

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2096/OB1
2.	Proposed Development:	VARIATION OF CONDITIONS 1, 2, 3, 4 AND 5 OF PLANNING APPROVAL 4/20/2444/OF1 - CHANGE OF USE FROM VACANT RESIDENTIAL CARE HOME (USE CLASS C2) TO HOTEL (USE CLASS C1)
3.	Location:	DENTHOLME, CRAGG ROAD, CLEATOR MOOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: NO Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: SITE AND LOCATION <p>This application relates to the vacant care home known as Dentholme, situated on Craggs Road in Cleator Moor. The site is accessed from Craggs Road into a large car park to the south west of the care home.</p> PROPOSAL <p>Planning Permission was previously approved for the change of use of the care home to form a 37 bed hotel including new car parking to include 33 guest parking bays, 13 of which will be fully accessible for disabled users. A further 6 parking bays are proposed for staff use. The plans included a delivery bay and dedicated parking for 4 motorbikes and 6 bicycles (application reference 4/20/2444/OF1).</p> <p>A further application was approved to add a first floor extension and single storey outbuilding to</p>	

create a guest spa (application reference 4/21/2128/0F1 relates).

This application seeks to vary condition 2 of permission reference 4/20/2444/0F1 to allow the inclusion of the proposed site plan approved under reference 4/21/2128/0F1 to allow for the car park layout to be the same for the change of use application as the subsequent application for an extension.

This application also seeks alterations to the approved wording of several conditions on application reference 4/20/2444/0F1 to align with the conditions imposed on the planning permission reference 4/21/2128/0F1. This will allow the Applicant to discharge all of the conditions together and implement both approvals.

The conditions relate to highways and drainage and the proposed wording is as follows:-

3. The carriageway and footways must be designed, constructed, drained and lit 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 be commenced until a full specification has been approved. Any works so approved must be constructed before the development is complete.

Reason

To ensure a minimum standard of construction in the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

4. The use of the facility must not be commenced until the access and parking requirements have been constructed in accordance with the approved plan. Any such access and or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority.

Reason

To ensure a minimum standard of access provision when the development is brought into use and in accordance with Policy DM22 of the Copeland Local Plan.

5. 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 the development being brought into use. 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 and in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

CONSULTATION RESPONSES

Cleator Moor Town Council

No objections.

Local Lead Flood Authority

No objections.

Cumbria Highways

No objections.

Environmental Health

No response received.

Public Representation

The application has been advertised by way of neighbour notification letters issued to 7 no. properties.

No consultation responses have been received as a result of this advertisement.

Planning Policies

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

Development Plan

Copeland Local Plan 2013-2028 (Adopted December 2013)

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability
Policy T1 – Improving Accessibility and Transport
Policy ENV1 – Flood Risk and Risk Management

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place
Policy DM11 – Sustainable Development Standards
Policy DM12 – Standards for New Residential Development
Policy DM22 – Accessible Developments
Policy DM24 – Development Proposals and Flood Risk

Other Material Planning Considerations

National Planning Policy 2021 (NPPF)
National Planning Practice Guidance (PPG)

Emerging Copeland Local Plan (ELP)

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Publication Draft Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of the Copeland Local Plan 2017-2035 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

The Planning Practice Guidance (NPPG)

This web based resource was launched in March 2014 by the Department for Communities and Local Government (DCLG).

This outlines that an application can be made under Section 73 of the Town and Country Act 1990 to vary a condition associated with a permission. One of the uses of a Section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied.

The effect of an application under Section 73 is the issue of a new permission sitting alongside the original permission which remains intact and unamended. To assist with clarity it states that decision notices should also repeat the relevant conditions from the original permission unless they have already been discharged. As a Section 73 application cannot be used to vary the time limit for implementation this condition must remain unchanged from the original permission.

	<p>ASSESSMENT</p> <p>The application will slightly vary the wording of conditions 3, 4 and 5, however the content will remain the same and still require formal discharge. The variation of these conditions will mirror the wording of the conditions imposed on permission reference 4/21/2128/0F1 allowing both applications to be implemented in tandem once the conditions have been discharged. Furthermore, the variation of condition 2 will allow for the same site plan to be approved on both applications, allowing the change of use and subsequent extension to be implemented together.</p> <p>Under the guidance set out in the NPPG it is relevant to attach all of the conditions from the original permission which have yet to be discharged.</p> <p>CONCLUSION</p> <p>In my opinion, the revisions will not change the nature of the conditions and will allow for the two applications to align which should be supported in order to allow the development of the whole site in a consistent manner.</p> <p>Overall this is considered to be acceptable and accords with the guidance set out in the NPPG and the policies within the adopted Local Plan.</p>
8.	<p>Recommendation:</p> <p>Approve</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> <p>The development hereby permitted must be commenced before the expiration of three years from the date of 22nd December 2020.</p> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <p>Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -</p> <p>Site Location Plan, scale 1:1250, received 3rd November 2020; Existing Site Plan, scale 1:500, received 3rd November 2020; Proposed Site Plan, scale 1:500, received 24th March 2021; Existing Ground Floor Block Plan, scale 1:200, received 3rd November 2020; Existing First Floor Block Plan, scale 1:200, received 3rd November 2020; Proposed Ground Floor Block Plan, scale 1:200, received 3rd November 2020;</p>

	<p>Proposed First Floor Block Plan, scale 1:200, received 3rd November 2020; Design and Access Statement, received 2nd December 2020.</p> <p>Reason</p> <p>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.</p>
3.	<p>The carriageway and footways must be designed, constructed, drained and lit 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 be commenced until a full specification has been approved. Any works so approved must be constructed before the development is complete.</p> <p>Reason</p> <p>To ensure a minimum standard of construction in the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.</p>
4.	<p>The use of the facility must not be commenced until the access and parking requirements have been constructed in accordance with the approved plan. Any such access and or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority.</p> <p>Reason</p> <p>To ensure a minimum standard of access provision when the development is brought into use and in accordance with Policy DM22 of the Copeland Local Plan.</p>
5.	<p>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 the development being brought into use. Any approved works must be implemented prior to the development being completed and must be maintained thereafter in accordance with the schedule.</p> <p>Reason</p> <p>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 and in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.</p>

Informative

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

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 a variation of conditions in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Case Officer: Sarah Papaleo

Date : 07/04/2022

Authorising Officer: N.J. Hayhurst

Date : 22/04/2022

Dedicated responses to:- N/A