/>

Community Use Agreements:

3. Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications>. For artificial grass pitches it is recommended that you seek guidance from the Football

Association on pitch construction when determining the community use hours the artificial pitch can accommodate

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.