

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2097/0F1
2.	Proposed Development:	FULL REFURBISHMENT OF VACANT INDUSTRIAL BUILDING TO OFFICES, INCLUDING NEW WINDOWS AND DOORS ALONG WITH ANCILLARY EXTERNAL WORKS TO SERVICE THE BUILDING
3.	Location:	THE FLAXWORKS, MILL BUILDING 1, CLEATOR MILLS, CLEATOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, SSSI - SSSI, Coal - Standing Advice - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM, PROWs - Public Right of Way
6.	Publicity Representations &Policy	See report.
7.	Report: Site and Location: The Application Site comprises part of the former Cleator Mills site in Cleator. The Application Site comprises the only remaining mill building, with the remainder having previously been demolished. A new warehouse has recently been erected on the footprint of the adjacent demolished mill building. The Application Site is located within Flood Zone 2/3. Applicable Planning Application History:	

4/14/2192/0F1 - Conversion of former mill to provide office accommodation (Use Class B1) and cafe/restaurant; closure of existing vehicular access to main street – Approved.

4/22/2364/0F1 - Construction of new warehouse unit with ancillary offices – Approved.

App. Ref. 4/24/2315/0F1 - Partial refurbishment of building to provide new proposed roof and replacement windows – Approved.

Proposal:

This application seeks Full Planning Permission for the full refurbishment of the existing mill building to facilitate the use of the building as office accommodation.

The proposed development includes:

- The installation of new and replacement windows and doors;
- The installation of a replacement roof structure;
- The creation of a raised patio area;
- The installation of services;
- The creation of 67no. car parking spaces (including 4 disabled spaces, 4 electric vehicle spaces and cycle spaces) and,
- The creation of external hard and soft landscaped areas.

It is proposed to dispose of foul water to the public main and surface water via the existing drainage system to the adjacent watercourse.

Consultee:	Nature of Response:
Town Council	No concerns.
Cumberland Council – Highways and LLFA	<i>Response 1</i> The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that we have no objection in principle to the proposed development but would like the following points addressed before a final response can be made. • The proposed pedestrians links to the new development from the existing footways need to show a continuous and safe movement from one to the other at present this is not the case. The proposed new footway should start further north into the existing grassed area roughly to the front of the car on the proposed site plan (drawing number 2413-PL201), at this point there should be a dropped access crossing to allow safe passage from existing to new footway. The first image on the the architectural visualisations document shows roughly what we would

		accept. • Bollards to the rear of the proposed building on Mill street need to have a space between each bollard of 1.5 metres to allow safe passage for cyclists. • The existing footway on Mill Street at the rear of the proposed development needs to connect to the proposed or existing footway within the development site, this is to provide better connectivity for pedestrians and cyclists as most active travel users south of the site will use this access rather than the main access. • The LLFA have no objection to the proposal of using the the existing surface water system already in situ for the disposal of surface water, but would like to see evidence that the system is in good working order and any defects are identified and planned for repair before the proposal can be accepted. (this point could be a condition if needed). <i>Response 2</i> • The existing footway on Mill Street at the rear of the proposed development needs to connect to the proposed or existing footway within the development site, this is to provide better connectivity for pedestrians and cyclists as most active travel users south of the site will use this access rather than the main access. The above point has been addressed to show better connectivity but we as the LHA would not accept the new proposed footway in front of car parking bays 52,53 and 54. the new footway should be either on the the opposite side of the carriageway or reposition car parking spaces 52,53 and 54. Flood & Development Management Parkhouse Building Carlisle CA6 4SJ cumberland.gov.uk • The LLFA have no objection to the proposal of using the the existing surface water system already in situ for the disposal of surface water, but would like to see evidence that the system is in good working order and any defects are identified and planned for repair before the proposal can be accepted. (this point could be a condition if needed) No detail has been provided regarding the above point so it is assumed the above point will be a pre start condition. <i>Response 3</i> The Local Highway Authority and Lead Local Flood Authority have reviewed the additional information submitted in June 2025 and can confirm that we have no objections to the proposal, as the new
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		information has answered all points raised within the previous response, we would however recommend that the following conditions are included in any consent you may grant: <i>Condition 1 :</i> <i>Evidence shall be submitted to the Local Planning Authority of the existing surface water sewer being in good working order from the proposed connection to outfall, any repairs identified shall be repaired prior to the development being occupied. Reason: In the interest of highway safety.</i> <i>Condition 2 : The development shall not be occupied until the access road including Car parks, footways and cycleways to serve such development has been constructed in all respects to base course level and street lighting where it is to form part of the access road has been provided and brought into full operational use. Reason: In the interests of highway safety.</i> <i>Response 4</i> Looking at the plans and the existing surface water network are content with the condition of the existing system. Although the existing is in good condition the location of the interceptor doesn't seem correct. Expected it to be located on the last manhole before the final outfall at the river to catch any polluted materials in the new and existing surface water network before entering the watercourse from the whole development site not just the new. <i>Response 5</i> The updated drawings have addressed the previous LLFA concerns.
	Environment Agency	<i>Response 1</i> We note the application was registered 21 March 2025. You will be aware the Environment Agency is releasing new flood risk datasets, including updated Flood Zones, on Flood Map for Planning on 25 March 2025. To help LPAs and LLFAs transition to the new data, we committed to releasing the updated Flood Zones to them early. We released the data on 11 March 2025. Area Environment Agency teams providing statutory planning consultation advice started using the updated Flood Zones in their advice from 11 March 2025. Any screening you undertake on planning

		application and any advice we now provide should not be based on the old Flood Zones. The application is accompanied by a Drainage Report, produced by Kingmoor Consulting Ltd (referenced: 24-275r001B; dated: August 2024), which includes a Chapter titled 'Flood Risk Assessment' (FRA), on pages 3 and 4. However, this chapter refers to an FRA undertaken for another planning application on site, stating:- 'A detailed flood risk assessment has been conducted on the overall site and presented as part of planning application reference 4/22/2364/0F1. The report produced by UNDA indicates that the existing property is in a Flood Zone 2 location.' We do not consider this a satisfactory Flood Risk Assessment. Furthermore, the chapter refers to information that is now incorrect and obsolete. You should be aware that Flood Zones have been updated in the study area and the representation of flood risk, as referred to in the FRA and in the Drainage Report submitted, is now out of date and there has been some expansion of Flood Zone 3, particularly within the red line boundary. Therefore, the comments made in the FRA underestimates the modelled extent of fluvial flood risk. Environment Agency position Objection In the absence of a flood risk assessment (FRA), we object to this application and recommend that planning permission is refused. Reasons The application site lies within Flood Zones 2 and 3, which is land defined by the planning practice guidance as having a high to medium probability of flooding. The National Planning Policy Framework (paragraph 181, footnote 63) states that an FRA must be submitted when development is proposed in such locations. An FRA is vital to making informed planning decisions. In its absence, the flood risks posed by the development flood are unknown. This is sufficient reason for refusing planning permission. Overcoming our objection To overcome our objection, the applicant should submit an FRA which demonstrates that the development is safe without increasing risk elsewhere. Where possible, it should reduce flood risk overall.
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Response 2

In our previous response referenced NO/2025/116686/01-L01 and dated 8 April 2025, we objected to the above application due to the absence of a Flood Risk Assessment (FRA).

