

**CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/23/2334/0B1
2.	Proposed Development:	AMENDMENT OF CONDITION 4 (DETAILS OF DRAINAGE) OF PLANNING APPLICATION 4/17/2385/0F1 REPLACEMENT OF EXISTING WINDOWS & CREATION OF EXTENSION TO CAR PARK
3.	Location:	KEEKLE VILLAGE HALL, KEEKLE TERRACE, CLEATOR MOOR
4.	Parish:	Weddicar
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:	This application relates to the Keekle Village Hall situated on Keekle Terrace, near Cleator Moor. Planning Permission was approved in December 2017 for the replacement of the existing windows and creation of an extension to the car park (application reference 4/17/2385/0F1 relates). Proposal: A Planning Condition imposed on application ref. 4/17/2385/0F1 states the following:

4. Details of all measures to be taken by the applicant to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason

In the interests of highway safety and environmental management

The original planning permission is extant as works commenced on the development within the 3 years specified. This application seeks to vary the details of this condition.

The following information has been submitted:

- Application Form;
- Supporting window information;
- Car park drainage plan;
- Photographs of drainage.

Consultation responses:

Consultee:	Nature of Response:
Weddicar Parish Council	No response received
Local Lead Flood Authority and Highways	<p><u>1st response</u></p> <p>LLFA response:</p> <p>In terms of surface water drainage, this application is below the threshold of what our authority would determine as it falls to Building Control. It is, however, noted that there are no plans that have been submitted to show the surface water management that the applicant will administer within the site. If installing soakaways we would advise not to be positioned in close proximity to the highway – which should be at least 5m away from the highway and property.</p> <p>Details of a drainage channel (ACO DRAIN) needs to be installed at the gate to stop surface water runoff onto the highway.</p> <p>Upon receipt of this plan we will be better placed to look at</p>



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discharging condition 4.

2nd response

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below.

Condition 4 - Having reviewed the supplied car park drainage plan and other documents the above conditions can be discharged.

Neighbour Responses:

No responses have been received.

Development plan policies:

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

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.

Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Policy ENV1 – Flood Risk and Risk Management

Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place

Policy DM24 – Development Proposals and Flood Risk

Emerging Copeland Local Plan (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

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.

The policies relevant to this application are:

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Policy DS6PU: Design and Development Standards

Strategic Policy DS8PU: Reducing Flood Risk

Policy DS9PU: Sustainable Drainage

Other Material Planning Considerations

National Planning Policy Framework 2023 (NPPF)

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.

Assessment:

Condition 4 – Drainage

Plans were received to show an ACO drain across the access to the car park, fronting the road, the existing drains to the east of the site, drainage channels to the north and west of the



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	<p>car park and the car park finish which is to be gravel for permeability. The LLFA were satisfied with this information and concluded that condition 4 has been suitably addressed.</p> <p>As the replacement windows have been undertaken prior to the discharge of this condition, the condition requires variation so that it does not require approval prior to the commencement of development. The condition can be varied to ensure compliance with the approved information.</p> <p><u>The Planning Balance and Conclusion</u></p> <p>All other aspects of the application will remain the same. The conditions attached to the original permission should be carried over and amended as set out above to ensure that any outstanding issues are considered, and the development is carried out to an acceptable standard.</p> <p>The drainage details submitted are acceptable.</p> <p>Overall this is considered to be an acceptable form of development which accords with the guidance set out in the NPPG and the policies within the adopted and emerging Local Plans.</p>
8.	<p>Recommendation:</p> <p>Approve</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none">1. -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: - Site Location Plan, scale 1:1250, Title Number CU256384, received 6th November 2017; Works Plan, received 6th November 2017; Window Sizes, received 6th November 2017; Window Profiles, Section 1.1, received 6th November 2017; Window Profiles, Section 1.2, received 6th November 2017; Photographs 1-8, received 6th November 2017; Application form, received 3rd October 2023; Car Park Drainage Plan, received 31st October 2023; Surface Water Drain photograph, received 31st October 2023; External Surface Water Drain photograph, received 31st October 2023; Entrance to Car Park photograph, received 31st October 2023. <p>Reason</p> <p>To conform with the requirement of Section 91 of the Town and Country Planning Act</p>

1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. New ground floor windows and doors abutting the highway shall be of a type which cannot open outwards onto the highway and shall be retained as such thereafter.

Reason

To minimise possible danger to other highway users.

4. Prior to the first use of the car park hereby approved, drainage must be undertaken in accordance with the Car Park Drainage Plan, received 31st October 2023. The approved drainage shall be retained as such at all times thereafter.

Reason

In the interests of highway safety and environmental management.

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

Case Officer: Sarah Papaleo

Date : 09/01/2024

Authorising Officer: N.J. Hayhurst

Date : 11/01/2024

Dedicated responses to:- N/A



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