

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2291/001	
2.	Proposed Development:	OUTLINE APPLICATION (WITH SOME MATTERS RESERVED) INCLUDING APPROVAL OF SCALE (NO OF UNITS ONLY) FOR THE DEMOLITION OF A FORMER DENTISTRY BUILDING & CONSTRUCTION OF THREE DWELLINGS (USE CLASS C3)	
3.	Location:	GOVERNMENT BUILDING, ST GEORGES ROAD, MILLOM	
4.	Parish:	Millom	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads	
6.	Publicity Representations & Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	Yes
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report: Site and Location	This application relates to Government Building, located off St George Road within the centre of Millom. The dilapidated flat roof building is now vacant, however has previously been operated as a dentistry.	

The building is located at a slightly lower level than the adjacent highway and fronts onto the shared access road to the south east of the site.

The site lies to the north west of the Millom Conservation Area.

The application site is bounded to the north by the A5093 and residential properties, the south by Millom Cricket Club, the east by the Palladium Theatre, and the west by the Former Horn Hill School. A stone wall bounds the front of the site.

Relevant Planning History

4/90/0602/0 – Signs – Approved.

4/90/1049/0 – Facia and projecting signs – No objections.

4/96/0484/0 – Alternations to millom employment service job centre under circular 18/84 – No objections.

4/99/0781/0 – Proposal in accordance with DOE circular 18/84 for new entrance lobby – No objections.

4/03/1203/0 – New DDA compliant entrance – No objections.

4/03/1440/0 – Non-illuminated facia projecting sign – Approved.

4/10/2256/0F1 – Change of use from use class A2 (former job centre) to use class D1 (dentist) and installation of air conditioning unit – Approved.

Proposal

This outline application seeks to establish the principle for demolishing the existing former dentistry and developing the site for three residential dwellings (use class C3). The application seeks approval for the scale of the development relating to the number of units only, with all other matters reserved for future approval.

An indicative layout plan has been submitted with this application to show how the site could be designed to accommodate three dwellings in a terrace form.

The application is accompanied by the following information:

- Site Location Plan;
- Indicative Site Plan;
- Existing Elevations;
- United Utilities Drainage Communication;
- Demolition Schedule and Methodology;



Cumberland Council

- Preliminary Roost Assessment;
- Heritage and Design/Access Statement.

Consultation Responses

Millom Town Council

26th September 2025

It is my understanding that Cumberland Council had previously agreed that no new dwellings should be approved in Millom until the town's sewage system is significantly improved. This position was taken in recognition of the existing infrastructure's limitations and the environmental and public health risks posed by further strain on the system. Given this, I am concerned that approval of the above application would contradict this prior agreement and potentially exacerbate existing issues with sewage capacity and treatment in the area. The infrastructure is already under pressure, and further development without appropriate upgrades could lead to serious consequences for residents and the environment. I respectfully request that the Council uphold its previous stance and defer or reject this application until such time as the necessary improvements to Millom's sewage system have been completed.

31st October 2025

Objection.

Although the council are not opposed to the erection of new dwellings in the area the concern of the council is as follows:

It is their understanding that Cumberland Council had previously agreed that no new dwellings should be approved in Millom until the town's sewage system is significantly improved. This position was taken in recognition of the existing infrastructure's limitations and the environmental and public health risks posed by further strain on the system.

Given this, I am concerned that approval of the above application would contradict this prior agreement and potentially exacerbate existing issues with sewage capacity and treatment in the area. The infrastructure is already under pressure, and further development without appropriate upgrades could lead to serious consequences for residents and the environment.

I respectfully request that the Council uphold its previous stance and defer or reject this application until such time as the necessary improvements to Millom's sewage system have been completed.

Cumberland Council – Highway Authority & Lead Local Flood Authority

10th September 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: details of the surface water drainage scheme, access gates, demolition management plan, construction traffic management plan, and highway retaining wall.

