

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2378/DOC	
2.	Proposed Development:	DISCHARGE OF CONDITION 3 OF PLANNING APPLICATION 4/23/2119/0F1	
3.	Location:	DUNNINGWELL, THE GREEN	
4.	Parish:	Millom Without	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Preferred Route Corridor - Within Preferred Route Corridor, PROWs - Public Right of Way	
6.	Publicity Representations &Policy	Neighbour Notification Letter	No
		Site Notice	No
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
	This application relates to Dunningwell Hall, which is located within the small hamlet of Dunningwell situated to the south west of The Green, Millom. The property is a large detached building which is sited within its own extensive private land. The property comprises is accessed from the adjacent unclassified road which runs through the centre of Dunningwell.		
	The application site has extensive tree cover, however only the area to the north of the property is designed as Ancient Woodland.		

Relevant Planning History

4/17/2243/0F1 – Alterations to access – Approved.

4/17/2244/0F1 – Addition of new rear extension for bathrooms, lift tower to rear roof and change of use of existing garage to form new kitchen – Approved.

4/22/2290/0E1 – Certificate of lawful use application to establish the lawful use of Dunningwell Hall for short stay self-catering accommodation – Withdrawn.

4/22/2444/0F1 – Change of use from large country house (C3) to 11 bed short stay self-catering accommodation (C3) – Withdrawn.

4/23/2119/0F1 – Change of use from large country house (C3) to 11-bed short-stay self catering accommodation (sui generis) and associated works including alterations to access, parking & drainage (part retrospective) – Approved.

Proposal

In July 2024, planning permission (ref: 4/23/2119/0F1) was approved for the change of use of this building from a large country house (C3) to an 11-bed short-stay self catering accommodation (sui generis) and associated works including alterations to access, parking & drainage.

This current application seeks to discharge condition 3 attached to planning approval 4/23/2119/0F1. This condition states:

Prior to First Use Conditions:

3. Prior to the first use of the building as tourist accommodation hereby permitted a Noise Management Plan must be submitted to and approved in writing by the Local Planning Authority.

The Noise Management Plan must include undertakings and procedures for:

- (i) The name/s of an (on-site) supervisor/s responsible for the behaviour of guests and for liaison with local residents and this Council;
- (ii) The control and use of outside areas;
- (iii) The control of noise breakout from within the building;
- (iv) Access and egress to and from the property by guests including arrangements for vehicle parking;
- (v) Recording of complaints and response to those complaints;
- (vi) The annual review of the Noise Management Plan and, if necessary, the submission and approval in writing by the Local Planning Authority of any revised Noise Management Plan;

(vii) Any other matters that are reasonably required by the Local Planning Authority. The use must be carried out in accordance with these approved details at all times thereafter.

Reason

To safeguard the amenity of nearby residents and the area generally.

The information submitted to support this application comprises of the following:

- Application form, received by the Local Planning Authority on the 6th November 2024.
- Noise Management Plan, received by the Local Planning Authority on the 6th November 2024.

Consultation Responses

Cumberland Council – Environmental Health

The Noise Management Plan is acceptable and, as such, condition 3 may be discharged.

Planning Policy

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

Development Plan

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.

Copeland Local Plan 2021 - 2039 (LP):

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

Planning approval 4/23/2119/0F1 was determined under the previous Local Plan, however this current discharge of conditions application is being considered under the Copeland Local Plan 2021-2016 as this now forms the development plan.

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Strategic Policy T1: Tourism Development

Policy H13: Conversion and sub-division of buildings to residential uses including large HMOs

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy N6: Landscape Protection

Policy N14: Woodlands, Trees and Hedgerows

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

Other Material Planning Considerations

National Planning Policy Framework (2023)

National Planning Practice Guidance (NPPG)

Cumbria Development Design Guide

The Conservation of Habitats and Species Regulations 2017 (CHSR)

Assessment

The current application seeks to discharge the requirement for the development to provide a Noise Management Plan. The Council's Environmental Health Officer has reviewed the information provided as part of this application and has confirmed that the information submitted is acceptable and has confirmed that the condition can be discharged.



Cumberland Council

	Based on this response the proposed details are considered acceptable for the site. It is therefore confirmed that condition 3 can be discharged.	
8.	Recommendation: Approve discharge of condition 3.	
Case Officer: C. Burns		Date : 26.11.2024
Authorising Officer: N.J. Hayhurst		Date : 04/12/2024
Dedicated responses to:- N/A		