The application is now accompanied by an FRA prepared by Kingmoor Consulting (referenced: 25-175r001B; dated: May 2025).

Environment Agency position

We wish to withdraw our objection, however we wish to make the following comments, and request that the conditions stated below are included within any subsequent planning approvals:-

Flood Risk

We have reviewed the FRA in so far as it relates to our remit and we are satisfied that a conservative approach has been applied and the recommended finished floor levels of 60.970m AOD for development would make it be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented.

The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified as it will form part of any subsequent planning approval.

Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA.

Any remaining concerns we have are related to the lack of existing and proposed external works levels submitted with the application, and we would request the following condition be included on any planning approval to address concerns about ground raising and changes to flood routing in the flood risk areas.

Condition

The development hereby permitted must not be commenced until such time as a scheme to ensure no raising of ground levels has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason(s)

		To ensure that there are no detrimental impacts to flood storage or flood flow routes Additional comments – Climate change allowances The table and reference to peak river flow climate change allowances in the FRA is incorrect. The correct peak river flow climate change allowance is the 30% Central Allowance for the South West Lakes Management Catchment peak river flow allowances as per the guidance and the peak river flow maps. https://environment.data.gov.uk/hydrology/climate-change-allowances/river-flow Environmental permit - advice to applicant The River Ehen is a designated Statutory Main River. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place: • on or within 8 metres of a main river (16 metres if tidal) • on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal) • on or within 16 metres of a sea defence • involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert • in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission For further guidance please visit https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity. Advice to LPA - Flood warning and emergency response The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. The Planning Practice Guidance to the National Planning Policy Framework states that those proposing developments should take advice from the emergency services when producing an
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		evacuation plan for the development as part of the flood risk assessment. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your Emergency Planners and the Emergency Services to determine whether the proposals are safe in accordance with the guiding principles of the Planning Practice Guidance (PPG). We have considered the findings of the FRA in relation to the likely duration, depths, velocities and flood hazard rating against the design flood event for the development proposals. We agree that this indicates that there will be a danger to some people. This risk may increase on access routes in and out of the site and closer to the source of flooding, which may be the overtopping of defences from upstream, in combination with exceedance flows from the ordinary watercourse. This does not mean we consider that the access is safe, or the proposals acceptable in this regard. We remind you to consult with your Emergency Planners and the Emergency Services to confirm the adequacy of the evacuation proposals. Advice to LPA/applicant The Environment Agency is in the process of publishing new national flood and coastal erosion risk datasets. Some datasets have already been published with additional flood risk datasets, including updated Flood Zones and new climate change scenarios, due to be published on Flood Map for Planning on 25 March 2025. In due course we expect to make further datasets available, including flood depth information for rivers, sea and surface water. More information about our new data can be found in this Defra Data Services Platform announcement. Our planning advice will continue to be based on the best information available at the time. Further information is available on the Town and Country Planning Association website – New national flood and coastal erosion risk information. Contaminated Land We have reviewed the document titled ‘Phase 1 Desk Study Report’, prepared by Geo Environmental Engineering (referenced: 2023-5775; dated: 26.05.2023). The report references previous ground investigation and likelihood of contamination. The recommendation for further ground investigation to assess the nature of potential soluble contaminants in
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		made ground within the conclusions of this report is supported. Development of the car park and areas surrounding the existing concrete slab of the former textiles mill presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is adjacent to a high quality watercourse of the River Ehen and overlies a secondary A aquifer. The application's desk study demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority. In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 189 of the National Planning Policy Framework. Without this condition we would object to the proposal in line with paragraph 180 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution. Condition No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components: 1. A site investigation scheme, based on the desk study to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site. 2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term
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		monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved. Reason To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 180 of the National Planning Policy Framework. <i>Response 3</i> In our most recent response, referenced NO/2025/116686/02-L01 and dated 28 May 2025, we had no objections to the proposed development, subject to the inclusion of conditions to be included within any subsequent planning approval. These conditions related to flood risk and contaminated land. We have now received and reviewed the following additional supporting information in relation to our requested contaminated land condition: - 'Phase 1: Desk Top Study Report', prepared by Geo Environmental Engineering (referenced: 2025-6836; dated: 18.06.25) - 'Phase 2: Ground Investigation Report', prepared by Geo Environmental Engineering (referenced: 2025-6836; dated: 19.06.2025) Environment Agency position Contaminated Land In light of the additional supporting information provided (referenced above), we wish to withdraw our previously recommended contaminated land condition, and would offer the following comments:- The ground investigation report has been reviewed in association with the desk top study. Results for trial pits 1 and 2 suggest organic contaminants in soils are not potentially leachable and so do not give cause for concern to impact on water quality. In trial pit 3, the leachate tests for aliphatics highlight the soluble nature of this fraction of hydrocarbons in soils. However, the total concentrations of soils are not comparable to carbon range C5-6. This may be due to the higher limits of detection of testing for total soils and the use of a different soil sample used in the analysis.	
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		Test detection limits should always be calibrated with relevance to the target criteria of the contaminant of concern. It is unusual to detect leachable organic substances in soils having relatively low total concentrations. The results of leachate testing, and lack of contaminant source indicate development of this site, which is predominantly hard standing, should not pose an unacceptable risk to the quality of water. As such, our previously recommended condition requesting a remediation strategy is no longer required. Flood Risk Please refer to our previous response referenced NO/2025/116686/02-L01 and dated 28 May 2025. Our previous comments still stand. <i>Response 4</i> Further to our most recent response, referenced NO/2025/116686/03-L02 and dated 16 July 2025, whereby we removed our contaminated land condition, we have now received further information to support the removal of our condition relating to flood risk, which was requested in our letter referenced NO/2025/116686/02-L01 and dated 28 May 2025. We have now received and received the following supporting information: - Drawing titled 'Ground Levels – Existing', prepared by Manning Elliot Partnership (referenced: 2413-PL-300.1; dated: 18/07/2025) - Drawing titled 'Ground Levels – Proposed', prepared by Manning Elliot Partnership (referenced: 2413-PL-300.2; dated: 18/07/2025) Environment Agency position We confirm that the drawings submitted pre-emptively address the condition requirements as requested in our response letter referenced NO/2025/116686/02-L01 and dated 28 May 2025, and as such, the requested condition is not required. Therefore, the conditions relating to both contaminated land and flood risk are no longer required.
	Historic Environment Officer	<i>Response 1</i> The mill building is an important non-designated heritage asset, being the last surviving element of the once monumental Cleator flax mill. The mill was constructed in 1859 in the style of a country house and is