Information:

I am aware the Layout for this development site has been submitted as reserved matters but the applicant needs to show how a vehicle can access the proposed garage within the purple/pink plot, as shown the occupier would have to travel through the front garden, the drive has no access due to the retaining wall and no highway access.

24th October 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: details of the surface water drainage scheme, access gates, construction traffic management plan, and highway retaining wall.

United Utilities

19th September 2025

Directed by the principles set out in the National Planning Practice Guidance and the new National Standards for Sustainable Drainage Systems (2025) we require developers and Local Planning Authorities, to do all that they can to avoid surface water entering the public sewer, unless absolutely necessary. This applies to all proposed development. See Appendix 1.1 'Surface Water Hierarchy'.

All options for the sustainable management of surface water must be thoroughly investigated before we will accept any surface water connections from new development to the public sewer. Where a new surface water connection to the public sewer is proposed, we will require robust evidence to demonstrate the drainage hierarchy has been fully investigated and there are no more sustainable options available for the management of surface water.

We request that the following drainage condition is attached to any subsequent approval, to allow any reserved matters design to account for any proposed drainage solution: Foul and Surface Water Drainage.

3rd November 2025

Directed by the principles set out in the National Planning Practice Guidance and the new National Standards for Sustainable Drainage Systems (2025) we require developers and Local Planning Authorities, to do all that they can to avoid surface water entering the public sewer, unless absolutely necessary. This applies to all proposed development. See Appendix 1.1 'Surface Water Hierarchy'.

All options for the sustainable management of surface water must be thoroughly investigated before we will accept any surface water connections from new development to the public sewer. Where a new surface water connection to the public sewer is proposed, we will



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require robust evidence to demonstrate the drainage hierarchy has been fully investigated and there are no more sustainable options available for the management of surface water.

We request that a drainage condition is attached to any subsequent approval, to allow any reserved matters design to account for any proposed drainage solution: Foul and Surface Water Drainage.

Environment Agency

No comments received.

Cumberland Council – Environmental Health

23rd September 2025

A Demolition Schedule and Methodology document has been submitted in support of this application and Environmental Health are satisfied that its broad aims include an asbestos survey and dust suppression measures as part of the intended work schedule.

As such, this document may be conditioned as an approved document.

In order to limit noise intrusion to neighbours, Environmental Health would request the imposition of standard construction working hours as laid out below.

United Utilities have commented upon the drainage scheme for the dwellings and Environmental Health would like to see the sewer system built to adoptable standard where appropriate.

Given the proximity of the A5093 road and the Millom Palladium to the intended dwellings, Environmental Health would like to see acoustic trickle vents provided in double glazed window units to mitigate against possible external noise intrusion to occupants inside.

If external lighting is provided to the scheme, it should be appropriate to the setting as noted below.

The site is also within the designated Millom Smoke Control Area and should comply with its legal requirements.

Environmental Health would therefore not object to this application and offers the following possible conditions to any approval granted: artificial lighting, and noise from demolition/construction works.

24th October 2024

There are no objections from Environmental Health to the proposed amendments dated October 2025, and no additional comments to those made on 23.09.25.

Cumberland Council – Conservation Officer

15th September 2025

Conclusion: No objection

Assessment:

- Removal of the existing building poses no risk to the character and appearance of the conservation area.
- The proposed replacement is likely to be an improvement, with the outline appearance and layout shown in the documents suggesting a short terrace of three dwellings, with a somewhat traditionalist appearance. This is likely to look quite at home, stylistically, and the relative compactness of the footprint should work quite efficiently on the site.
- I would draw attention to the Conservation Area Design Guide, which contains guidance on materials for historic and imitation-historic buildings within our conservation areas. This could be used to inform the external materials schedule.
- I would also draw attention to Local Plan policy DS5, on achieving good standards of design in both hard and soft landscaping.
- It would be preferable to make use of stone walling to divide property curtilages.
- As the proposal affects a heritage asset (principally the conservation area), a heritage statement would be a useful addition to the application for conforming with Policy BE1. This could be combined with a design and access statement that comments on how the design work responds to the character and appearance of the conservation area.

