

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2415/0F1	
2.	Proposed Development:	INSTALLATION OF AN ADDITIONAL 7 SOLAR LIGHTS TO COMPLETE COVERAGE OF THE MILLOM COMMUNITY TRACK	
3.	Location:	MILLOM SCHOOL, SALTHOUSE ROAD, MILLOM	
4.	Parish:	Millom	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads, PROWs - Public Right of Way	
6.	Publicity Representations & Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report: Site and Location	This application relates to the existing playing fields located to the north of Millom School. The site is located off Salthouse Road and is located within flood zones 2 & 3.	

Relevant Planning History

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

4/20/2287/0F1 – Install a multi-purpose sports track around the perimeter of the school playing field – Withdrawn.

4/20/2390/0F1 - Install a multi-purpose sports track around the perimeter of the school playing field 1k length x 2.5m wide plus extra 4.82m x 130m sprint track (Resubmission) – Approved.

4/21/2138/0A1 – Advertisement consent for the erection of two signs on existing post – Approved.

4/21/2288/0F1 – Solar lighting to the multi purpose sports track (11 in total) – Approved.

4/22/2353/0F1 – Installation of 10 solar lights – Approved.

4/24/2355/0F1 – Community leisure centre and associated parking and landscaping including demolition of existing buildings and formation of temporary construction compound – Ongoing.

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

Proposal

In December 2020, planning permission (ref: 4/20/2390/0F1) was granted for the installation of a multi-purpose sports track around the perimeter of the school and a sprint track. Planning permission was also granted (ref: 4/21/2288/0F1 & 4/22/2353/0F1) at this site for the erection of a total of 21 solar lights. This current application seeks planning permission for the installation of an additional 7 solar lights to provide complete coverage of the Millom Community Track.

The proposed additional 7 lights will be located around the edge of the track, with two located to the east of the site, two to the north and one to the south. This will create a total of 28 lights at the site to serve the running track.

Details of the proposed lights are as per the original approvals. It is proposed that the lights will be set to an automatic ambient status of 30% at dusk for a maximum of 6 hours. The lights will detect movement and rise to 100% output. After 6 hours, and not beyond 10pm, the lights will turn off.

Consultation Responses

Millom Town Council

No objections in principle to this application.



Cumberland Council

Cumberland Council – Highway Authority & Lead Local Flood Authority

20th January 2025

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

10th February 2025

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

Environment Agency

7th January 2025

Environment Agency position

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

The planning application is accompanied by a Flood Risk Assessment (FRA). We have reviewed the FRA and, highlight that it appears to be an FRA used for a previous development 'proposed multi-usage sport track' at this site.

However, on balance and being mindful of the nature and scale of the development, we have reviewed the proposals against the flood constraints, and installing 7 solar lights, raises no concerns that would in this instance warrant an objection on the basis of an inadequate FRA.

The applicant, as owners of the site, will be aware of the potential flood risk and frequency. The applicant should be satisfied that the impact of any flooding will not adversely affect their proposals.

Informative to LPA

The key on the drawing plan titled 'Location of Lights' has been cut-off, so we are unable to ascertain exactly where the proposed lights are located but it is presumed that the 7 red dots are the proposed solar lights.

30th January 2025

Environment Agency position

Please refer to our previous response referenced NO/2024/116494/01-L01 and dated 7 January 2025. We have reviewed the amended plans submitted and have no objections to the development as proposed, however we would like to make the following additional comments:-

The application is now supported by an amended plan titled 'Lighting Plan – Amended

January 2025' on your planning portal. This plan now includes a key whereby we can now identify the location of the proposed solar lights within the site.

We can confirm that we have no objection to the development as proposed and request that you refer to our previous response, referenced above, for our detailed comments.

Sports England

14th January 2025

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para.104), and against its own playing fields policy, which states:

'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's Playing Fields Policy and Guidance document can be viewed via the below link:

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy

Having assessed the application, Sport England is satisfied that the proposed development meets exception 2 of our playing fields policy, in that:

'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.'

This being the case, Sport England **does not wish to raise an objection** to this application.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.



Cumberland Council

10th February 2025

Sport England has reviewed the amended plans and our substantive position remains as set out in our email dated 14th January 2025.

Cumberland Council – Environmental Health

Environmental Health are supportive of this proposed development that helps to provide a valuable community asset.

However, the solar lights can potentially cause disturbance to residential amenity, light pollution and disturbance to nocturnal wildlife if the lights were to be left on overnight.

As per the previous two planning approvals for the solar lighting (ref 4/21/2288/0F1 and 4/22/2353/0F1) it would therefore seem sensible to restrict the times that the solar lights may be used. A condition is requested to secure this detail.

The following condition is requested if planning approval is granted – lighting restrictions and artificial lighting.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to 17 properties.

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

- As a local resident of Salthouse Road I fully support this planning application.

Public Reconsultation

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

No comments have been received to this reconsultation process.

Planning Policy

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

Development Plan

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited 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 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

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)

Assessment

The key issues raised by this application relate to the principle of the development; impact of the development; flood risk; and impact on ecology & biodiversity.

Principle of Development

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.

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.

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.

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.

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.

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.

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.

The Application Site is located within the settlement boundary for Millom and relates to the existing community running track which has been developed over the last few years. Planning permission was previously granted (ref: 4/21/2288/0F1 & 4/22/2353/0F1) at this site for the erection of a total of 21 solar lights. This current application seeks planning permission for the installation of an additional 7 solar lights to provide complete coverage of the Millom Community Track to ensure the track is accessible and safe for all users.

