



**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/22/2295/0B1
2.	Proposed Development:	VARIATION OF CONDITION 2, PLANNING CONDITION 15 AND PLANNING CONDITION 16 OF APPLICATION REF. 4/13/2148/0F1 – THE REUSE OF PREVIOUSLY DEVELOPED SITE FOR HOLIDAY DEVELOPMENT COMPRISING 19 HOLIDAY UNITS, A LEISURE FACILITY, MANAGER ACCOMMODATION, FORMATION OF ACCESSWAY, A BRIDGE OVER DUB BECK & WILDLIFE HABITAT PLAN. PROPOSED AMENDMENT OF SPECIFICATION OF WINDOWS FROM TIMBER TO ALUMINIUM AND AMENDMENT OF PROPOSED ROOF SLATE FINISH
3.	Location:	WEDDICAR HALL, CLEATOR MOOR
4.	Parish:	Arlecdon and Frizington, Weddicar
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Development Referral Area - Data Subject to Change, Coal - Standing Advice - Data Subject To Change, Key Species - Bounds of Sensitive Area for Hen Harriers, Preferred Route Corridor - Within Preferred Route Corridor
6.	Publicity Representations &Policy	See report.
7.	Report:	<p>Site and Location:</p> <p>The Application Site comprises an area of land extending to 2.4ha located to the north of the Frizington to Whitehaven road between Rheda Park and Whelpside.</p> <p>The Application Site comprises a group of partially demolished buildings and the footprint of former buildings.</p> <p>The Application Site is accessed from the Frizington to Whitehaven road.</p>

The Application Site has a long history of industrial activity, with the surrounding land forming part of the Keekle Opencast site in the 1980's. Following completion of mining, the land was restored to open fields, woodland and grazing land.

Relevant Planning Application History:

4/10/2066/0F1 - The reuse of previously developed site for a holiday development comprising 19 holiday units, a leisure facility, managers accommodation... – Approved subject to planning conditions.

4/13/2148/0F1 - Application for new planning permission to replace an extant permission (4/10/2066/0f1 - holiday development)... – Approved subject to planning conditions.

Proposal:

This application seeks the variation of Planning Condition 2, Planning Condition 15 and Planning Condition 16 of Application Ref. 4/13/2148/0F1.

The proposed variations seek:

- Amendments of the specification of windows from timber to aluminium framed windows - Proposed Window Specification - Supplier: Alufold Direct Ltd, 13 Philips Road, Whitebirk Ind. Est., Blackburn. BB1 5AQ.
Window Specification: AluFold Direct Slimline Aluminium Window in black. Frame: 58BW ST Slimline window outer: AW544r2-5/9005M 190mm Deep Nose Cill 9005M Jet Black.
- Amendment of the specification of the roof slate and for the proposed slate – Proposed Slate – 'Random green embelton slate'.

Consultee:	Nature of Response:
Parish Council	No consultation response received.
Neighbour Responses:	
The application has been advertised by way of an application site notice and neighbour notification letters sent to 1no. neighbouring property	
Representations in objection have been received from one party.	
The material planning issues raised comprise the following:	
It is unclear exactly what is being applied for as part of this planning application.	

This area has insufficient highways infrastructure and highway capacity. The area is rural and cannot take the additional traffic generated by a holiday park.

The completed development is already highly visible at some distance and appears prominent in an otherwise green rural area, spoiling the local views.

A holiday park will ruin the green area and views of pastoral land.

Existing residents are unable to walk the highways due to traffic speeds. There have been numerous near misses on the junction with Cleator Moor Road.

Development Plan policies:

Copeland Local Plan 2013-2028 (Adopted December 2013):

Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Policy ENV4 – Heritage Assets

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards for New Residential Developments

Policy DM27 – Built Heritage and Archaeology

Emerging Copeland Local Plan (ELP).

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been submitted for examination by the Planning Inspector.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) 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 NPPF.