28th October 2025

No additional comments.

Cumberland Council – Ecologist

2nd October 2025

The County Ecologist confirms that this site is Biodiversity Net Gain exempt under the de minimis rule.

Suggested Planning Conditions:

Breeding Birds:

Works should be completed outside of the breeding bird period (March – August inclusive). If this is not possible a breeding bird check should be carried out no more than 48 hours prior to the planned development to ensure no birds and their nests are present. If active nests are discovered an appropriate buffer zone should be established and works within that area ceased until the young have naturally fledged.

Enhancement Features:

Bats

One bat box to be installed on the new building, such as:

- Vivara Pro WoodStone Bat Box, or



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- Low Profile WoodStone Bat Box.

Two bird boxes are to be integrated within the development to provide opportunities for breeding birds such as:

- Schwegler No. 17 swift nest box
- Schwegler 1SP sparrow terrace
- Woodstone nest box

14th October 2025

No updated comments needed.

Public Representation

This application has been advertised by way of a site notice, press notice, and neighbour notification letters issued to 15 properties.

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

- I would request that the planning permission for the new houses includes the following restriction: "The dwellings shall be used only as Class C3 dwellinghouses and for no other purpose within the Town and Country Planning (Use Classes) Order". This restriction legally removes the normal permitted development right to switch to C4.
- Concerns regarding the blocking of the view to the Cricket grounds.

One letter of neutral response was received raising the following comments:

- The Palladium Theatre is a Live theatre, music and dance venue which has been used for public entertainment since it was built in 1912. The location of the residential housing is in close proximity to the venue and will unless the houses are properly sound proofed will be subject to levels of noise. In the past venues have been forced to close when the residents of new properties close to an existing venue have complained about the noise (famously the Ministry of Sound in London).
- Access to the proposed development is via an un-made road with no street lighting and the junction with St. George's Road has very poor sight lines of oncoming traffic in both directions.
- We would ask that if planning permission is granted there is a statement for the record from the developer that they understand the building is used and there will be noise and people exiting late into the night, the same is true of Millom Cricket Club.

Public Reconsultation

Following the receipt of amended 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.

One letter of objection has been received raising the following concerns:

- As a resident on St Georges Road, I have concerns of the parking conditions which at present are pretty awful.
- I feel that it is not a suitable site to allow the building of any type of residential home.
- The traffic in the area has increased over the years due to the businesses close to the site, this has caused parking concerns as the area in front of the Palladium is used daily by customers and works of these businesses.
- This site is currently used as parking for visitors of the Palladium, the dental practice, guest house, those who commute by train, and the hairdressers.
- Residents living across the road cant park their cars.
- The fact that the three residential homes that are planned will have private drives to the front of the properties is a huge concern as it will take away the space in front of the properties that get used daily by commuters, customers, clients, sportspeople, visiting guests etc.
- Where will these people be expected to park their vehicles?
- Will I find a space outside of my property to park my car when arriving home from work etc?
- It's very difficult at the moment and will only get worse.

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



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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 2001-2016.

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

Strategic Policy H1: Improving the Housing Offer

Strategic Policy H2: Housing Requirement

Strategic Policy H3: Housing Delivery

Strategic Policy H4: Distribution of Housing

Strategic Policy H5: Housing Allocations

Policy H6: New Housing Development

Policy H7: Housing Density and Mix

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2: Local Nature Recovery Networks

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy BE1: Heritage Assets

Policy BE2: Designated Heritage Assets

Policy BE4: Non-Designated Heritage Assets

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

Other Material Planning Considerations

National Planning Policy Framework (2023)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2021 (SHMA)

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

Copeland Borough-Wide Housing Needs Survey (2020)

Planning (Listed Building and Conservation Areas) Act 1990

Conservation Area Design Guide SPD (Adopted December 2017)

Assessment

The key issues raised by this application relate to the amendments to the application; demolition; the principle of the development; housing need; settlement character and landscape and visual impact; scale, design and impact on residential amenity; flood risk and drainage; access and highway safety; impact on heritage assets; and impact on biodiversity and ecology.