Sports England have offered no objections to the proposal.

On this basis, the proposal is considered to comply with Policies of the Copeland Local Plan and the provisions of the NPPF.

Impact of the Development

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.

The running track has been constructed around the perimeter of the school playing field and already benefits from 21 solar lights. An additional 7 lights are now proposed in order to complete coverage around the track. As the proposed lights are to be located near residential properties it is proposed, that as per the previous approvals, they will be set to an automatic



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ambient status of 30% at dusk for a maximum of 6 hours with the lights turning to 100% once they detect movement. After 6 hours, and not beyond 10pm, the lights will turn off. A condition has been included to ensure that the lights are operated as outlined within the submitted design and access statement to limit the impacts on the surrounding area and amenity of neighbouring dwellings.

The Council's Environmental Health Team have stated that they have no objections to the proposal subject to the condition to limit the hours of use of the lights.

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

Flood Risk & Drainage

Policy DS6 seeks that development will not be permitted where: there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.

Policy DS7 requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate.

The application site is located within Flood Zone 2 and 3. The application is therefore supported by a Flood Risk Assessment.

Given the nature of the proposal to install solar lights the development is not considered to significantly increase the impermeable area at the site and will therefore not increase flood risk within the site or elsewhere.

The Environment Agency and the LLFA have reviewed the application and have offered no objections to the proposal.

On the basis the proposal is therefore considered to achieve the requirement of Policies DS6 and DS7 of the Copeland Local Plan, and the NPPF.

Impact on Biodiversity and Ecology

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

Policy N3 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. This is in addition to any compensatory habitat provided under Policy N1. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.

In England, BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Applications must now deliver a Biodiversity Net Gain of 10%, resulting in more or better-quality natural habitat than there was before the development. Some developments are however exempt from these BNG requirements. In this instance the development is considered exempt from BNG as the

	<p>development falls within the de minimis exception.</p> <p>The application site is identified as a potential area for natterjack toads. Although the application site is located within 200m of a watercourse (as indicated within the ALGE trigger list), the scale and nature of the proposal is not considered to significantly impact existing habitats. The site is also located within an existing sports field. On the basis of the above it is considered that this is not a habitat that is likely to contain natterjack toads and so it would not be necessary to seek an ecological survey for this minor application.</p> <p>On this basis, it is considered that the development complies with the requirements of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 and Policies N1 and N3 of the Copeland Local Plan and the provisions of the NPPF.</p> <p><u>Planning Balance & Conclusion</u></p> <p>This application seek permission for additional lighting to further enhance this sports facility within of the Boroughs Key Service Centre by further improving its accessibility and useability for the local community.</p> <p>Although 21 lights have already been installed the proposed 7 additional lights will provide full coverage of the running track. The lights will operate as those previously approved, and their operation times will be secured by planning conditions to limit the impact on residential amenity.</p> <p>The development is not considered to have an adverse impact highway safety, flood risk and drainage, or ecology.</p> <p>The proposal is therefore considered to be an acceptable form of sustainable development which is complaint with policies of the Copeland Local Plan and the provisions of the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions:</u></p> <ol style="list-style-type: none"> 1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission. <p>Reason</p>

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, received by the Local Planning Authority on the 18th December 2024.
- Site Location Plan, Scale 1:1250, received by the Local Planning Authority on the 18th December 2024.
- Lighting Plan, received by the Local Planning Authority on the 24th January 2025.
- Solar Street Lighting Detail, Proelectric Smart Clean Technology, received by the Local Planning Authority on the 18th December 2024.
- Flood Risk Assessment, received by the Local Planning Authority on the 18th December 2024.
- Flood Map, received by the Local Planning Authority on the 18th December 2024.
- Design and Access Statement, received by the Local Planning Authority on the 18th December 2024.
- 6m Post Top Column With Spigot, Rev: 2, received by the Local Planning Authority on the 24th 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.

Other Conditions:

3. The development must be carried out in accordance with and implement all of the detail and mitigation measures set out within the Flood Risk Assessment, received by the Local Planning Authority on the 18th December 2024.

Reason

For the avoidance of doubt and to ensure that adequate measures are incorporated to protect the occupiers from flooding in accordance with Policies DS6 and DS7 of the Copeland Local Plan 2021 – 2039.

4. The solar lights hereby approved must not be in operation after 10:00pm on any day in line with the approved plan 'Design and Access Statement, received by the Local Planning Authority on the 18th December 2024'.

Reason

To protect the amenity of nearby residential properties in accordance with Policies DS4 of the Copeland Local Plan 2021 – 2039.

5. Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations For Exterior Lighting Installations for Environmental Zone E2 within the Institute of Light Engineers Guidance Notes For the Reduction of Obtrusive Lighting GN01 dated 2005.

Reason

To protect the amenity of nearby residential properties in accordance with Policies DS4 of the Copeland Local Plan 2021 – 2039.

Informatives:

1. Biodiversity Net Gain – Exemption

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

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

The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

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

Applicable exemptions: The development falls within the de minimis exception.

2. The granting of planning permission would not give them the right to obstruct, close or divert the public right of way foot path 415022 which is located to the north of the



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development site without the express permission of the Highway Authority.

3. The public right of way as must be kept open and unaltered for public use until an order made to divert, stop up or to temporarily close it has been confirmed.

Statement:

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

Case Officer: C. Burns

Date : 17/02/2025

Authorising Officer: N.J. Hayhurst

Date : 19/02/2025

Dedicated responses to:- N/A