

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2136/DOC	
2.	Proposed Development:	DISCHARGE OF CONDITIONS 4, 5 AND 10 OF PLANNING APPLICATION 4/24/2355/0F1	
3.	Location:	MILLOM SCHOOL, SALTHOUSE ROAD, MILLOM	
4.	Parish:	Millom	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, 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	No
		Site Notice	No
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report: Site and Location		
		The application relates to the Millom School site, located to the northern edge of Millom. The site comprises Millom Secondary School and Sixth Form, Millom Community Hub, and the	

associated car park.

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.

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.

The site is owned by Cumberland Council.

Relevant Planning History

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

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

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

4/25/2085/DOC – Discharge of conditions 11, 12, 13, 14 and 15 of planning application 4/24/2355/0F1 – Approved.

Proposal

In February 2025, planning permission (ref: 4/24/2355/0F1) was granted by Members of the Planning Committee for the construction of a community leisure centre and associated parking and landscaping including demolition of existing buildings and formation of temporary construction compound.

This current application seeks to discharge conditions 4, 5 and 10 of planning approval 4/24/2355/0F1. These conditions state the following:

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.



Cumberland Council

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.

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.

The information submitted in support of the application comprises the following:

- Application Form, received by the Local Planning Authority on the 7th April 2025.
- Report for Surface Water Drainage Planning Comment Response, Prepared by Furness Consulting Engineers March 2025, Rev: 2, received by the Local Planning Authority on the 7th April 2025.
- Habitat Management and Monitoring Plan, Prepared by ERAP (Consulting Ecologists) Ltd April 2025, received by the Local Planning Authority on the 7th April 2025.
- Proposed Surface Water Drainage Layout Sheet 2 of 3, Scale 1:200, Rev: C2, received by the Local Planning Authority on the 8th May 2025.
- Preliminary Assessment of Biodiversity Net Gain, Prepared by ERAP (Consultant Ecologists) Ltd Reference: 2023-044b, received by the Local Planning Authority on the 20th May 2025.
- The Statutory Biodiversity Metric, received by the Local Planning Authority on the 20th May 2025.

Consultation Responses

Cumberland Council – Highway Authority & Lead Local Flood Authority

6th May 2025

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows:

Condition 4 –

The above condition is not for the LHA or LLFA to discharge.

Condition 5 –

The above condition is not for the LHA or LLFA to discharge.

Condition 10 –

Car Park Area: The LLFA are satisfied that the drainage hierarchy has been followed and are content with the applicants proposal, although the discharge rates to the combined sewer from the attenuation tank need to be agreed with United Utilities.

Playground Area:

The LLFA are satisfied that the drainage hierarchy has been followed and are content with the applicants proposal, although the discharge rates to the combined sewer from the attenuation tank need to be agreed with United Utilities.

New Leisure Centre Area:

The LLFA are satisfied that the drainage hierarchy has been followed and are content with the applicants proposal in principle but would like the following point addressed before condition 10 can be discharged,

- A new Gully is proposed close to manhole S03 with a connection to the existing combined sewer the LLFA would not accept this proposal and advise the applicant to connect the new gully to the proposed new surface water system also remove existing gullies from the combined system and connect to the new surface water system in this area.

29th May 2025

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows:

Condition 4 –

The above condition is not for the LHA or LLFA to discharge.

Condition 5 –

The above condition is not for the LHA or LLFA to discharge.

Condition 10 –

Car Park Area:

The LLFA are satisfied that the drainage hierarchy has been followed and are content with the applicants proposal, although the discharge rates to the combined sewer from the attenuation tank need to be agreed with United Utilities.

Playground Area:

The LLFA are satisfied that the drainage hierarchy has been followed and are content with the applicants proposal, although the discharge rates to the combined sewer from the attenuation tank need to be agreed with United Utilities.

New Leisure Centre Area:

The LLFA are satisfied that the drainage hierarchy has been followed and are content with the applicants proposal, therefore condition 10 can be discharged.

United Utilities

29th April 2025

United Utilities wish to make the following comments regarding the proposal detailed above. Condition 10 Further to our review of the submitted Drainage Strategy (ref L2762, Rev P1, dated 11.08.2023), United Utilities recommends that condition 10 is not discharged. This is because the existing gullies and proposed gully near S.03 are shown to drain to the combined sewer network. These should be drained to the new system out falling to watercourse to ensure volumetric betterment is being provided by the proposals.