Application Amendments

This outline application seeks to establish the principle for demolishing the existing former dentistry and developing the site for three residential dwellings (use class C3). The application seeks approval for the scale of the development relating to the number of units only, with all other matters reserved for future approval.

The original submission for this application sought only to reserve matters relating to appearance, scale and layout, however following extension discussions with the agent it was determined that the applicant only wanted to establish the principle for developing the site for three dwellings. The application was therefore amended to reflect this with documentation amended or removed for consideration for the proposal.

Demolition

Demolition is classed as permitted development under Schedule 2 Part 11 Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015. This order sets out certain conditions for the prior approval of demolition, which requires the submission of a method of demolition and details of the proposed restoration of the site.

A demolition schedule and methodology has been submitted to support this application. The Council's Environmental Health team have confirmed that they are satisfied with the documents broad aims include an asbestos survey and dust suppression measures as part of the intended work schedule and offer no objections to the proposal. They have also stated that the document can be conditioned as an approved document.



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The redevelopment of the site for residential purposes will be reviewed in latter stages of this assessment.

Principle of Development

Millom is identified in Strategic Policy DS1 of the Copeland Local Plan as one of the Key Service Centre, which are towns that are self-sufficient 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. The focus for development 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. The application site is located within this settlement boundary. 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. The application site is located within this settlement boundary.

Section 11 of the NPPF promotes the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions, by utilising previously developed or brownfield land.

The proposal seeks to establish the principle for redeveloping a dilapidated site within the centre of Millom for three residential properties. The development will utilise a previously developed site in a prominent position within the town.

The redevelopment of this site within the Millom settlement boundary for residential purposes is considered acceptable. The application is therefore considered to comply with Policies DS1 and DS2 of the Copeland Local Plan and the provisions of the NPPF.

Housing Need

Policy H7 of the Copeland Local Plan states that: developments should make the most effective use of land. When determining appropriate densities development proposals should clearly demonstrate that consideration has been given to the shape and size of the site, the requirement for public open space and landscaping, whether the density would help achieve appropriate housing mix and help regeneration aims, the character of the surrounding area and the setting of the site. Applicants must also demonstrate, to the satisfaction of the Council, how their proposals meet local housing needs and aspirations identified in the latest Strategic Housing Market Assessment (SHMA) and Housing Needs Assessment in terms of house type, size and tenure. Alternative more up-to-date evidence will be considered only in exceptional circumstances where a developer demonstrates to the Council's satisfaction that the SHMA and Housing Needs Assessment is out of date in full or part.

Policy H8 of the Copeland Local Pla states on sites of 10 units or more... at least 10% of the homes provided should be affordable as defined in the NPPF 2021 (or any document that replaces it) unless: 1) this would exceed the level of affordable housing required in the area

as identified in the Housing Needs Study; or 2) The development falls into an exemption category listed in the NPPF. Affordable housing should be provided in the tenure split - 40% discounted market sales housing, starter homes or other affordable home ownership routes of which 25% of these must meet the definition of First Homes and 60% affordable or social rented.

The application site falls within the Millom Housing Market Area (HMA) of Copeland Strategic Housing Market Assessment (SHMA). The SMHA suggest a particular focus on the delivery of two and three bedroom and some 4+ bedroom semi-detached and detached dwellings. It is also stated the Council should also consider the role of bungalow and there is a high need for new affordable housing.

