

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2118/0F1
2.	Proposed Development:	CHANGE OF USE OF DWELLING HOUSE (CLASS C3) TO FORM A HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS)
3.	Location:	SAWREY HOUSE, HIGH STREET, CLEATOR MOOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Development Referral Area - Data Subject to Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: INTRODUCTION <p>This application relates the single residential dwelling known as Sawrey House situated on High Street in Cleator Moor. The dwelling is mid terraced and is surrounded by other residential properties.</p> <p>The property is accessed directly from Main Street which lies to the south west of the dwelling.</p>	

PROPOSAL

This application seeks full planning permission for the change of use and conversion of the property from a single residential dwelling to a 7 bedroomed house of multiple occupation (HMO).

The building is split over three floors with 3 ensuite bedrooms proposed on the ground floor and 2 en suite bedrooms on both the first and second floors.

There are no external alterations proposed.

There is no off-street parking specified for the application. There is a small private garden to the rear which provides amenity space.

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RELEVANT PLANNING APPLICATION HISTORY

Internal alterations to form 3 x 1 bedroom studio apartments, approved in July 2022 (application reference 4/22/2227/OF1 relates).

CONSULTATION RESPONSES

Cleator Moor Town Council

Members feel that the previous approval for this property 4/22/2227/OF1 presents a more suitable use of this building than the proposal which is excessive in terms of demand on infrastructure, services and character and would ask that this be refused.

Housing Officer

No objections.

Environmental Health

1st Response

There are no objections to this proposal from an Environmental Health perspective.

If the development were to be approved, the following conditions to protect residential amenity are suggested:

- Site Specific Construction Environmental Management Plan

No development shall take place until a site-specific Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration and dust. The plan should include, but not be limited to:

- An asbestos survey of the existing building/s.

- Mitigation measures as defined in BS 5228 : Parts 1 and 2 : 2009 + A1 : 2014 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise from construction works.
- Control measures for dust and other airborne pollutants.

Reason: In the interests of the safety of site workers and to protect the amenities of surrounding occupiers during the construction of the development.

- Noise from Construction Works

Following approval of the development, construction activities that are audible at the site boundary shall be carried out only between the following hours. Monday to Friday 08.00 – 18.00 and Saturday 08.00 – 13.00 and at no time on Sunday or Bank Holiday.

Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above unless otherwise agreed with the Local Planning Authority.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.

2nd response

Thank you for the additional information dated May 2025 and the clarification that the dwelling had already been converted to a 6-bedroom HMO utilising permitted development rights. The application is therefore for the additional bedroom to form a 7-bedroom HMO.

In this case, the comments from Environmental Health dated 17.04.25 may be disregarded.

There are no objections to this application and no further comments.

Highways and Local Lead Flood Authority

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

The Coal Authority

No response received.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 11 no. properties.

One objection has been received raising concerns about parking.

PLANNING POLICY

Planning law requires 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.

The policies relevant to this application are as follows:

- Strategic Policy DS1: Settlement Hierarchy
- Strategic Policy DS2: Settlement Boundaries
- Policy DS4 - Design and Development Standards
- Strategic Policy R4: The Key Service Centres
- Strategic Policy H1 - Improving the Housing Offer
- Strategic Policy H2 - Housing Requirement
- Strategic Policy H3 - Housing delivery
- Strategic Policy H4 - Distribution of Housing
- Strategic Policy H5 - Housing Allocations
- Policy H6 - New Housing Development
- Policy H7 - Housing Density and Mix Strategic

- Policy H13: Conversion and sub-division of buildings to residential uses including large HMO's
- Policy CO7 – Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Planning Considerations

National Planning Policy (NPPF)

Cumbria Development Design Guide

ASSESSMENT

Principle of Development

Policy DS1 sets out a Settlement Hierarchy for the Borough and seeks to direct the majority of development into the four main towns. Cleator Moor is identified as one of the Key Service Centres where the focus is on town centre development.

The site lies within the designated settlement boundary for Cleator Moor as identified under Policy DS2.

Policy H1 seeks to promote sustainable development to meet the needs and aspirations of the boroughs housing market, as well as having consideration for the requirements of smaller settlements within the borough which respect their scale and function.

The dwelling had previous permission for use as flats, however this was not considered to be economically viable.

Policy H13 supports the conversion of existing properties to residential use including HMOs within the confines of the settlement boundary.

The building is surrounded by other residential dwellings and within walking distance of the services required for day to day living.

The principle of development is considered to be acceptable in this location.

Scale and Design

Policy DS4 of the LP promotes good design and the aspiration that new dwellings will respond positively to their surroundings.

Policy H13 of the LP sets out a criteria-based approach to the conversion of buildings to form HMOs.