Policy DS1PU - Presumption in favour of Sustainable Development
Policy DS2PU - Reducing the impacts of development on Climate Change
Policy DS6PU - Design and Development Standards

Other Material Planning Considerations

National Planning Policy Framework (NPPF).
Planning Practice Guidance (PPG).
National Design Guide (NDG).
Cumbria Development Design Guide (CDDG).

Assessment:

Principle

This application seeks the variation of Planning Condition 2, Planning Condition 15 and Planning Condition 16 of Application Ref. 4/13/2148/0F1.

The construction of the development approved under Application Ref. 4/13/2148/0F1 is currently underway.

The electronic planning application information held in relation to Application Ref. 4/10/2066/0F1 does not include correspondence confirming approval of all of the relevant pre-commencement planning conditions prior to the expiry of the planning permission on the 28th April 2013.

Application Ref. 4/13/2148/0F1 was submitted and approved in 2013 for the extension of the time limit for the implementation of Application Ref. 4/10/2066/0F1.

The electronic planning application information held in relation to Application Ref. 4/13/2148/0F1 does not include correspondence confirming approval of all of the relevant pre-commencement planning conditions or correspondence confirming a lawful commencement of the development. I can locate correspondence relating to the approval of Planning Conditions 14, 16, 18, 22 and 25 only.

It is my understanding that further physical correspondence is held in relation to this development; however, it has not been possible to review this information.

Notwithstanding the above, the Planning Panel Report prepared by Officers in relation to Application Ref. 4/18/2403/001 states the following:

“Planning permission was previously approved in 2010 for the redevelopment of the site to form a holiday complex comprising 19 holiday lodges, a leisure facility and associated management accommodation. Access was also agreed as part of this application (application 4/10/2066/0F1

refers). This permission was subsequently renewed in 2013 (application 4/13/2148/OF1). The pre commencement conditions attached to this permission were subsequently discharged and a section of the new access was constructed. These works were deemed to comprise a start and as such this permission remains extant.”

On the basis of the above, it must reasonably be concluded on balance of probability that Application Ref. 4/13/2148/OF1 remains an extant planning permission.

Design

The proposed whilst not comprising timber, incorporate slimline frames comparable with timber windows.

The design of the proposed windows are appropriate to the design of the proposed development.

The windows by virtue of the design/construction allow the achievement of higher environmental standards.

The proposed roof covering comprising random green slate are appropriate to the design of the proposed development and character of the wider locality.

Planning Conditions

The approval of a planning application under the provisions of Section 73 has the effect of creating a new planning permission that sits alongside the original planning permission.

It is therefore necessary to reconcile and update the relevant planning conditions imposed on Application Ref. 4/13/2148/OF1 to reflect the subsequently approved details etc..

Planning Condition	Proposed Revision/Amendment
1.	Remove as development has commenced.
2.	Amend to reflect revised material specifications.
3.	Retain.
4.	Retain.
5.	Retain.
6.	Retain.
7.	Retain.
8.	Remove – Requirements have been met.
9.	Remove – Requirements have been met.
10.	Remove – Requirements have been met.
11.	Reference completion in accordance with

		<p>approved details:</p> <p>WEDDICAR HALL, CLEATOR MOOR. PHASE 2: SITE INVESTIGATION & GAS MONITORING REPORT CORBRUND DEVELOPMENTS LIMITED JUNE 2012</p> <p>ADDENDUM TO CEGS PHASE 1 DESK STUDY, REVA APRIL 2011 & SITE INVESTIGATION & GAS MONITORING REPORT, REVO JUNE 2012</p>	
	12.	Remove – Requirements secured via Planning Condition 11.	
	13.	<p>Reference approved details in Planning Condition 2.</p> <p>Schematic Drainage Proposals – Drawing No. 07 106-28C</p> <p>Secure completion/operation before the development is brought into use and maintenance for the lifetime of the development.</p>	
	14.	<p>Reference approved details in Planning Condition 2.</p> <p>Materials Details/Samples approved 5th July 2016</p> <p>Amend to state that development shall be carried out in accordance with the approved external finishes and so maintained thereafter.</p>	
	15.	Remove. No longer applicable.	
	16.	<p>Remove planning condition.</p> <p>Reference revised details in Planning Condition 2.</p>	
	17.	<p>Reference approved details in Planning Condition 2.</p> <p>Approved Unit 6 to be accessible. 6 Bed House Type – Units 6&7 Floor Plans &</p>	