Whilst the majority of matters are reserved for future approval, the application seeks to secure the scale of the development in terms of the number of the proposed units only. The proposed development therefore comprises of three dwelling, which is appropriate to the scale and designation of Millom as a Key Service Centre.

No affordable housing is proposed as the development falls below the threshold for provision.

On this basis, the development will assist in providing housing that will help meet the housing need identified in the SHMA and the requirements Policies H7 and H8 of the Copeland Local Plan and provisions of the NPPF.

Settlement Character, Landscape Impact and Visual Impact

Policy N6 of the Copeland Local Plan states that the Borough's landscapes will be protected and enhance 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.

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 00: Urban.

The application site is located within the centre of Millom, within a predominantly built-up



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area. The site lies opposite a number of existing residential terrace properties. As the development is surrounded by existing development, the proposal is not considered to have an impact on the overall landscape. The indicative site plan shows how the site could be redevelopment to create a small terrace of three properties which would ensure the development is complementary to the existing built form of this part of the settlement.

Landscaping details will be secured by subsequent planning approvals for the site.

On this basis, it is considered that the site could be redeveloped to respect the form, density and character of the existing developments within the locality. The proposal is therefore considered to comply with Policy N6 of the Copeland Local Plan and the provisions of the NPPF.

Scale, Design and Impact of 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 application lies within the centre of Millom, in a built-up area with a mix of residential and commercial properties. The application includes indicative details of the proposed layout showing how the site could accommodate three dwellings in a terrace form. The amended application seeks to secure the scale of the development relating to the number of units only, with all other matters reserved for future approval.

As submitted the proposed does reasonably allow for adequate separation distances to be achieved between facing elevation of the proposed and existing dwellings. The indicative layout and separation distances would also reflect the traditional character of this part of the town.

Concerns have been raised regarding the proximity of the proposed dwellings to the Palladium Theatre and their ability to keep operating if a residential use is introduced in this area. The indicative layout however shows that the site can be developed to reflect the current separation distances with the existing terrace properties on the opposite side of the A5093. The Council's Environmental Health team have been consulted on this application and have stated that given the proximity of the A5093 and the Millom Palladium to the intended dwellings, they would like to see acoustic trickle vents provided in double glazed window units to mitigate against possible external noise intrusion to future occupants of the dwellings. As details of layout, scale, and appearance of the dwellings have been reserved these matters will be dealt as part of subsequent applications.

Environmental Health have however requested conditions relating to artificial lighting, and noise from demolition/construction works which will be secured as part of any decision notice.

A request has been made from a local resident that the use class of the proposed development is limited solely to C3 use with C4 use prevented. No justification has however been provided for this restriction. The application seeks permission for a C3 use at the site, whilst a change to C4 would be allowed under permitted development this change would not be considered inappropriate in this town centre location. The request to restrict the use of the site is therefore not considered reasonable or necessary in this instance.

Whilst the matters of layout, scale, appearance and landscaping are reserved for subsequent approval, it is considered that a development layout could be achieved within this site with interface separation distances that would not result in harm to the residential amenity of the neighbouring residential dwellings through loss of light, overshadowing, overbearing and overlooking. On this basis it is considered that the development would be in accordance with Policies DS4 of the Copeland Local Plan, and provisions of the NPPF.

Access, Parking and Highway Safety

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.

Policy CO7 of the Copeland Local Plan states that proposals for new development will be required to provide adequate parking provision, including cycle parking and accessible parking bays, in accordance with the Cumbria Development Design Guide (or any document that replaces it) where appropriate.

The application originally sought to secure details of the proposed parking for the site but reserved access details. The application was therefore amended to remove reference to the proposed parking for the development as this couldn't be established without details of access. Concerns were also raised with the agent regarding the ability to access the development from the adjacent highway, however the agent has confirmed that the applicant just wishes to establish principle with all other matters to be finalised within subsequent planning applications.