		significant in terms of its architectural interest and its contribution to Cleator's social history. I support the scheme as it will provide a sensitive long-term use to the structure. It will however, have an impact on the historic fabric of the building and so I request that, in the event consent is granted, the existing ruins are recorded prior to any construction work commencing. Recommend that this recording should be in accordance with a 'Photographic Record' as described by Historic England in Understanding Historic Buildings A Guide to Good Recording Practice, 2016. <i>Response 2</i> I confirm that I consider the submitted photographic record report provides an acceptable record of the mill building. I therefore consider that the condition I previously recommended be attached to any forthcoming consent securing the recording of the building is no longer necessary.
	Conservation Officer	<i>Response 1</i> Assessment: • As the building and chimney are non-designated heritage assets, and vulnerable, proposals to conserve them and give them viable new uses is welcomed. • As these assets are not listed and not within a conservation area, impact on their significance should be taken into consideration in the planning decision. • Additionally, relevant policies relating to achieving good standards of design should be considered • It is proposed to reinstate two windows on the north elevation that have historically been converted into door openings through removing material below the cill and clumsily inserting a new lintel below the height of the hood mould. I do not view this historic alteration as an important contributor to the building's significance, so the improvement to its appearance that will be brought by this act of restoration appears beneficial. • On the west elevation, it is proposed to add a large green wall feature. Green walls can be slightly mixed as regards their long-term durability, however, on the assumption that the site is not too windy and suitable drainage can be achieved for the plants, I would view this as enhancing the building's appearance and sense of arrival, and providing a modern element to the character that should complement the overall appearance



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	as a high quality and attractive facility. • The pedestrian doors used on the east elevation appear somewhat domestic to me, however, I appreciate that there is an aim to balance contemporary with historic design here, which seems appropriate, and as these openings are on the east end, which will be largely hidden from view, I would not view these as having a harmful effect. • The glazed fan lights above these doors are variable in size, but the example shown on the typical detail drawing shows quite a square pane arrangement. As a suggestion, this could possibly look better with two vertical glazing bars creating a portrait centre pane and two tall, narrow margin lights to either side. • The landscaping appears to be of high quality, with attractive and varied treatments around the building itself, which should engender a sense of arrival and identify which aspect is the main entrance. This should provide a good level of greenery of different heights, breaking up the areas of tarmac, while also serving the need of the building to have sufficient car parking. Summary: • Overall, I would view this as being a beneficial refurbishment of these locally important and vulnerable heritage assets, which should bring a new viable use and secure its future for the coming years. • I would be grateful for comment on whether it is felt desirable to modify the east elevation door fanlights to the glazing bar pattern suggested. • The D&A statement shows brick vaulting internally, in a style typical of 19th century warehouses and factories, and these are a characterful feature. I would appreciate clarification on whether it is intended to retain these as a visible internal surface. <i>Response 2</i> Assessment: • In my previous consultation response, though largely supportive, I requested comment on two design details: east elevation fanlight design, and the treatment of internal brick vaulting. • Updated information has been received, updating the glazing bar pattern of the east elevation fanlights. • I am not able to find clarification on the question relating to the internal brick vaulting, and would be grateful for this. <i>Response 3</i> Assessment:
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		• Updated information has been received, relating (in the case of design) to some small landscaping tweaks and an update to the drawing of windows to reflect the revised east elevation fan light previously commented upon. • I have no objection to these proposed revisions, which can be expected to have neutral or negligible heritage impact. • There is a new photographic record documentation, which provides a fascinating picture of the quality of some of the architecture, including the extent of the brick vaulted ceilings and iron columns supporting them, the attractive rounded brick corners to the window reveals, and chamfered sills below. • I previously requested clarification about the extent to which it is intended to allow the brick vaulting internally to be visible (is it to be covered by dropped ceilings, for example), and have not been able to find information on this detail. o It would be very helpful to know the intent for this (and for the internal wall surfaces around the windows) as these surfaces contribute to the significance of this nondesignated and impact on the significance of such a building should be taken into consideration in the planning process. • I have also just noticed an inconsistency between two of the drawings that ought to be rectified – the document “Proposed Ground Floor Plan” (Drawing 2413-PL-303) shows the GF plan lacking the row of columns down the centre that supports the vaulting, however on “Proposed Ground & First Floor Plans” (Drawing 2413-PL-302), the row of columns is shown.
	Natural England	<i>Response 1</i> The development is in close proximity to the River Ehen Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). A Habitat Regulations Assessment should be produced by your authority in order to properly assess the potential impacts to the River Ehen SAC. As these works are described as a partial refurbishment only, Natural England is satisfied that the methods listed below will be appropriate mitigation for the construction impacts of this development. Natural England requires a Construction Environmental Management Plan to be produced for this application. Appropriate pollution prevention guideline measures should be incorporated to include materials and machinery storage, biosecurity, and the control and management of noise, fugitive dust, surface water runoff and waste to protect any surface water drains and the SAC from sediment, and pollutants such as fuel and cement.