		Elevations – Drawing No. 07106-20A Site Layout – Drawing No. 07106-01D
18.		Remove planning condition. Reference approved details in Planning Condition 2. Drawing No. CDL-001_001 Drawing No. CDL-001_002 Controlled through Planning Condition 13.
19.		Remove planning condition. Reference approved details in Planning Condition 2. Pavement Construction Details – Drawing No. CDG746/Am.0 Site Plans – South Section 1:750
20.		Reference approved details in Planning Condition 2. Outline Construction Method Statement For Proposed Access Road Bridge To Weddicar Hall Housing Development At Weddicar Hall NR Frizington Cumbria – Ref. WDS/05/1217/RP01 ModA General Arrangement – Drawing No. WDS/05/1217/100 Bridge Deck Details – Drawing No. WDS/05/1217/101 Abutment/Foundation No.1 Details – Drawing No. WDS/05/1217/102 Abutment/Foundation No.2 Details – Drawing No. WDS/05/1217/103 Site Plan – Drawing No. 07106-00 C
21.		Retain.
22.		Retain. Amend to remove the pre-commencement requirement.
23.		Retain. Amend to require implementation in accordance with approved scheme.

	24.	Amend to reference approved details in Planning Condition 2.
		Amend to require implementation for construction period.
	25.	Retain. Amend to require implementation in accordance with approved scheme.
<p><i>The Planning Balance</i></p> <p>The principle of the development has previously been established.</p> <p>The proposed amendments are appropriate to the development and wider locality.</p> <p>The development accords with the development plan.</p>		
8.	<p>Recommendation:</p> <p>Approve amendment of condition</p>	
9.	<p>Conditions:</p> <p>1. -</p> <p>2. 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><i>Approved Details – Application Ref. 4/13/2148/0F1</i></p> <ul style="list-style-type: none"> - Site plan reference 07106-00C scale 1:750 received on 02 February 2010 - Site layout plan reference 07106-01D, scale 1:500, received on 11 March 2010 - Farmhouse and leisure elevations 1, reference 07106-03F, scale 1:150, received on 02 February 2010 - Farmhouse and leisure floor plans, reference 07106-02G, scale 1:100, received on 11 March 2010 - Dairy Option 1 floor plans, reference 07106-05F, scale 1:100, received on 02 February 2010 - Former Mill building ground floor and first floor plans, reference 07106-08C, scale 1:100, received on 02 February 2010 - 6 Bed house type floor plans and elevation, reference 07106-20B, scale 1:100, received on 02 February 2010 - Site sections, reference 07106-21A, scale 1:200, received on 02 February 2010 - Units 2, 3, 4 and 5 plans and elevations, reference 07106-23C, received on 11 March 2010 - Units 8, 9, 10, and 11 plans and elevations, reference 07106-24B, scale 1:100, received on 02 	

