

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/26/2102/DOC	
2.	<b>Proposed Development:</b>	DISCHARGE OF CONDITIONS 3, 4 AND THE REQUIREMENTS OF BIODIVERSITY NET GAIN OF PLANNING APPLICATION 4/25/2344/0F1	
3.	<b>Location:</b>	MILLOM SCHOOL, SALTHOUSE ROAD, MILLOM	
4.	<b>Parish:</b>	Millom	
5.	<b>Constraints:</b>	ASC Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads	
6.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter	No
		Site Notice	No
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	<b>Report:</b>		
	<b>Site and Location</b>		
	<p>The application relates to a small area of land to the north of Millom School, located to the northern edge of Millom. The site comprises Millom Secondary School and Sixth Form, Millom Community Hub, and the associated car park.</p> <p>The site is bounded to the north west by Salthouse Road (A5093), to the south by the existing school complex, and to the north and east by the existing school playing fields.</p> <p>Access to the school site is from Salthouse Road to the south of the current application site,</p>		

providing access to the car park to the front of the existing buildings.

The application has been submitted by Cumberland Council.

### **Directly Relevant Planning Application History**

4/96/9011/0 – Demolition of disused gym and pool plant building, and erection of a new pool plant building – County Council Approved.

4/03/9003/0 – New lift in lift shaft external enclosure – County Council Approved.

4/05/9014/0 – Single storey extension and refurbishment of part of an existing school building to create network centre – County Council Approved.

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

4/24/2355/0F1 – Community leisure centre and associated parking and landscaping including formation of temporary construction compound – Approved by Planning Committee.

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.

4/25/2136/DOC – Discharge of conditions 4, 5 and 10 of planning application 4/24/2355/0F1 – Approved.

4/25/2344/0F1 – Proposed new access road for maintenance vehicles and disabled parking & improvements to pedestrian & cycle routes from Salthouse Road to the community leisure centre – Approved.

### **Proposal**

In February 2026, planning permission (ref: 4/25/2344/0F1) was granted for a proposed new access road for maintenance vehicles and disabled parking & improvements to pedestrian & cycle routes from Salthouse Road to the community leisure centre.

This current application seeks to discharge conditions 3, 4 and the BNG requirements of planning approval 4/25/2344/0F1.

These conditions state the following:

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



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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 Policy DS6 and DS7 of the Copeland Local Plan.

4. The carriageway, footways, footpaths, cycleways etc must be designed, constructed, drained to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross sections, must be submitted to the Local Planning Authority for approval before work commences on site. No work must commence until a full specification has been approved in writing by the Local Planning Authority. Any works approved must be constructed before the development is complete and retained for the lifetime of the development.

### Reason

To ensure a minimum standard of construction in the interests of highway safety in accordance with Policy CO4 of the Copeland Local Plan.

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

- Application Form (Amended), received by the Local Planning Authority on the 8<sup>th</sup> April 2026.
- Road Safety Audit Stage 1/2, Prepared by Sevenairs Consulting Ltd July 2025, received by the Local Planning Authority on the 1<sup>st</sup> April 2026.
- General Arrangements, Scale 1:500, Number: 0001 E, received by the Local Planning Authority on the 1<sup>st</sup> April 2026.
- Long Section, Scale 1:500, Number: 0002, received by the Local Planning Authority on the 1<sup>st</sup> April 2026.
- Cross Section, Scale 1:500, Number: 0003, received by the Local Planning Authority on the 1<sup>st</sup> April 2026.
- Typical Sections, Scale: NTS, Number: 0004, received by the Local Planning Authority on the 1<sup>st</sup> April 2026.
- Proposed External Works Access Road, Scale 1:200, Sheet No: 0818, Rev: C1, received by the Local Planning Authority on the 1<sup>st</sup> April 2026.
- Proposed Surface Water Drainage Layout Sheet New Site Entrance, Scale 1:200, Sheet No: 0924, Rev: C1, received by the Local Planning Authority on the 1<sup>st</sup> April 2026.