		There must be a 10m buffer strip to the river, and a bund crossing any drainage paths that lead down to the river to prevent any sediment and pollution in surface water run-off from reaching the SAC. All materials and equipment must be stored outside the buffer strip, and there should be a designated concrete mixing / refuelling site outside the buffer strip, with spill kits on site and drip trays used for refuelling. The issues likely to be relevant during construction and operational phases for development proposals adjacent to watercourses include: • Potential for direct damage, modification, displacement of and / or disturbance to protected species and riverine / riparian habitat; • Potential for sediment or other polluting run-off to enter the river, both during the construction period (including earthworks, storage and use of machinery, materials and fuels) and any potential siltation, run-off or other pollution arising from the development in its construction / operational 2 phase. Any discharge (including foul drainage) and / or run-off / drainage from the site from the site must not lead to a deterioration in water quality in the watercourse; • Potential for impacts derived from use and / or disturbance of contaminated land; • Potential for introduction and / or spread of invasive non-native species. The developer should produce a management plan on how they propose to manage surface water run-off in conditions of heavy rainfall to prevent the pollution of the SAC. If attenuation basins are to be used during the construction phase for the purpose of settling out sediment, the basins and catch pits need to be monitored and maintained following rainfall events to prevent trapped silt from being remobilised. Consideration should also be given to using other emergency mechanisms such as a silt buster. EA discharge consent will be required for discharge to the watercourse during both construction and operational phases. Response 2 Thank you for re-consulting Natural England on this application. We have reviewed the updated documents and provide the following comments: Natural England are satisfied that the measures outlined in the Construction Environmental Management Plan are sufficient to prevent pollution of the River Ehen Special Area of Conservation. However, it is noted that biosecurity measures haven't been included. Therefore, we advise that the check-clean-dry procedure should be employed for all machinery entering and leaving the site. All plant should be disinfected with clean water (not river water) before reaching the site and there should be a designated area on site for wheel washings before leaving
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		site that is situated as far away from the river as possible, but at least 10 metres. It should also be noted that a European Protected Species license for bats will be required once planning permission has been granted.
	Association for Industrial Archaeology	The Association for Industrial Archaeology notes that this application is for the full refurbishment of this vacant industrial building, the only remaining mill building on the site, to offices, and changes include new windows and doors as well as ancillary external works to service the building. The building is not listed and so falls to be considered as a Non-Designated Heritage Asset, so it is pleasing to note that it is to be reused. The building which is now in a derelict condition is all that remains of this once extensive and important site, all the other buildings having been demolished. The proposals should ensure its survival, and although the present open interior spaces will be changed, this should not be a problem. Therefore the Association supports this application. It would recommend that there is adequate recording of the building at an appropriate level and that there is information on the whole site available as an information board or plaque so that its history and importance is appreciated.
	Council For British Archaeology	Cleator Flax Mill, built in 1859, is a non-designated heritage asset (NDHA) with an important role the area's industrial and social history. Despite the building's advanced state of dilapidation / dereliction the structure has strong historical and aesthetic value, contributing to its significance. Supporting documents also evidence the site's important contribution to local identity and sense of place, demonstrating high communal value. The CBA therefore warmly welcome this application to restore the mill building back into active use. Heritage led regeneration schemes are proven means of boosting a sense of resilience in an existing sense of place, maintaining an area's social history as a source of local identity and pride. We broadly support the proposed scheme, especially proposals to carefully restore masonry and the industrial design aesthetic, including the aluminium framed windows and doors. We believe this will be an effective way of restoring and maintaining the building's high quality mid 19th century industrial character. We support the principle of reusing architectural features from the site within the site wherever possible. Ordinarily we believe such features should be retained in situ for their evidential value around the industrial processes they relate to – the relationship between form and function being key to

		industrial buildings. However, in this instance we note the building's condition and recognise the comprehensive scheme of works required to bring the building back into active use. All the same, a positive guiding rule of thumb for regenerating industrial buildings is to retain as much legibility of the building's historic character and historical use as possible. We note the brick vaulted ceilings on the ground floor. We strongly advise that they should be kept visible if at all possible. The café / informal meeting space could be an excellent location for retaining at least an area of vaulted ceiling exposed. Whilst it is not a directly heritage concern, the CBA would like to make the observation that it is clear that the flax mill will be an important heritage site for the local community. If there is a way to enable a degree of public access, perhaps to the café space, within the design proposals then it would increase the contribution this scheme can make to benefitting the local area.
	United Utilities	<i>Response 1 and Response 2</i> <i>Drainage</i> Following our review of the submitted Drainage Report (ref 24-275r001B, dated August 2024) we can confirm that the proposals are acceptable to United Utilities. Given this application is for a change of use, we would not request any specific conditions. <i>Water Main</i> A 3" PV water main crosses top part of the site. Development buildings show work on/close 110mm PE main/90m PE main. It must not be built over, or our access to the pipeline compromised in any way. We require an access strip as detailed in our 'Standard Conditions for Cumberland Council Your ref 4/25/2097/0F1 Copeland Our ref DC/25/775 By email Date 14-APR-25 Works Adjacent to Pipelines', which can be found on our website: Working near our pipes - United Utilities. The applicant must comply with this document to ensure pipelines are adequately protected both during and after the construction period. Based on the information currently available, it is unclear whether sufficient distance is provided between proposed development features and our water asset(s).
	Environmental Health	<i>Response 1</i>

		In terms of the remit of Environmental Health, there are no objections to this proposed development subject to the following comments. This site has a long industrial history and is defined on Council mapping as being potentially contaminated land. The Phase 1 Desk Top Study Report looks at this subject. It is proposed that this development retains the existing concrete floor slab (dated from circa 1960s / 70s) and the phase 1 report concludes that there is a subsequent very / low risk to end users from ground contamination and a negligible risk from ground gas. The contamination risk to ecology and controlled waters was also considered very / low. Surface water soakaways may be provided as drainage to the development and, in recognition of the high sensitivity of the River Ehen, designated as a SSSI and SAC, further intrusive ground works and testing is recommended around the concrete slab. As such, conditions on this are suggested below, together with a condition to provide for an unexpected contamination hotspot/s on the site that may be encountered during works. It would also be prudent for a site-specific Construction Environmental Management Plan to be prepared and submitted if works were approved, so that impacts from surface water run-off, noise, vibration and dust emissions are addressed. Environmental Health would also request the imposition of approved construction working hours to limit noise disturbance to residents. External artificial lighting provision to the development should be sympathetic to the locality and not impact on residential amenity. It would be helpful to provide a light spill (lux levels) model of the proposed external artificial lighting design to the development to demonstrate this. The operating hours of the development are not laid out, and planners may wish to confirm and condition this given that residential dwellings are nearby. A suite of planning conditions were suggested. <i>Response 2</i> Following the initial comments on this proposed development by Environmental Health of 11.04.25, further information has kindly been submitted by the applicants. The following matters have therefore been considered: • Contaminated land – a Phase 2 Ground Investigation Report dated
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		June 2025, together with the Phase 1 Desk Top Study Report and additional information dated June 2025, has been submitted. Environmental Health are satisfied with its conclusions and recommendations and that these documents may subsequently be conditioned as approved documents. There is no requirement to submit a formal Remediation Scheme and Verification Plan to the Local Planning Authority as requested by Environmental Health and this condition can be withdrawn. It is advised to retain the condition on unexpected contamination on any planning approval given the nature of the site. • Construction Environmental Management Plan (CEMP) dated July 2025 – this document is acceptable to Environmental Health and can be conditioned as an approved document in any planning approval. Note that the site construction working hours are listed as 07.30 – 18.00 Monday to Friday and 07.30 – 13.00 Saturday, and differ slightly from those initially suggested by Environmental Health (see below). • Artificial Lighting (external) – a light spill report and diagram was requested, together with a condition that the artificial lighting scheme met with the guidance of the Institute of Light Engineers on the reduction of obtrusive lighting. This remains outstanding. • Site construction working hours – Environmental Health initially requested that the site working hours should be set at 08.00 – 18.00 Monday to Friday and 08.00 – 13.00 Saturday though slight divergence from this has been laid out in the CEMP above, and regularisation would be required in any planning approval. <i>Response 3</i> Thank you for the submission of the Proposed Lighting Design for the above development. The information is extensive and detailed. The 3D luminance views and obtrusive light plans are particularly helpful. In terms of obtrusive lighting spill to nearby residential dwellings, Environmental Health are satisfied that this external lighting design will not cause statutory nuisance and meets the guidance required.
	Ecologist	<i>Initial Response</i> The development is in close proximity to the River Ehen Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) therefore a shadow Habitats Regulations Assessment is required before a decision can be made. Suggested Planning Conditions