21st May 2025

United Utilities wish to make the following comments regarding the proposal detailed above. Condition 10 Further to our review of the submitted documents, Drawing L2762-FUR-XX-XX-DR-D-0922 Rev C2, dated 08/04/2025, United Utilities has no objection to condition 10 being discharged.

Natural England

No comments received.

Ecologist Consultant – Tetra Tech Limited

20th May 2025

After reviewing the information on the planning portal, we require the following to complete our assessment:

- ERAP Ltd 2023-044b Millom School The Statutory Biodiversity Metric 02.05.25
- ERAP Ltd 2023-044b Millom School Statutory BNG Report 02.05.25

11th June 2025

The project is located at Land at Millom School, Salthouse Road, Millom LA18 5AB. The Proposed Development is for redevelopment of areas within the Millom School site. This includes construction of community leisure centre and associated parking and landscaping

including demolition of existing buildings and formation of temporary construction compound.

The application was considered by Cumberland Council on the 20th February 2025 and permission was granted subject to conditions (Application No: 4/24/2355/0F1). Conditions 3-9 pertain to Biodiversity Net Gain (BNG), however only conditions 4 and 5 are pre-commencement conditions.

Condition 4 relates to the submission of a BNG Plan, which has now been received (dated 23/10/2024). Therefore condition 4 has been met and can be discharged.

Condition 5 relates to the pre-commencement submission of the Habitat Management and Monitoring Plan (HMMP):

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 the 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 Environmental Act 2021.

The HMMP has now been submitted (ERAP, 2025) and was reviewed against the above criteria:

- i. The information presented in the HMMP matches the information presented in the BNG Metric and BNG report. The HMMP demonstrates delivery of 11.30% net gain over a 30 year period.
- ii. Planned management and habitat creation activities are detailed on page 20 – 43.

These activities are considered appropriate to achieve the specified targets.

- iii. The persons/organisation(s) responsible for delivery of the HMMP are listed as Cumberland Council in Table PB-B10.
- iv. Habitat condition targets are detailed in Table PM-T01. These are considered site and habitat appropriate.
- v. The monitoring methods and intervals are details in Table MS-T01. The proposed monitoring methods and reporting schedule are considered appropriate.
- vi. Details of adaptive approaches are listed in 'Adaptive Management' page 45.

The information presented in the HMMP is considered appropriate to discharge Condition 5.

Conditions 3, 6-9:

Condition 3 can only be met once all the mitigation measures in the following documents have been implemented:

- 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 6th February 2025; and
- The Statutory Biodiversity Metric (Amended), received by the Local Planning Authority on the 6th February 2025.

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

Similarly, conditions 6-9 relate to the implementation of the Habitat Management and Monitoring Plans (HMMP), These conditions cannot be met at this time until habitat management and creation activities have been completed.

Conclusion:

We can confirm that pre-commencement conditions 4 and 5 for this development relating to BNG have been met and can therefore be discharged.

Conditions 3, 6-9 relating to implementation of the mitigation measures and HMMP are outstanding. Monitoring results are to be programmed to be submitted to the council. These should include evidence demonstrating how BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

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 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

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)

10 Year Sport and Physical Activity Strategy – Built/Indoor facilities Assessment and Strategy (October 2020)

Assessment

This current application seeks to discharge conditions 4, 5 and 10 of planning approval 4/24/2355/0F1.

Condition 4:

This condition seeks to discharge the requirement for the development to provide a Biodiversity Net Gain Plan. Based on the details of the information submitted, the Council's Consultant Ecologist has confirmed that the condition can be discharged.

It is therefore confirmed that condition 4 can be discharged.

Condition 5:

This condition seeks to discharge the requirement for the development to provide a Habitat Management and Monitoring Plan. Based on the details of the information submitted, the Council's Consultant Ecologist has confirmed that the condition can be discharged.

It is therefore confirmed that condition 5 can be discharged.

Condition 10:

This condition seeks to discharge the requirement for the development to provide a sustainable surface and foul water drainage scheme. Based on the details of the information submitted, the LLFA and United Utilities have confirmed that the condition can be discharged.

It is therefore confirmed that condition 10 can be discharged.

Conclusion



Cumberland Council

	Approve discharge of conditions 4, 5 and 10.	
8.	Recommendation: Approve discharge of conditions.	
Case Officer: C. Burns		Date : 18.06.2025
Authorising Officer: N.J. Hayhurst		Date : 18.06.2025
Dedicated responses to:- N/A		