The Highway Authority have reviewed this application and at this stage have confirmed no objections to the proposal. They have however requested the inclusion of conditions to secure details of a construction traffic management plan, access gates and the retention of the existing highway retaining wall. As details of the proposed access are reserved for subsequent approval details of access gates will not be secured under this permission. The other requested conditions will however be included within the decision notice for this



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application as they relate to the demolition as well as the redevelopment of this site.

Concerns have been raised by residents that the current site is currently utilised as informal parking spaces for nearby residential properties and businesses due to limited on street parking opportunities. However, as the site has no formal use as a car park, the loss of this facility cannot be considered as part of the current application process.

It is therefore considered that based on the inclusion of any requested conditions, the proposal will not have a detrimental impact on highway safety in accordance with Policies CO4 and CO7 of the Copeland Local Plan and provisions of the NPPF.

Drainage and Flood Risk

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 1. The proposed comprises a more vulnerable use and is therefore a compatible use in Flood Zone 1.

At this stage it is indicated that both the foul and surface water from the development will be disposed of by the existing mains sewer, however no full drainage scheme has been provided for this proposal. Given the outline nature of the application, and as no evidence has been submitted to show the site can be drained in line with the drainage hierarchy, planning conditions are proposed to secure full details of the proposed surface and foul water for the development as requested by UU. The LLFA have offered no objections to the application but have also requested a condition to secure details of the proposed surface water drainage for the site.

Millom Town Council have objected to this development based on the existing drainage capacity in the town. They have therefore requested that the application is deferred or rejected until such time as the necessary improvements to Millom's sewage system have been completed. The application relates to a previously developed site, therefore its redevelopment is not considered to have a significant impact on the drainage within the area. No objections have been raised from UU or the LLFA subject to conditions to secure full drainage details for the application, therefore it is not considered that there are reasonable grounds to defer or refuse the application based on drainage.

Based on the inclusion of the requested conditions, the proposal is considered to be compliant with the Policy DS6 and DS7 of the Copeland Local Plan, and provisions of the NPPF.

Impact on Heritage Assets

Strategic Policy BE1 and BE2 of the Copeland Local Plan seek to protect or enhance heritage assets and their setting. Proposals that better reveal the significance of heritage

assets will be supported in principle.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, states that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of [a conservation] area.”

Paragraph 139 of the National Planning Policy Framework (NPPF) asserts that “Development that is not well designed should be refused”.

NPPF para. 203 states that “In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation...”

NPPF para. 212 states, in the case of designated heritage assets, “great weight should be given to the asset’s conservation”, irrespective of whether potential harm is substantial, less-than-substantial, or total loss. Where harm to a designated heritage asset is less-than-substantial, it should be weighed against the public benefits of the proposal (para. 208).

Paragraph 216 of the National Planning Policy Framework (NPPF) states the effect on the significance of a non-designated heritage asset should be taken into account when making decisions.

Opportunities should be sought for new development within conservation areas and the settings of heritage assets that enhances or better reveals their significance. (para. 219)

Referring to assets in a conservation area, NPPF para. 220 states that loss of an element that makes a positive contribution to a conservation area should be treated as either substantial (under para. 214) or less-than-substantial harm (under paragraph 215).

The Council’s Conservation Officer has reviewed this application and has offered no objections to the proposed development. The Officer has confirmed that the removal of the existing building poses no risk to the character and appearance of the Conservation Area and the replacement would be an improvement. The Officer further states that the proposed short terrace would work effectively and would look at home on the site. Comments are also provided with regard to materials, landscaping and a heritage statement to show how the design responds to the character and appearance of the Conservation Area. These matters will be dealt with in subsequent applications for the site.

The development is considered to enhance the site adjacent to the Conservation Area, and is therefore considered to comply with Policies BE1 and BE2 of the Copeland Local Plan, and provisions of the NPPF.