		Bat European Protected Species Licence (EPSL) The applicant must apply for a bat EPSL from Natural England upon being granted planning permission. Prior to the works proceeding, this EPSL must be submitted to the council and must be accepted prior to the start of works. A walkover survey/check must be carried out within 3 months prior to an EPSL application submission by a suitably experienced ecologist to ensure that conditions have not changed since the most recent survey was undertaken. As compensation, three 2F Schwegler bat boxes should be incorporated into the development to provide enhanced crevice-style roosting and nesting habitat for common pipistrelle, in addition to cavity-style bat boxes on the surrounding trees to support local noctule populations. Breeding Birds To mitigate disturbance effects vegetation clearance should take place outside of the breeding bird season (which runs March to August, inclusive). Where this timing is not possible the area should be checked prior to removal by a suitably experienced ecologist and if active nests found, vegetation left untouched and buffered until all birds have fledged. Small Mammals All development work should be carried out with care to avoid these small mammals such as hedgehogs. Contractors should be briefed about the potential presence of hedgehogs and Works should be supervised during initial clearance of the Site to avoid injury to any disturbed individuals. Sensitive Lighting Scheme A sensitive lighting scheme should be implemented during and after construction to avoid indirect disturbance to foraging and commuting bats, birds and small mammals that may be using the nearby river, trees and grassland, and should include the following elements: • Sensitive positioning of lighting to avoid unnecessary spill onto the nearby river, trees and grassland. • Angle of lighting: avoidance of direct lighting and light spill onto areas of habitat that are of importance as commuting pathways and/or foraging areas; • Type of lighting: studies have shown that light sources emitting higher amounts of UV light have a greater impact to wildlife. Use of narrow-spectrum bulbs that avoid white and blue wavelengths are likely to reduce the number of species impacted by the lighting; • Reduce the height of lighting columns to avoid unnecessary light spill.
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		This should be in line with the guidance note for Bats and Artificial Lighting (Bat Conservation Trust, 2023). Ecological Supervision In order avoid committing a wildlife offence under the Wildlife and Countryside Act 1981 (as amended), the applicant must employ an Ecological Clerk of Works (ECoW) for the initial clearance works. The ECoW will ensure the avoidance and protection of breeding birds, small mammals, herptiles (if any) and ensure the works adhere to the procedures set out in the CEMP. Biodiversity Net Gain No development hereby permitted shall commence until: a) a Biodiversity Gain Plan has been submitted to the planning authority demonstrating a 10% net gain, b) the planning authority has approved the plan in writing, c) the onsite habitat provision is accompanied by a Habitat Management and Monitoring Plan in place for 30 years as the gains here constitute 'Significant On-site Gains', this monitoring plan is to be accepted by the council and, d) Monitoring results are to be programmed to be submitted to the council. These should include evidence demonstrating how BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed. The development shall be carried out in accordance with the approved plans. <i>Subsequent Responses</i> The Shadow HRA submitted by the Applicant is not acceptable. The Appropriate Assessment (AA) must consider these two factors: - Lighting at night and light spill affecting the river – to go through to AA. - Ground vibrations produced from housing refurbishment affecting the river – my neighbour's house work makes the ground under my house shake – to go through to AA. - Water abstraction from the river to provide water to office block – by law this is what we have to assess now. I don't think they should be doing any work, or at least any work that creates vibration noise, between October and December because of the Atlantic salmon routes so I'd like to see this in the CEMP too. Provided feedback on and agreed conclusions of the HRA prepared.
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	Agreed the revised CEMP and drainage details prepared by the Applicant in response to the HRA i.e. removal of construction vehicles, no vibro-compaction and rolling during October to December and introduction of drainage interceptor. Agreed the terms of the submitted Habitat Management and Monitoring Plan following revisions to the reporting frequency. The external lighting looks fine and looks like the river will be left untouched. I wonder if the lights on the southern aspect of the building will be on a sensor? They are at least pointing downwards.
	Neighbour Responses: The application has been advertised by way of planning application neighbour notification letters and a site notice. No representations have been received.
	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 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. 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. <u>Copeland Local Plan 2021 - 2039 (LP):</u> Strategic Policy DS1: Settlement Hierarchy Strategic Policy DS2: Settlement Boundaries



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Policy DS4: Design and Development Standards
Policy DS5: Hard and Soft Landscaping
Strategic Policy DS6: Reducing Flood Risk
Policy DS7: Sustainable Drainage
Policy DS8: Soils, Contamination and Land Stability
Policy DS9: Protecting Air Quality

Strategic Policy E1: Economic Growth
Strategic Policy E2: Location of Employment
Strategic Policy E6: Opportunity Sites

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity
Strategic Policy N3: Biodiversity Net Gain
Policy N5: Protection of Water Resources
Strategic Policy N6: Landscape Protection
Policy N14: Woodlands, Trees and Hedgerows
Strategic Policy BE1: Heritage Assets
Policy BE4: Non-Designated Heritage Assets

Strategic Policy CO2: Priority for improving transport networks within Copeland
Strategic Policy CO4: Sustainable Travel
Policy CO5: Transport Hierarchy
Policy CO7: Parking Standards

Other Material Planning Considerations

National Planning Policy Framework (NPPF).
Planning Practice Guidance (PPG).
National Design Guide (NDG).
The Conservation of Habitats and Species Regulations 2017 (CHSR).
Cumbria Development Design Guide (CDDG).

