



## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/26/2103/DOC	
2.	<b>Proposed Development:</b>	DISCHARGE OF CONDITIONS 4, 9, 10, 11 AND THE REQUIREMENTS OF BIODIVERSITY NET GAIN OF PLANNING APPLICATION 4/25/2403/0F1	
3.	<b>Location:</b>	LAND TO THE NORTH WEST OF POOLSIDE, HAVERIGG	
4.	<b>Parish:</b>	Millom	
5.	<b>Constraints:</b>	ASC Adverts - ASC;Adverts, Flood Area - Flood Zone 3, 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>This application relates to land to the north west of Poolside, located to the north east of Haverigg. The site relates to 0.46 hectares of land located to the rear of a set of terrace properties which front onto Poolside. The site is bounded to the north and east by residential properties, to the south by allotment gardens and to the west by open countryside. The site is predominantly grassland with a small cluster of tree and hedgerows to the perimeter with two</p>		

outbuildings currently in a poor state of repair. The site is accessed via a narrow access track from Poolside located between existing terrace properties. It is stated that the site has been historically used as part garden and part campsite.

### **Relevant Planning History**

4/92/0935/0 – Polytunnel – Approved.

4/96/0778/0 – Polytunnel – Approved.

4/25/2403/0F1 – Change of use of land to domestic garden; the demolition of existing outbuildings; and construction of a general purpose/storage building and workshop, retention of existing polytunnel, and creation of an internal access track – Approved.

### **Proposal**

In March 2026, planning permission (ref: 4/25/2403/0F1) was granted for the change the use of the land to a domestic garden, the demolition of existing outbuildings; and the construction of a general purpose/storage building and workshop, retention of existing polytunnel, and creation of an internal access track.

This current application seeks to discharge conditions 4, 9, 10, 11 and the BNG the BNG requirements of planning approval 4/25/2403/0F1.

These conditions state the following:

4. Prior to the commencement of development a Habitat Management and Monitoring Plan must be 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



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

9. 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 Policy DS6 and DS7 of the Copeland Local Plan.

10. Prior to commencement of works at the site a demolition method statement must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details at all times thereafter.

### Reason

In order to secure a suitable method of demolition in accordance with Policy DS4 of the Copeland Local Plan.

11. Prior to the first installation within the development hereby approved, details of any external lighting must be submitted to and approved in writing by the Local Planning Authority.

Artificial external lighting 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 Note GN01/21 (dated 2021) for The Reduction of Obtrusive Light.

The proposed external lighting must be installed and maintained in accordance with the approved details at all times thereafter.

### Reason

In order to safeguard the amenities of nearby residential occupiers in accordance with Policy DS4 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 received by the Local Planning Authority on the 20<sup>th</sup> April 2026.
- Habitat Management and Monitoring Plan (Amended), received by the Local Planning Authority on the received by the Local Planning Authority on the 20<sup>th</sup> April 2026
- Soakaway Design Report, received by the Local Planning Authority on the received by the Local Planning Authority on the 2<sup>nd</sup> April 2026.
- Demolition Method Statement, received by the Local Planning Authority on the received by the Local Planning Authority on the 2<sup>nd</sup> April 2026.
- Lighting Site Plan, received by the Local Planning Authority on the 9<sup>th</sup> April 2026.
- Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment, received by the Local Planning Authority on the 9<sup>th</sup> April 2026.
- Pre Development Habitat Map, received by the Local Planning Authority on the 9<sup>th</sup> April 2026.
- Post Development Habitat Map, received by the Local Planning Authority on the 9<sup>th</sup> April 2026.
- Biodiversity Gain Plan, received by the Local Planning Authority on the 9<sup>th</sup> April 2026.
- BNG Calculations, received by the Local Planning Authority on the 9<sup>th</sup> April 2026.
- Email from Applicant (Lighting Details), received by the Local Planning Authority on the 5<sup>th</sup> May 2026.

### **Consultation Responses**

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

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 and LLFA to discharge.

Condition 9:

The LHA and LLFA are content with the information submitted in support of the above condition, therefore condition 9 can be discharged.

Condition 10:

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



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Condition 11:

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

### United Utilities

No comments received. Surface water condition was not previously requested by UU only the LLFA.

### Cumberland Council – Ecologist

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

The County Ecologist accepts the Biodiversity Gain Plan and the HMMP and the proposed monitoring reporting period of 2, 5, 10 and 25 but notes that results must be received in Year 30.

*21<sup>st</sup> April 2026*

The County Ecologist accepts the Biodiversity Gain Plan and the amended HMMP (received April 2026).

### Cumberland Council – Environmental Health

Thank you for the above planning consultation and information submitted. Environmental Health have considered the following matters:

#### Condition 10 (Demolition Method Statement)

We would expect that the existing structures to be demolished can be taken down quickly and easily and we are satisfied that the DMS discharges condition 10.

#### Condition 11 (Artificial External Lighting)

The needs of security and safety can sometimes conflict with amenity and light pollution when it comes to the provision of artificial external lighting. There are minimal details provided in the submission of the proposed lighting scheme other than the two security lights.

We would recommend lights with PIR sensors and of a warm colour (3000K) if possible. Their positioning should also avoid being directly in line with residential dwellings and be tilted downwards at an angle that is as acute as possible (at least 60 degrees).

The applicant will need to consider whether there is excessive glare and light spill to neighbouring dwellings from the proposed security lights, and look at whether additional shielding may be required on the lights.

We are happy to discharge this condition but the applicant should note that the statutory nuisance provisions of Environmental Protection Act 1990 can be applied if unreasonable artificial light pollution results.

**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.

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.

#### Copeland Local Plan 2021 - 2039 (LP):

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

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

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Policy N3: Biodiversity Net Gain

Strategic Policy N6: Landscape Protection

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

### **Other Material Planning Considerations**



## Cumberland Council

National Planning Policy Framework

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**

This current application seeks to discharge conditions 4, 9, 10, 11 and the BNG requirements of planning approval 4/25/2403/0F1.

#### Condition 4

Condition 4 seeks to discharge the requirements for the development to provide a Habitat Management and Monitoring Plan. Following the submission of amended information for this application, the Council's Ecologist has confirmed that this condition can be discharged.

#### Condition 9

Condition 9 seeks to discharge the requirements for the development to provide a surface water drainage scheme. Based on the details submitted with this application, the Local Lead Flood Authority have confirmed that this condition can be discharged.

#### Condition 10

Condition 10 seeks to discharge the requirements for the development to provide a demolition method statement. Based on the details submitted with this application, the Council's Environmental Health Team have confirmed that this condition can be discharged.

#### Condition 11

Condition 11 seeks to discharge the requirements for the development to provide details of any external lighting. Based on the details submitted with this application, the Council's Environmental Health Team have confirmed that this condition can be discharged. Additional clarification from the applicant has been received in relation to the specific product to be utilised in order to ensure the proposed lighting meets the comments received by Environmental Health.

#### BNG Requirements

This informative requires the submission of a Biodiversity Net Gain Plan. The Council's Ecologist accepts the Biodiversity Net Gain Plan submitted.

#### Conclusion

It is therefore confirmed that conditions 4, 9, 10, 11 and the BNG requirements of planning approval 4/25/2403/0F1 can be discharged.

8.	<b>Recommendation:</b> Approve discharge conditions 4, 9, 10, 11 and BNG requirements.
<b>Case Officer:</b> C. Burns	<b>Date :</b> 08.05.2026
<b>Authorising Officer:</b> N.J. Hayhurst	<b>Date :</b> 08.05.2026
<b>Dedicated responses to:-</b> N/A	