February 2010

- Units 12, 13, 14, 15, 16 and 17 plans and elevations, reference 07106-25B, scale 1:100, received on 02 February 2010
- Location Plan, reference 07106-26B, scale 1:2500, received on 02 February 2010
- Barn Owl nesting box detail, reference 07106-27A, received on 02 February 2010
- Schematic drainage proposals, reference 07106-28C, received on 02 February 2010
- Landscaping drawing proposed, reference 01, scale 1:250, received on 02 February 2010 as amended by the letters from Margaret Hardy of Taylor Hardy Ltd, reference MEH/J/C07/216, dated 19th and 22nd April 2010
- Landscaping drawing proposed mitigation, reference 02, scale 1:250, received on 02 February 2010
- Statement in support prepared by Taylor and Hardy Limited, received on 02 February 2010
- Archaeological desk based assessment and archaeological building survey prepared by Gerry Martin Associates Ltd, received on 02 February 2010
- General habitat, wildlife and European protected species scoping survey report prepared by Open Space, received on 02 February 2010
- Bat survey prepared by Open Space, received on 02 February 2010
- Barn Owl presence/absence survey prepared by Open Space, received on 02 February 2010
- Presence/absence survey for great crested newts prepared by Open Space, received on 02 February 2010
- Reptile presence/absence survey, prepared by Open Space, received on 02 February 2010
- Tree and hedge survey report prepared by Open Space, received on 02 February 2010
- Freshwater pearl mussel letter dated 28 July from Open Space to Mr P. Cartmell
- Habitat and species management proposals report prepared by Open Spaces, received on 02 February 2010
- Design and access statement prepared by Architects Plus, received on 02 February 2010
- Flood risk assessment prepared by Mr G. Noonan, received on 02 February 2010
- Tourism viability and sustainability report prepared by IH Solutions, received on 02 February 2010
- Letter received from Margaret Hardy of Taylor Hardy Ltd, reference MEH/J/C07/216, dated 19th April 2010 relating to disability issues

Approved Details Planning Conditions 11 and 12 – Application Ref. 4/13/2148/0F1

- WEDDICAR HALL, CLEATOR MOOR. PHASE 2: SITE INVESTIGATION & GAS MONITORING REPORT

CORBRUND DEVELOPMENTS LIMITED JUNE 2012

- ADDENDUM TO CEGS PHASE 1 DESK STUDY, REVA APRIL 2011 & SITE INVESTIGATION & GAS MONITORING REPORT, REVO JUNE 2012

Approved Details Planning Conditions 13 – Application Ref. 4/13/2148/0F1

- Schematic Drainage Proposals – Drawing No. 07 106-28C

Approved Details Planning Conditions 14 – Application Ref. 4/13/2148/OF1

- Materials Details/Samples approved 5th July 2016

Approved Details Planning Conditions 17 – Application Ref. 4/13/2148/OF1

- Approved Unit 6 to be accessible.
- 6 Bed House Type – Units 6&7 Floor Plans & Elevations – Drawing No. 07106-20A
- Site Layout – Drawing No. 07106-01D

Approved Details Planning Conditions 18 – Application Ref. 4/13/2148/OF1

- Drawing No. CDL-001_001
- Drawing No. CDL-001_002

Approved Details Planning Conditions 19 – Application Ref. 4/13/2148/OF1

- Pavement Construction Details – Drawing No. CDG746/Am.0
- Site Plans – South Section 1:750

Approved Details Planning Conditions 20 – Application Ref. 4/13/2148/OF1

- Outline Construction Method Statement For Proposed Access Road Bridge To Weddicar Hall Housing Development At Weddicar Hall NR Frizington Cumbria – Ref. WDS/05/1217/RP01 ModA
- General Arrangement – Drawing No. WDS/05/1217/100
- Bridge Deck Details – Drawing No. WDS/05/1217/101
- Abutment/Foundation No.1 Details – Drawing No. WDS/05/1217/102
- Abutment/Foundation No.2 Details – Drawing No. WDS/05/1217/103
- Site Plan – Drawing No. 07106-00 C

Approved Details Planning Conditions 23 – Application Ref. 4/13/2148/OF1

- Open Space Letter dated 13th August 2013

Approved Details Planning Conditions 24 – Application Ref. 4/13/2148/OF1

- Tree and hedge survey report prepared by Open Space, received on 02 February 2010

Approved Details Planning Conditions 25 – Application Ref. 4/13/2148/OF1

- Open Space Letter dated 13th August 2013

Section 73 Planning Application

- Application Form received 5th September 2022
- Site Layout – Drawing No. 07106-01D received 13th July 2022
- Window Specification received 13th July 2022 - Supplier: Alufold Direct Ltd, 13 Philips Road, Whitebirk Ind. Est., Blackburn. BB1 5AQ.
Window Specification: AluFold Direct Slimline Aluminium Window in black. Frame: 58BW ST Slimline window outer: AW544r2-5/9005M 190mm Deep Nose Cill 9005M Jet Black.