Assessment:

Principle

The Application Site comprises a former factory site.

It is understood that the Kangol factory closed in 2009 and since then the main of the buildings on the site have been reduced to only a shell and/or have been demolished.

In *The Trustees of Castell-y-Mynach Estate v Taff-Ely BC* [1985], the court established four criteria for assessing whether a use had been abandoned. These are: (1) the physical condition of the buildings; (2) the period of non-use; (3) whether there has been any other use; and (4) the owner's intentions. In *Hughes v SSETR & South Holland DC* [2000] the

Court of Appeal held, on the authority of Hartley, that the test of the owner's intentions should be objective and not subjective. In this regard the test was the view to be taken by "a reasonable man with knowledge of all the relevant circumstances".

Given the condition of the site including the period of non-use and site clearance and in applying the above criteria, there is an argument for abandonment of the previous use across the main of the wider site.

Notwithstanding the above, the proposed use being the offices of a consulting engineering company falls within Use Class E(c), which comprises a material change of use from Use Class B2, thus comprising development requiring planning permission.

The Application Site is located in an area defined as an Opportunity Site in Strategic Policy E6 of the LP, these being sites identified as the focus to help regenerate these towns. It is confirmed that a Masterplan will be required for larger Opportunity Sites to ensure a holistic development is brought forward.

The Application Site is located within Opportunity Site Ref. OCL01 – Cleator Mills. Annex C of the LP identifies the following uses as being suitable/preferred:

Local Plan Ref.	Site Name	Settlement	Area (ha)	Suitable/Preferred Uses	Use Classes
Cleator Moor/Cleator					
OCL01	Cleator Mills	Cleator	9.90	Mixed use development of commercial with potential for some residential is preferred. Site is in area of high flood risk and subject to a Level 2 SFRA; development proposals will need to consider flood measures for the whole site. Any planning application will require a project-level HRA and most likely an Appropriate Assessment as the site is adjacent to the River Ehen.	B, C2 (college and training centre), C3, E(g), F1(a) uses

The proposed use comprising Use Class E(c) is not specifically outlined in the list of suitable/preferred uses in Annex C of the LP; however, it is a comparable and arguably a preferable commercial/employment use to the B use listed and will deliver the aims/objectives of Policy E6 i.e. increase activity and vitality and so is deemed suitable and acceptable.

Flood Risk and Drainage

The Application Site is located in Flood Zone 2/3.

The Environment Agency have confirmed no objections.

As the development comprises the change of use of an existing building, the Sequential Test is not applicable.

As the proposed use comprises a less vulnerable use, the Exception Test is also not applicable.



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It is considered that the risk to users from flood risk is acceptable subject to the mitigation measures outlined within the submitted Flood Risk Assessment.

It has been demonstrated that an acceptable scheme of foul water and surface water drainage is proposed. A planning condition is proposed to secure delivery of the additional drainage infrastructure and drainage infrastructure improvements prior to occupation.

United Utilities, the Environment Agency and the LLFA have raised no objections.

Ecology and Biodiversity Net Gain

The Bat Survey prepared in support of the planning application includes a general assessment of the ecological impacts and identifies the potential requirement for a Habitats Regulations Assessment (HRA)

Natural England has confirmed that a HRA to assess the potential impacts of the development on the River Ehen Special Area of Conservation (SAC) is required.

The submitted Bat Survey was completed in August 2022. The Survey identifies that the Application Site has low potential for roosting. The conditions on the Application Site have not changed substantially since 2022, with the roof structure having been removed/replaced. Given the scale, nature and location of the proposed works, the potential for impacts upon bat is considered negligible and further survey effort is not deemed necessary.

The Shadow HRA submitted by the Applicant is not acceptable.

A HRA has been prepared by Cumberland Council. Potential adverse effects have been identified and mitigation measures identified to make the development appropriate following amendment in response to the issues identified in the HRA and secured via planning condition including a drainage infrastructure improvements, a Construction Environmental Management Plan and an external lighting scheme.

A habitat creation/enhancement scheme has been submitted demonstrating the delivery of the required ten percent biodiversity net gain.

A Habitat Management and Monitoring Plan has been submitted.

The Ecologist has confirmed that the habitat creation/enhancement scheme and Habitat Management and Monitoring Plan are acceptable following revisions to the reporting frequency identified in the latter.

Heritage

The Application Site comprises a non-designated heritage asset.

The building is in a vulnerable state but is locally significant.

The proposed development will protect the existing structure from further water ingress and the associated decay and improve its appearance.

Whilst the opening arrangement of the windows could be better related to the building if the opening lights would be bottom-hinged and open inwards at the top, the rationale for the proposed arrangement is understood and thus the arrangement deemed acceptable.

It is considered that the requirement to provide an interpretation board is likely to deliver limited benefit given the location of the development within a commercial estate. A 'Photographic Record' of the building has been prepared.

The improvements to the curtilage of the building and parking areas will significantly improve the visual context of the building and the overall attractiveness of the area.

As the building is a non-designated heritage asset the works to the interior of the building are not development and thus not controlled through this planning application. Notwithstanding, the Applicant has confirmed the retention and incorporation of the main of the vaulted ceilings and existing internal wall finishes.

No objections have been raised by the Amenities Societies, Historic Environment Officer or Conservation Officer.

Residential Amenity

Given the scale, form and layout of the development no adverse impacts upon existing or approved dwellings would result through loss of light, overshadowing or overbearing.

A planning condition is proposed in relation to construction working hours and operational hours to prevent unacceptable impacts upon nearby occupied dwellings during the construction and operational periods.

Highways

A Transport Statement and Travel Plan has been prepared in support of the planning application.

The development uses the existing access and incorporates 67no. car parking spaces (including 4 disabled spaces, 4 electric; vehicle spaces and cycle spaces).

It is identified that the existing access has capacity to serve the development and that sufficient capacity exists within the wider public highway network to accommodate the traffic generated.

Cumberland Council Highways initially raised issues in relation to the design of the development; however, following revision they have confirmed no objections.

The development falls below the threshold for the provision/operation of a Travel Plan.