The following criteria are required to be met for the development to be considered acceptable:

- a) The development does not result in unacceptable levels of harm to residential amenity (noise and disturbance) for occupiers of the converted property and/or those occupying neighbouring properties;
- b) Future residents have adequate levels of natural lighting and privacy;
- c) The development does not have an adverse impact upon the privacy of neighbouring residents through direct overlooking.
- d) Off street parking is provided or sufficient parking is available within close proximity of the site;
- e) Adequate external amenity space is provided, including for waste and recycling bin storage without harming the visual amenity of the area where possible;
- f) Cycle space is provided, where possible;
- g) Safe access is available from both the front and rear of the property, where possible; and
- h) The development does not result in an over-concentration of HMOs, taking into account the cumulative impacts of HMOs and subdivided properties within the vicinity of the site.

Consideration will also be given to the loss of the original property and whether this supports the Housing Strategy informed by the Council's SHMA and Housing Needs Study.

Externally, no alterations are proposed. Internally, the accommodation created will each have sufficient private facilities for everyday living. All criteria from Policy H13 are considered to have been met. The proposal has been fully considered by the Council's Housing Team and it is considered that the HMO is of a suitable standard.

On this basis, the living standards are deemed to be acceptable for each property and overall the design and layout are considered to comply with Policies DS4 and H13 of the LP.

Parking

Policy CO7 of the Copeland Local Plan requires that new development provide adequate parking provision. One letter of objection has been received raising concerns that there is insufficient parking for the proposal.

The building currently utilizes on street parking on Main Street with public parking available within the town centre. The site is located on a regular bus route with cycling and walking opportunities widely available for nearby local services.

Opportunities are available for cycle parking within the yard to the rear of the property.

The Highways Officer raised no objections to the proposal stating that it is unlikely to increase any traffic movement issues.

Overall, it is considered that the proposal complies with Policy CO7 of the LP and will provide an accessible development.

Responses from Statutory Consultees

The initial response from Environmental Health included suggested conditions that the Agent for the application was not in agreement with. The Agent provided information to show that a planning application would not be required for a 6-bedroom HMO as this falls within the Permitted Development Rights. This is a fallback position which is a material consideration in the assessment of this application. Consequently, the issue to be considered is the impact of one additional bedroom. As a result of this information, the Environmental Health Officer withdrew the request for the planning conditions.

The Cleator Moor Town Council raised an objection to this application stating that the previous permission for flats is a more suitable use. The Agent has stated that the use as flats is not economically viable and that the use could be changed to a 6-bedroom HMO without Planning Permission. As the increase to 7 bedrooms is not considered to be significant and no objections were raised from the Housing Team, it is considered that there are no planning reasons to withhold planning permission in this case.

Biodiversity Net Gain

Policy N3 of the LP requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1 above. This is in addition to any compensatory habitat provided under Policy N1. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.

In England, BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Applications must now deliver a Biodiversity Net Gain of 10%, resulting in more or better-quality natural habitat than there was before the development. Some developments are however except from these BNG requirements.

Based on the information available this application is not considered to be one which will require the approval of a Biodiversity Gain plan before development is begun. It relates to the conversion of an existing building and will not have any impact on a priority habitat and therefore the proposal falls within the list of developments except from providing Biodiversity Net Gain (De Minimis)

Planning Balance and Conclusions

The loss of a single residential property is acceptable as a larger provision of residential accommodation will be created.

The principle of residential development in this location complies with planning policy due to its situation within the settlement boundary for one of Copeland's Key Service Centres. The

	<p>provision of accommodation within a sustainable location is encouraged by Local Plan policies.</p> <p>There are no issues raised relating to parking with sustainable transport options within the immediate the locality.</p> <p>The re-use and refurbishment of the building is encouraged and will result in an improvement in its appearance which will benefit the immediate locality.</p> <p>On overall balance this is considered to be an acceptable form of development which will be consistent with the details set out in national and local policy with the positives aspects of the application sufficient to outweighing any identified harm.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> <p>The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <p>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: -</p> <p>Application Form, received 31st March 2025; Site Location Plan, scale 1:1250, drawing number SNG-SH-P-SLP-01, received 31st March 2025; Proposed Floor Plans, scale 1:100, drawing number SNG-SH-P2-7HMO, received 31st March 2025; Design and Access Statement, received 31st March 2025.</p> <p>Reason</p> <p>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.</p>

Biodiversity Net Gain – Exemption

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 not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

Applicable exemptions: De Minimis

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 : 20/05/2025

Authorising Officer: N.J. Hayhurst

Date : 23/05/2025

Dedicated responses to:- N/A