- Proposed Slate received 13th July 2022 - Random green embelton slate

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.

3. The premises shall be used for holiday let accommodation and for no other purpose (including any other purpose in Class C of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason

The site is not considered appropriate for permanent residential use.

4. The premises shall not be used at any time as sole and principal residences by any occupants with the exception of the managers accommodation hereby approved.

Reason

The site is not considered appropriate for permanent residential use.

5. The premises shall not be used as a second home by any person.

Reason

The site is not considered appropriate for permanent residential use.

6. The owners/operators shall maintain an up-to-date register of the names of all the owners/occupiers of individual holiday units on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason

The site is not considered appropriate for permanent residential use.

7. The occupation of the managers accommodation hereby approved shall be limited to a person solely or mainly employed at the holiday development. It shall not be occupied, sold or let as a separate dwelling unconnected with the holiday development.

Reason

An independent dwelling would be inappropriate in this location.

8. -

9. -

10. -

11. The development hereby approved shall be completed in accordance with the provisions of WEDDICAR HALL, CLEATOR MOOR. PHASE 2: SITE INVESTIGATION & GAS MONITORING REPORT CORBRUND DEVELOPMENTS LIMITED JUNE 2012 and ADDENDUM TO CEGS PHASE 1 DESK STUDY, REVA APRIL 2011 & SITE INVESTIGATION & GAS MONITORING REPORT, REVO JUNE 2012.

Reason

To protect controlled water and to ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health.

12. -

13. The approved scheme of foul and surface water drainage shall be made operational before the development is brought into use and shall be so maintained thereafter for the lifetime of the development.

Reason

To ensure the provision of a satisfactory drainage scheme.

14. Development shall be carried out in accordance with the approved external finishes and so maintained thereafter.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

15. -

16. -

17. -

18. -

19. -

20. No holiday units hereby approved shall be occupied until the new bridge crossing Dub Beck hereby approved has been constructed and made operational.

Reason

For the avoidance of doubt and in the interests of highway safety.

21. There shall be no vehicular access to or egress from the site other than via the approved access.

Reason

To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety.

22. The development shall not commence until visibility splays providing clear visibility of 215

	<p>metres x 2.4 metres measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstructs the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.</p> <p>Reason</p> <p>To ensure provision of adequate visibility splays in the interests of highway safety.</p>
23.	<p>The mitigation and planting measures detailed in Tree and Hedgerow Survey Report, prepared by Openspace, received on 02 February 2010 shall be completed in accordance with the approved scheme of implementation.</p> <p>Reason</p> <p>To ensure a satisfactory landscaping scheme.</p>
24.	<p>The approved protection measures for the retained trees and hedgerows, including the erection of fencing and the installation of weight bearing root barrier membranes and appropriate ventilation / irrigation systems shall be installed and maintained for the duration of the construction of the development.</p> <p>Reason</p> <p>To adequately protect the existing trees and hedgerows on site which are considered worthy of retention in the interests of visual amenity.</p>
25.	<p>The mitigation and compensation measures set out in the Habitat and Species Management Proposals Report, prepared by Openspace, received on 02 February 2010, and submitted as part of the planning application shall be implemented in accordance with the approved scheme of implementation.</p> <p>Reason</p>

To protect the ecological interests evident on the site.

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.

Case Officer: Chris Harrison

Date : 21.10.2022

Authorising Officer: N.J. Hayhurst

Date : 21/10/2022

Dedicated responses to:- N/A