Impact on Ecology and Biodiversity

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,



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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 development is for the redevelopment of an existing site so there will be no or only a de minimis impact on onsite habitat.

The application site is identified as a potential area for natterjack toads. As the application site is not located within 200m of a watercourse (as indicated within the ALGE trigger list), and is within an existing built up area on a previously developed site, the development is not considered to disturb any habitats. On the basis of the above it is considered that this is not a habitat that is likely to contain natterjack toads.

As the application seeks to demolish an existing building it is supported by a Preliminary Roost Assessment. This report concludes that the building has a negligible suitability for use by roosting bats, no field signs of use by bats were found internally or externally during the inspection, and no further survey work is required.

The measures set out within the Preliminary Bat Roost Survey will be secured by condition as part of any decision notice for this application.

The Council's Ecologist has stated that works should be undertaken outside the breeding season. This detail will be included as an informative note on the decision notice.

The Ecologist has also requested that a number of enhancement features are included within the development, relating to bats and breeding birds. As this is an outline application these enhancement measures will be secured by an appropriately worded planning condition.

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.

Planning Balance and Conclusions

The application seeks outline planning permission for the erection of three residential properties. The application site is located within the defined settlement boundary for Millom, which is identified within the Copeland Local Plan as a Key Service Centre, and will redevelop an existing dilapidated site.

The proposed demolition of the existing vacant building is considered acceptable, with the application supported by a Demolition Schedule and Methodology which will be secured by

	<p>condition.</p> <p>As the amended application is in outline form and only seeks permission for the scale (no of units only) indicative details have been provided to show how the site could accommodate three units. The redevelopment of the site is considered to provide adequate separation distances with neighbouring properties and will therefore not have a detrimental impact on residential amenity. As the site is surrounded by existing development the proposal is not considered to have an impact on the overall landscape.</p> <p>Whilst concerns have been raised with regard access to the site and the impact of the development upon the operation of the adjacent theatre, these matters would be dealt with by subsequent planning approvals.</p> <p>Cumbria Highways have offered no objections to the proposal subject to the inclusion of conditions. Concerns have been raised by residents with regard to loss of informal parking spaces however as this is not a formal use this cannot be considered as part of this application.</p> <p>The Council's Conservation Officer has offered no objections to the proposal with the development considered to enhance the site adjacent to the Conservation Area.</p> <p>Conditions will be utilised to secure a full drainage scheme for the development.</p> <p>On balance, the proposal is considered to be an acceptable form of sustainable development which is compliant with policies of the Copeland Local Plan and the provisions of the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve in Outline</p>
9.	<p>Conditions:</p> <p><u>Defining the Permission Conditions:</u></p> <ol style="list-style-type: none"> 1. The layout, scale (excluding number of units), appearance, means of access thereto and landscaping must be approved by the Local Planning Authority. <p>Reason</p> <p>To comply with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <ol style="list-style-type: none"> 2. Detailed plans and drawings with respect to the matters reserved for subsequent approval must be submitted to the Local Planning Authority within three years of the date of this permission and the development hereby permitted must be commenced not later than the later of the following dates:-



Cumberland Council

- a) The expiration of THREE years from the date of this permission
Or
b) The expiration of TWO years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. 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 10th October 2025.
- Site Location Plan, Scale 1:1250, received by the Local Planning Authority on the 20th August 2025.
- Indicative Site Plan (Amended), Scale 1:200, Drawing Number: 25-26-20-001, Revision: R1, received by the Local Planning Authority on the 10th October 2025.
- Existing Elevations, Scale 1:50, Sheet: 1001-01, received by the Local Planning Authority on the 20th August 2025.
- United Utilities Drainage Communication, received by the Local Planning Authority on the 20th August 2025.
- Demolition Schedule and Methodology, Prepared by Holdens Chartered Surveyors & Building Consultancy November 2024, Version: 1, received by the Local Planning Authority on the 20th August 2025.
- Preliminary Roost Assessment, Prepared for Northedge Architecture August 2025, received by the Local Planning Authority on the 20th August 2025.
- Heritage and Design/Access Statement (Amended), Prepared by Northedge Architecture October 2025, received by the Local Planning Authority on the 10th October 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.