- Biodiversity Gain Plan (Amended), received by the Local Planning Authority on the 12<sup>th</sup> May 2026.
- The Statutory Biodiversity Metric (Amended), received by the Local Planning Authority on the 8<sup>th</sup> May 2026.
- Maintenance Schedule for the Surface Water Drainage System Proposed Access Road / New Site Entrance (Amended), received by the Local Planning Authority on the 7<sup>th</sup> May 2026.
- Biodiversity Unit Purchase Certificate, received by the Local Planning Authority on the 7<sup>th</sup> May 2026.
- Biodiversity Net Gain Unit Purchase Terms (B-CMBR2608), received by the Local Planning Authority on the 7<sup>th</sup> May 2026.

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### **Consultation Responses**

#### Cumberland Council – Highway Authority & Lead Local Flooding Authority

*29<sup>th</sup> April 2026*

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

Condition 3:

The LLFA have no objection in principle to the information/documents submitted in support of Condition 3, although we have no objection a maintenance schedule identifying the responsible parties has not been provided, therefore at this present time Condition 3 cannot be discharged.

Condition 4:

The LHA are content with information/documents provided in support of Condition 4, therefore Condition 4 can be discharged.

*12<sup>th</sup> May 2026*

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

Condition 3:

The LLFA have no objection to the information/documents submitted in support of Condition 3, maintenance schedule has now been provided identifying the responsible parties, therefore Condition 3 can be discharged.

Condition 4:

The LHA are content with information/documents provided in support of Condition 4,



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therefore Condition 4 can be discharged.

### Cumberland Council – Ecology Team

*9<sup>th</sup> April 2026*

This response pertains to discharge of requirements of BNG.

The County Ecologist acknowledges that the applicant will purchase units from a provider, however the Biodiversity Gain Condition cannot be discharged until these units have been purchased. Proof of unit purchase must be submitted to the council with a respective Gain Plan and metric prior to discharge.

### Informative – Biodiversity Net Gain

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

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

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

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

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

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

### Council Response:

Rejection. The County Ecologist notes that the statutory +10% in BNG has not been achieved, as shown by the Biodiversity Gain Plan and the associated metric.

*7<sup>th</sup> May 2026*

Further information required.

The County Ecologist notes that an updated Biodiversity Gain Plan is required along with an updated statutory metric, both to include the units purchased from the Environment Bank.

*13<sup>th</sup> May 2026*

After the receipt of the unit purchase certificate for the Environment Bank, the corresponding statutory metric and the Biodiversity Gain Plan, the County Ecologist confirms that the

requirements of the BNG informative can now be discharged.

### **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 5<sup>th</sup> 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

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



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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 (2025)

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 3, 4 and the BNG requirements of planning approval 4/25/2344/0F1.

#### Condition 3

Condition 3 seeks to discharge the requirements for the development to provide a surface water drainage system for the access road and a maintenance schedule. Following submission of amended information for this application, the Lead Local Flood Authority have confirmed that this condition can be discharged.

#### Condition 4

Condition 4 seeks to discharge the requirements for the development to provide details of the design, construction, and drainage of the carriageway, footways, footpaths, cycleways etc for the development. Based on the details submitted with this application, the Highway Authority have confirmed that this condition can be discharged.

	<p><b><u>BNG Requirements</u></b></p> <p>This informative requires the submission of a Biodiversity Net Gain Plan. Following the amended information received for this application the Council's Ecologist confirms that the BNG informative can now be discharged.</p> <p><b><u>Conclusion</u></b></p> <p>It is therefore confirmed that conditions 3, 4 and the BNG requirements of planning approval 4/25/2344/0F1 can be discharged.</p>	
8.	<p><b>Recommendation:</b></p> <p>Approve discharge of conditions 3, 4 and the BNG requirements of planning approval 4/25/2344/0F1</p>	
<b>Case Officer:</b> C. Burns		<b>Date :</b> 13.05.2026
<b>Authorising Officer:</b> N.J. Hayhurst		<b>Date :</b> 13.05.2026
<b>Dedicated responses to:-</b> N/A		