The development encourages active travel including cycle storage and changing facilities and links to existing footways etc..

The Application Site is widely used by walkers on an informal basis. There is a natural desire line that exists between the mill building and adjacent development. The proposed design and layout permits pedestrians to walk along and cut through this area in the form of made footways connecting to those to the site frontage and running along the main access road.

Ground Conditions

'Phase 1 Desk Study Report', prepared by Geo Environmental Engineering (referenced: 2023-5775; dated: 26.05.2023) references previous ground investigation and likelihood of contamination. It is recommended that further ground investigation to assess the nature of potential soluble contaminants in made ground is identified.

The Environment Agency identified that the development of the car park and areas surrounding the existing concrete slab of the former textiles mill presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. It was confirmed that controlled waters are particularly sensitive in this location because the proposed development site is adjacent to a high quality watercourse of the River Ehen and overlies a secondary A aquifer.

It was requested that a planning condition be imposed to secure a remediation strategy.

The Applicant subsequently submitted a further Phase 1 and Phase 2 Ground Investigation Report, resulting in the removal of the request for the planning condition.

The Environment Agency confirmed that the ground investigation report has been reviewed in association with the desk top study. Results for trial pits 1 and 2 suggest organic contaminants in soils are not potentially leachable and so do not give cause for concern to impact on water quality. In trial pit 3, the leachate tests for aliphatics highlight the soluble nature of this fraction of hydrocarbons in soils. However, the total concentrations of soils are not comparable to carbon range C5-6. This may be due to the higher limits of detection of testing for total soils and the use of a different soil sample used in the analysis. Test detection limits should always be calibrated with relevance to the target criteria of the contaminant of concern. It is unusual to detect leachable organic substances in soils having relatively low total concentrations. The results of leachate testing, and lack of contaminant source indicate development of this site, which is predominantly hard standing, should not pose an unacceptable risk to the quality of water.

	A planning condition is proposed to secure remediation of any unexpected land contamination. Planning Balance: The principle of the development is acceptable. The design of the development is appropriate to its context. No unacceptable impacts will result from the development in relation to amenity, highway, ecology, flood risk and drainage subject to the planning conditions imposed.
8.	Recommendation: Approve (commence within 3 years)
9.	Condition(s): 1. The development hereby permitted shall begin not later than three years from the date of this decision. Reason To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004. 2. The development hereby permitted shall be carried out in accordance with the following approved plans/details: Application Form Location Plan - Drawing No. 2413-PL-100 Existing Site Plan – Drawing No. 2413-PL-200 Proposed Site Plan – Drawing No. 2413-PL-202 Proposed Site Plan – Drawing No. 2413-PL-201 Rev. B Proposed Landscaping Plan – Drawing No. 2413-PL203 Rev. A Proposed Landscaping Layout 1 – Drawing No. 2413-PL203 (1) Rev. A



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Proposed Landscaping Layout (2) – Drawing No. 2413-PL203 (2) Rev. A
Existing Ground Floor Plan – Drawing No. 2413-PL-300A
Existing First Floor Plan – Drawing No. 2413-PL-300B
Existing Ground & First Floor Plan – Drawing No. 2413-PL-301
Proposed Ground & First Floor Plan – Drawing No. 2413-PL-302 Rev. A
Proposed Ground Floor Plan – Drawing No. 2413-PL-303 Rev. B
GA Proposed Ground Floor Plan – Drawing No. 2413-BR-303
Proposed First Floor Plan – Drawing No. 2413-PL-304 Rev. A

Existing Elevations – Drawing No. 2413-PL-502 Rev. A

Proposed Elevations – Drawing No. 2413-PL-503 Rev. C

Proposed Typical Windows & Doors – Drawing No. 2413-PL-800 Rev. B
2413-PL-801 | Window & Door Details: Window & Door Details – Drawing No. 2413-PL-801 Rev. A; and, Window & Door Details – Drawing No. 2413-PL-801 Rev. A.

Ground Floor Levels – Drawing No. 2413-PL-300.0

The Flaxworks, Cleator Mill, West Cumbria - Design and Access Statement – Rev. A

Phase 1: Desk Top Study Report (Preliminary Environmental Risk Assessment) Proposed Commercial Use Of Land At: Cleator Mills, Cleator, Cumbria - Report Ref: 2023-5775
Phase 1: Desk Top Study Report (Preliminary Environmental Risk Assessment) Proposed Commercial Use Of Land At: The Flaxworks (Mill Building 1) Cleator Mills, Cumbria – Report Ref. 2025-6836
Phase 2: Ground Investigation Report Proposed Commercial Use Of Land At: The Flaxworks (Mill Building 1) Cleator Mills, Cumbria – Report Ref. 2025-6836

Drainage Report - The Flax Mill Cleator Mills Mill Street Cleator Cumbria CA23 3FA – Ref. 24-275r001B

Cleator Mills Business Park, Cleator - Transport Statement – Ref. 2024/8459/TS01 Issue 2
Cleator Mills Business Park, Cleator – Travel Plan – Ref. 2024/8459/TP01 Issue 2

Flood Risk Assessment – The Mill, The Flaxworks, Cleator – Ref. 25-176r0018
CCTV Drainage Survey - MEP Penrith - Flaxworks Cleator Mills - Cleator - 2025_07_18
Operational Drainage Management Plan – Report Ref. 25-176r002 September 2025
Existing Drainage Arrangement – Drawing No. 24-275-DWG010 Rev. A
Proposed Drainage Arrangements – Drawing No. 24-275-DWG010 Rev. E

Construction Environmental Management Plan For The Flax Works Cleator Mills Site Cumbria - Ref. EES-CEMP 2025 received 26th August 2025

The Flaxworks, Cleator Mill, West Cumbria – 2413-PL-100 Photographs – July 2024

Biodiversity Net Gain [Design Stage] Report The Flaxworks, Cleator Mills, Cleator February 2025

Habitat Management and Monitoring Plan Site Name: The Flaxworks, Mill Building 1, Cleator Mills Date: 14/08/2025 Version: 1.0

Shadow Habitats Regulations Assessment (sHRA) Proposed Development: Refurbishment and Change of Use to Offices Site: Mill Building 1, Flaxworks, Cleator Mill, Old Kangol Road, Cleator, CA24 3JZ Prepared for: Genr8 North and Manning Elliott Date: July 15, 2025

Bat Risk Assessment And Bat Survey Report Cleator Mills Cleator Ref. Mep-22-01 Version R1 August 2022

The Flaxworks Externals - Installation : Proposed Lighting Design - Project number : LD6254

Reason

For the avoidance of doubt and in the interests of proper planning.

