

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2307/DOC
2.	Proposed Development:	DISCHARGE OF CONDITIONS 3 AND 5 OF PLANNING APPLICATION 4/21/2128/0F1
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: NO 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 former vacant care home known as Dentholme, situated on Craggs Road in Cleator Moor. Planning permission was granted in November 2020 for the change of use of the former care home to a hotel.</p> <p>Planning permission was approved in May 2021 for the first floor extension to the existing building and single storey outbuilding to create a guest spa (application reference 4/21/2128/0F1 relates).</p>	

Proposal:

This application seeks the discharge of condition 3 and 5 of planning permission reference 4/21/2128/0F1.

The details of conditions 3 and 5 are 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.

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.

This application is accompanied with the following information:

- Application Form
- Site Plan
- Drainage Layout
- Rainwater Assessment
- Grid Specifications
- Solar Light Bollard Specifications



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- Spiked Flood Light Specifications
- LED Outdoor Wall Light Specifications
- Recessed Lighting Specifications
- Car Park SUDS Maintenance Schedule
- Drain Survey Site Plan
- Car Park Sections

Consultation responses:

Consultee:	Nature of Response:
Cleator Moor Town Council	No objections
Cumbria Highways and Local Lead Flood Authority	<p><u>1st Response</u></p> <p>Condition 3 –</p> <p>The LHA welcome the information submitted to the Local Planning Authority (LPA) but still require information regarding carriageway construction and longitudinal/cross sections before the condition can be discharged.</p> <p>Condition 5 -</p> <p>The LLFA welcome the information submitted in support of this application, but have the following points that needs addressed before a response can be submitted.</p> <ul style="list-style-type: none">• Within the Drainage design plans (drawing number 0010121-20 and 0010121-21) can the applicant confirm that the road gullies are to be positioned in the centre of the proposed development carriageway ? if correct the LHA and LLFA would have concerns with this approach as any blockage within a gully could create an impassable flood within the development carriageway, the LHA and LLFA would like to see the road gullies on either side of the development carriageway along the kerb edge.• The Drainage design plans (drawing number 0010121-20 and 0010121-21) doesn't show how the roof down pipes

		<p>connect to surface water system. The LLFA would require this detail at this time.</p> <p><u>2nd Response</u></p> <p>Condition 3 -</p> <p>The LHA and LLFA welcome the additional supporting evidence submitted to the local planning authority in February 2024, we are content that the point raised on the previous response has now been addressed, therefore condition 3 can be discharged.</p> <p>Condition 5 -</p> <p>The LHA and LLFA welcome the additional supporting evidence submitted to the local planning authority in February 2024, we are content that the point raised on the previous response has now been addressed, therefore condition 5 can be discharged.</p>
	United Utilities	No response received.
Neighbour Responses:		
No responses have been received.		
<p>Development plan policies:</p> <p>Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.</p> <p>Development Plan</p> <p>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.</p> <p>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.</p> <p>The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.</p> <p>The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.</p>		



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

Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Policy ENV1 – Flood Risk and Risk Management

Development Management Policies (DMP):

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Emerging Copeland Local Plan (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and will close on the 28th March 2024.

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 advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

The policies relevant to this application are:

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS8PU: Reducing Flood Risk

Policy DS9PU: Sustainable Drainage

Policy DS10PU: Soils, Contamination and Land Stability

Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

	<p>Other Material Planning Considerations</p> <p>National Planning Policy Framework 2023 (NPPF)</p> <p>Cumbria Development Design Guide</p> <p>Assessment:</p> <p><u>Condition 3 – Highways construction</u></p> <p>The initial plans submitted did not include longitudinal/cross sections and therefore this information was requested from the Applicant.</p> <p>Details of the road layout, entrance gates and lighting were considered by the Highways Team and were deemed to be acceptable with it unlikely that there will be a negative effect on the surrounding highway network, flooding on or off site or amenity issues for the neighbouring properties.</p> <p><u>Condition 5 – Drainage</u></p> <p>Full details of the drainage have been submitted including a plan and maintenance schedule for the proposed SUDS – in accordance with the drainage hierarchy. Calculations show that the use of permeable driveways and a water butt and swale system, connecting to the combined sewer at a restricted rate of discharge are to be utilised. The scheme has been designed in accordance with the requirements of United Utilities.</p> <p>The information has been fully assessed by the Local Lead Flood Authority and no objections have been received with respect to the schemes. It is therefore considered that condition 5 can be discharged.</p> <p><u>Conclusion</u></p> <p>Overall, the information submitted is considered to be acceptable and sufficient to satisfy conditions 3 and 5 of planning permission 4/21/2128/0F1 and therefore these conditions can be formally discharged.</p>	
8.	<p>Recommendation:</p> <p>Approve</p>	
Case Officer: Sarah Papaleo		Date : 22/03/2024
Authorising Officer: N.J. Hayhurst		Date : 25/03/2024
Dedicated responses to:- N/A		