



CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2379/0B1
2.	Proposed Development:	VARIATION OF CONDITION 2 (PLANS) TO AMEND APPROVED SITE PLAN TO INCLUDE 1.8M BOUNDARY FENCE & AUTOMATED ENTRANCE GATES OF PLANNING PERMISSION 4/21/2128/0F1 - FIRST FLOOR EXTENSION TO EXISTING HOTEL BUILDING & SINGLE STOREY OUTBUILDING TO CREATE GUEST SPA
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 a parcel of land that fronts onto Cragg Road in Cleator Moor. There are residential dwellings surrounding the site. The site was previously in use as a care home known as Dentholme.</p> <p>Planning permission was granted for the change of use of the vacant residential care home to a hotel (application reference 4/20/2444/0F1 relates). A further application was subsequently approved for the first floor extension to the existing hotel building and erection of a single storey outbuilding to create a guest spa (application reference 4/21/2128/0F1 relates).</p>

Proposal:

A planning condition imposed on application ref. 4/21/2128/0F1 required that the development must be undertaken in accordance with the approved plans. This application seeks to vary this condition for the development to include a 1.8m high boundary fence, automated entrance gates and external lighting.

Consultee:	Nature of Response:
Cleator Moor Town Council	No response received.
Cumbria Highways	Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I can confirm that we have no objection to the proposed variation of condition as it shows within the site plan submitted that the proposed gates will open inwards away from the highway, this will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.
Environmental Health	<p>Further to the above planning application. Environmental Health has no objections to this proposal in principle. It is noted in the submission, however, that examples of external lightning are provided that may cause undue external light glare and spillage from the site to other neighbours. Notwithstanding any statutory requirement for external lighting that the Highways Authority may require of the site, where possible principles of good design should be followed to reduce external light pollution.</p> <p>The Institute of Lighting Professionals Guidance Note GN01/21 for the Reduction of Obtrusive Light 2021 provides useful examples of this.</p> <p>Environmental Health would therefore request that the following condition is imposed on any approval to this planning application:</p> <p>Artificial Light Artificial 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 Lighting Professionals Guidance Note GN01/21 for the Reduction of Obtrusive Light 2021. Reason – In order to safeguard the amenities of adjoining residential occupiers.</p>



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Neighbour Responses:

None 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

Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place

Policy DM26 - Landscaping

Emerging Copeland Local Plan 2021-2038 (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 as follows:

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Policy DS6PU: Design and Development Standards

Policy DS7PU: Hard and Soft Landscaping

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:

This application seeks to vary condition 2 of application reference 4//21/2128/0F1 to allow minor amendments to the overall scheme to include a 1.8m high fence, automated entrance gates and external lighting.

Fencing and entrance gates

Policy DM10 of the CS and DS6PU of the ELP seek to ensure that the design of any development is in keeping with the surrounding areas and any alterations will not negatively affect the street scene.

The fencing is to be 1.8m high, with a flat profile and horizontal wires. It provides security and a clear boundary between private and public areas. The fencing will be set back from the road, leaving some green space adjacent to the pavement to soften the edge.

The gates will be ornamental and include arrowed spikes on the top to prevent climbing. The Highways Officer raised no objections to the proposals as the gates will swing inwards and away from the highway, therefore not creating a negative effect on the existing highway network.



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	<p>The fencing and associated gates are considered to be functional and typical for a site of this nature and should help to deter any anti-social behaviour issues.</p> <p>On the basis that the proposals are modest and serve the development suitably, they are considered to be acceptable and comply with Policies DM26 of the CS and DS7PU of the ELP. The condition should be amended to reflect the updated plans.</p> <p><u>External lighting</u></p> <p>Policy ST1 of the CS and DS6PU of the ELP seek to ensure that external lighting does not create light pollution and will not have a negative effect on any neighbouring properties.</p> <p>Lighting is proposed with a mixture of solar bollards, ground mounted spike lights, outdoor wall lights and recessed inground LEDs. The proposals have been considered by the Council's Environmental Health Officer and no objections have been raised, however, a condition was requested to ensure that any lighting conforms to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E3 contained within the Institute of Lighting Professionals Guidance Note GN01/21 for the Reduction of Obtrusive Light 2021. The inclusion of this planning condition will help to protect the neighbouring properties from any light outpouring from the site.</p> <p><u>Other Planning Conditions</u></p> <p>In accordance with the guidance set out in the NPPG it is relevant to consider the other conditions that were imposed on the original planning permission. This sets out that it may be necessary to amend the wording of some of the conditions to reflect the details that have already been agreed but which require ongoing compliance. These are summarised below:-</p> <p>Condition 1 – time limit – requires the commencement of the development within 3 years of the date of the original decision.</p> <p>Condition 2 – plans – to be amended under this application.</p> <p>Condition 3 – highway construction – currently under consideration (application reference 4/23/2307/DOC relates).</p> <p>Condition 4 – construction of access and parking – requires ongoing compliance.</p> <p>Condition 5 – drainage - currently under consideration (application reference 4/23/2307/DOC relates).</p>
8.	<p>Recommendation:</p> <p>Approve amendment of condition</p>
9.	<p>Conditions:</p> <p>1. -</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: -

Application form, received 12th December 2023;
Site Location Plan, scale 1:1250, received 24th March 2021;
Site Plan, scale 1:200, drawing number SNG-CL-PC-PSP-A1, received 12th December 2023;
Existing Site Plan, scale 1:500, received 24th March 2021;
Proposed Site Plan, scale 1:500, received 24th March 2021;
Existing Elevations, scale 1:100, received 24th March 2021;
Existing Ground Floor Plan, scale 1:200, received 24th March 2021;
Existing First Floor Plan, scale 1:200, received 24th March 2021;
Existing Roof Plan, scale 1:200, received 24th March 2021;
Proposed Elevations, scale 1:100, received 24th March 2021;
Proposed Ground Floor Plan, scale 1:200, received 24th March 2021;
Proposed First Floor Plan, scale 1:200, received 24th March 2021;
Proposed Roof Plan, scale 1:200, received 24th March 2021;
SPA outbuilding courtyard elevations, scale 1:100, received 24th March 2021;
Design and Access Statement, received 24th March 2021.
Euroguard Platform specifications, received 12th December 2023;
Solar Bollard Lighting specifications, received 12th December 2023;
Ground Mount Flood Light Spike specifications, received 12th December 2023;
Forum Coastal Breeze LED Outdoor Wall Light - Anthracite specifications, received 12th December 2023;
Jacksons Fencing Ornamental Swing Gates specifications, received 12th December 2023;
Recessed Inground Luminaire with Adjustable Light Distribution specifications, received 12th December 2023.

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 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.



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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.

6. Artificial 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 Lighting Professionals Guidance Note GN01/21 for

the Reduction of Obtrusive Light 2021.

Reason

In order to safeguard the amenities of adjoining residential occupiers and in accordance with Policy ST1 of the Copeland Local Plan.

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

Case Officer: Sarah Papaleo

Date : 23/02/2024

Authorising Officer: N.J. Hayhurst

Date : 23/02/2024

Dedicated responses to:- N/A