4. This permission gives outline approval for a maximum of three dwellings only at this site.

Reason

To ensure an appropriate form of development at this site in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013 - 2028.

Pre Commencement Conditions:

5. As part of any reserved matters submission, details of a sustainable surface water drainage scheme and a foul water drainage scheme must 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 Standards for Sustainable Drainage Systems (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
 - 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 must be in accordance with the National Standards for Sustainable Drainage Systems (2025) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes must 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 Policies DS6 and DS7 of the Copeland Local Plan.

6. Full details of the surface water drainage system (incorporating SUDs features as far as practicable) and a maintenance schedule (identifying the responsible parties) must be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works must be implemented prior to the development being completed and must be maintained thereafter in accordance with the schedule.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. To ensure the surface water system continues to function as designed and that flood risk is not increased within the site or elsewhere in accordance with Policies DS6 and DS7 of the Copeland Local Plan.

7. 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;
 - Surface water management proposals during the construction phase;
 - Specific measures to manage and limit the impact on the school, including working hours, 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.

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 Policies CO4 and CO7 of the Copeland Local Plan.

8. Prior to the commencement of development, details of the required ecological enhancement measures must be submitted to and approved in writing by the Local Planning Authority. The approved measures must be installed prior to the occupation of any dwelling and must be retained for the lifetime of the development.

Reason

To protect the ecological interests evident on the site in accordance with Policy N1 of the Copeland Local Plan 2021 – 2039.

Other Conditions:

9. Demolition must be carried out in strict accordance with the approved document 'Demolition Schedule and Methodology, Prepared by Holdens Chartered Surveyors & Building Consultancy November 2024, Version: 1, received by the Local Planning Authority on the 20th August 2025'.

Reason

To ensure a satisfactory standard of demolition.

10. The proposed works must be carried out in strict accordance with and implement all of the mitigation and compensation/enhancement measures set out in the approved document 'Preliminary Roost Assessment, Prepared for Northedge Architecture August 2025, received by the Local Planning Authority on the 20th August 2025'.

Reasons

To protect the ecological interests evident on the site in accordance with Policy N1 of the Copeland Local Plan 2021 – 2039.

11. The existing highway retaining wall which bounds the development site and highway network is to remain in situ with any damage during demolition/construction be reported to the local Highway Agency.

Reason

In the interests of highway safety in accordance with Policies CO4 and CO7 of the Copeland Local Plan.

12. Following approval of the development, demolition and 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 and
- Saturday 09.00 – 13.00

There must be no construction activities at any time on Sunday or Bank Holiday.

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 surrounding occupiers during the construction of the development in accordance with Policy DS4 of the Copeland Local Plan.

13. Artificial light to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E3 contained within the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting GN01:2021.

Reason

To safeguard the amenities of nearby residential occupiers and reduce light pollution in accordance with Policy DS4 of the Copeland Local Plan.

Informative Notes:

Smoke Control Area

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/>

Ecology/Biodiversity

During construction if any bats or evidence of bat is found within this structure the application should contact the National Bat Helpline on 0345 1300 2288 for advice on how to do works lawfully.

Works must be completed outside of the breeding bird period (March – August inclusive). If this is not possible a breeding bird check should be carried out no more than 48 hours prior to the planned development to ensure no birds and their nests are present. If active nests are discovered an appropriate buffer zone should be established and works within that area ceased until the young have naturally fledged.

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: Development subject to the de minimis exemption.

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.



**Cumberland
Council**

Case Officer: C. Burns	Date : 07.11.2025
Authorising Officer: N.J. Hayhurst	Date : 14.11.2025
Dedicated responses to:-	