CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION

1.	**Reference No:**	4/26/2289/DOC
2.	**Proposed Development:**	DISCHARGE OF CONDITIONS 10 & 11 OF PLANNING APPROVAL 4/25/2048/0F1
3.	**Location:**	FORMER GROVE COURT HOTEL, CLEATOR
4.	**Parish:**	Cleator Moor
5.	**Constraints:**	ASC Adverts - ASC;Adverts, TPO - TPO, 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 site of the former Grove Court Hotel, situated within Cleator. The site has residential properties to the north and west, a Grade II Listed church to the east and the A5086 leading to Cleator Moor to the south.

Full planning permission was approved in January 2026 for the erection of 6 dwellings (application reference 4/25/2048/0F1 relates).

Proposal

This current application seeks to discharge conditions 10 and 11 and the requirements of

	biodiversity net gain of planning permission 4/25/2048/0F1. The conditions were worded as follows: 10. Within 30 days from the date of the decision, a certificate must be submitted to, and approved in writing by the Local Planning Authority, confirming the agreement of an Offsetting Provider with a registered/approved site to deliver any additional biodiversity units required to supplement those units provided onsite (and set out in the Biodiversity Net Gain Plan), to achieve no less than 10% biodiversity units overall above the baseline with management guaranteed for a minimum of 30 years. Reason In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of Strategic Policy N3 of the Copeland Local Plan 2021-2039, the National Planning Policy Framework and The Environment Act 2021. 11. Within 30 days from the date of the decision a Habitat Management and Monitoring Plan must been submitted to and approved in writing by the local planning authority. The Habitat Management and Monitoring Plan shall include the following: i. A detailed scheme of habitat creation and habitat enhancement works that demonstrate the delivery of a minimum 10% net gain in biodiversity value post development over a minimum period of 30 years. ii. Planned management activities including details of site-wide aims and objectives. iii. Details of the persons and organisation(s) responsible for delivery of the habitat creation and habitat enhancement works. iv. The habitat condition targets that form the basis of what the Habitat Management and Monitoring Plan is setting out to achieve. v. Details of monitoring methods and a monitoring reporting schedule. vi. Details of adaptive management approaches. Reason In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of Strategic Policy N3 of the Copeland Local Plan 2021-2039, the National Planning Policy Framework and The Environment Act 2021.

Biodiversity Net Gain – Applicable

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the local planning authority, and

(b) the local planning authority has approved the plan.

The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan because none of the statutory exemptions or transitional arrangements are considered to apply.

It is acknowledged that a Biodiversity Gain Plan was submitted with the application, and it is proposed to achieve the BNG 10% uplift by purchasing the necessary credits from a registered offsetting provider as set out in the BNG Plan.

Consultation Responses

Council Ecologist

The proof of unit purchase has been received by the council and aligns with the biodiversity metric and the Biodiversity Gain Plan. The HMMP also aligns with the biodiversity metric and the BGP. Therefore, Conditions 10 and 11, and the BNG Informative can 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 Local Plan as commenced by Copeland Borough Council. The Local Plan 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 2001- 2016. The policies that are relevant to this application are: Policy DS5: Hard and Soft Landscaping Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity Strategic Policy N2: Local Nature Recovery Networks Strategic Policy N3: Biodiversity Net Gain **Other Material Planning Considerations** National Planning Policy Framework **Assessment** Condition 10: This condition seeks to discharge the requirement for BNG credits to have been purchased from an Offsetting Provider to achieve no less than 10% biodiversity units overall. Based on the information submitted, the Ecologist has confirmed that the condition can be discharged. It is therefore confirmed that condition 10 can be discharged. Condition 11: This condition seeks to discharge the requirement for the submission of a Habitat Monitoring and Management Plan. Based on the information submitted, the Ecologist has confirmed that the condition can be discharged. It is therefore confirmed that condition 11 can be discharged. The requirements of the Biodiversity Net Gain Plan Informative Comprehensive information was submitted to the Council's Ecologist with further information requested throughout the application process to ensure that the documents were consistent.

Cumberland Council

	It is acknowledged that a Biodiversity Gain Plan was submitted with the application, and it is proposed to achieve the BNG 10% uplift by purchasing the necessary credits from a registered offsetting provider as set out in the BNG Plan. Full details and clarification of the purchase of the BNG credits have been provided. The Ecologist is satisfied with the information provided. <u>Conclusion:</u> Discharge conditions 10 and 11 and the requirements of the Biodiversity Net Gain details of planning approval 4/25/2048/0F1.
8.	**Recommendation:** Approve discharge of conditions

Case Officer: Sarah Papaleo	**Date : 05/11/2026**
Authorising Officer: N.J. Hayhurst	**Date : 09/11/2026**
Dedicated responses to:-	