Landscaping

3. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first planting season following the first occupation of development or in accordance with a programme which has first been submitted to and agreed in writing by the Local Planning Authority before any part of the development is occupied. Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

Reason

To safeguard and enhance the character of the area and secure high-quality landscaping in accordance with the provisions of Policy DS5 of the Copeland Local Plan 2021-2039.

Biodiversity Net Gain

4. The development hereby approved shall not be occupied until the habitat creation and habitat enhancement works detailed in the Biodiversity Net Gain [Design Stage] Report The Flaxworks, Cleator Mills, Cleator February 2025 and Habitat Management and Monitoring Plan Site Name: The Flaxworks, Mill Building 1, Cleator Mills Date: 14/08/2025 Version: 1.0 have been completed in accordance with the approved details.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

5. Within 3 months of the completion of the habitat creation and habitat enhancement works detailed in the Biodiversity Net Gain [Design Stage] Report The Flaxworks, Cleator Mills, Cleator February 2025 and Habitat Management and Monitoring Plan Site Name: The Flaxworks, Mill Building 1, Cleator Mills Date: 14/08/2025 Version: 1.0, a completion report, evidencing the completed habitat creation and habitat enhancements shall be submitted to and approved in writing by the local planning authority.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

6. The habitat creation and habitat enhancement works detailed in the Biodiversity Net Gain [Design Stage] Report The Flaxworks, Cleator Mills, Cleator February 2025 and Habitat Management and Monitoring Plan Site Name: The Flaxworks, Mill Building 1, Cleator Mills Date: 14/08/2025 Version: 1.0 shall be managed and maintained in accordance with the provisions of approved Habitat Management and Monitoring Plan Site Name: The Flaxworks, Mill Building 1, Cleator Mills Date: 14/08/2025 Version: 1.0 for a minimum period of 30 years post completion of the habitat creation and habitat enhancement works.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

7. Monitoring reports demonstrating how the habitat creation and habitat enhancement works detailed in Biodiversity Net Gain [Design Stage] Report The Flaxworks, Cleator Mills, Cleator February 2025 and Habitat Management and Monitoring Plan Site Name: The Flaxworks, Mill Building 1, Cleator Mills Date: 14/08/2025 Version: 1 is delivering on its site-wide aims and objectives and habitat condition targets shall be submitted to the Council during years 1-5, year 10, year 15, year 20, year 25 and year 30 posts completion of the habitat creation and habitat enhancement works detailed in the Biodiversity Net Gain [Design Stage] Report The Flaxworks, Cleator Mills, Cleator February 2025 and Habitat Management and Monitoring Plan Site Name: The Flaxworks, Mill Building 1, Cleator Mills Date: 14/08/2025 Version: 1.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

Ecology

8. The development shall implement all of the recommendations and mitigation measures contained in Bat Risk Assessment And Bat Survey Report Cleator Mills Cleator Ref. Mep-22-01 Version R1 August 2022.

The development shall be carried out in accordance with the approved document thereafter.

Reason

To protect the ecological interests of the site and surrounding area in accordance with Policy N1 of the Copeland Local Plan 2021-2039.

Approved Use

9. This use of this premises shall be for purposes falling within Class E(c) as defined in the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and associated ancillary uses and for no other purpose.

Reason

To prevent inappropriate development and in order that the Council may be satisfied about the details of proposal due to the particular character and location of the Application Site and to ensure accordance with the provision of Strategic Policy DS1 and Strategic Policy E6 of the Copeland Local Plan 2021-2039.

External Lighting

10. The external illumination detailed in The Flaxworks Externals - Installation : Proposed Lighting Design - Project number : LD6254 shall only be illuminated during the opening hours of the premises to which it relates.

Reason

To safeguard and enhance the character of the area and secure high quality design, prevent amenity harm and prevent ecological impacts in accordance with the provisions of Policy N1 of the Copeland Local Plan 2021-2039.

Construction Management

11. The development shall be completed in accordance with the provisions of Construction Environmental Management Plan For The Flax Works Cleator Mills Site Cumbria - Ref. EES-CEMP 2025 received 26th August 2025.

Reason

To protect the ecological interests of the site and surrounding area in accordance with Policy N1 of the Copeland Local Plan 2021-2039.

12. No work for the construction of the development, shall take place on the site, except between the hours:

07:30 - 18.00 Monday to Friday; and
08.00 - 13.00 on Saturdays.

No work should be carried out on Sundays or officially recognised public holidays.

Reason

To safeguard the amenity of neighbouring occupiers in accordance with the provisions of the National Planning Policy Framework.

Surface Water Drainage

13. The development shall not be occupied until the approved surface water and foul water drainage works have been completed on site in accordance with the approved plans/details.

The approved works shall be retained as such and maintained in accordance with the approved details for the lifetime of the development.

Reason

To ensure adequate provision is made for the management of surface water and sewage

disposal in accordance with the provisions of Policy DS7 of the Copeland Local Plan 2021-2039.

Highways and Access

14. The development shall not be occupied until the approved parking layout has been constructed, marked out and made available for use

The approved parking provision shall be retained for the lifetime of the development.

The parking spaces shall be used solely for the benefit of the occupants and visitors of the development hereby approved and for no other purpose.

Reason

In the interests of highway safety in accordance with the provisions of Policy C07 of the Copeland Local Plan 2021-2039.

Ground Conditions

15. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 14 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.

An assessment must be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority.

Reason

To prevent harm to human health and the environment in accordance with the provisions of Policy DS8 of the Copeland Local Plan 2021-2039.



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Waste Management

16. The development shall not be occupied until a scheme to demonstrate how refuse and recycling will be stored and managed within the site has been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be implemented prior to first occupation of the development hereby approved and shall remain in place thereafter.

Reason

These details are required to be approved before the commencement of development to reduce and manage waste generated from the development and to safeguard and enhance the character of the area and secure high quality design, prevent amenity harm and prevent ecological impacts in accordance with the provisions of Policy DS4 and Policy N1 of the Copeland Local Plan 2021-2039.

Informative

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 before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Before commencing development, a Biodiversity Gain Plan needs to be submitted and approved by the local planning authority.

Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control.

The template for the preparation of a Biodiversity Gain Plan can be accessed via this link: <https://www.gov.uk/government/publications/biodiversity-gain-plan>

	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: C. Harrison	Date : 13.11.2025
Authorising Officer: N.J. Hayhurst	Date : 14.11.2025
Dedicated responses to:- N/A	