

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2166/0F1
2.	Proposed Development:	CHANGE OF USE FROM VACANT STORE TO ONE BEDROOM FLAT
3.	Location:	BACK FLAT, 10 HIGH STREET, CLEATOR MOOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	See Report
7.	Report: SITE AND LOCATION <p>This application relates to an existing store which occupies a corner position to the s located to the rear of the terrace of properties on High Street in Cleator Moor. The store is restricted to the grind floor and fronts onto Aldby Street.</p> <p>The building lies to the rear of a terrace of Listed Buildings and is situated within the Cleator Moor Conservation Area.</p> PROPOSAL <p>This application seeks full planning permission for the conversion of the store to form a one self contained one bedroomed flat.</p> <p>The building is restricted to the ground floor of the existing building and the proposed conversion involves the reuse and alteration of the existing openings on the side elevation</p>	

and the introduction of a new door and window opening on the rear elevation to provide sufficient light and ventilation to serve the unit.

There is no off street parking specified for the application.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous applications on the site.

CONSULTATION RESPONSES

Cleator Moor Town Council

No objections.

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.

Environmental Health

There are no objections to this development from Environmental Health.

If the application is approved, Planners may wish to condition the hours of construction works to mitigate any noise disturbance to other neighbours –

- 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.

- Informative: - This site is within a 1 km grid square of elevated radon potential. The maximum radon potential is 10 – 30% and full radon protection may be required.

Conservation and Design Officer

Description: A two-storey projecting extension to the NE side of 10 High Street. This building is located within the conservation area, although makes no visual contribution to it.

Conclusion: No objection (design revision suggested)

Assessment:

- This building appears from map records to date from the 20th century, and to have no heritage value.
- It makes a minor negative contribution to the character and appearance of the conservation area, though is visible from only a small region around Aldby Street. This additionally applies to the setting of the nearby listed buildings: 13-20 High Street, the library, the former council offices, the memorial fountain, and Phoenix House on Jacktrees road. The building appears within certain views of these buildings, although makes a negligible and slightly negative contribution to their significance. Efforts to make better use of it could therefore be expected to be an improvement.
- The building appears well suited to its new proposed use.
- Copeland area's conservation area design guidance urges use of timber for external windows and doors within conservation areas. I note that existing windows appear to be of uPVC construction, and external doors of timber, although not contributing positively to the building or area's appearance.
- I would view the proposed replacements as having a neutral impact on the building's appearance, given these details, but the guidance of the CA Design Guide should still be given some weight, and I would encourage use of well-designed and made timber units as a way of elevating the building's appearance.

Public Representation

The application has been advertised by way of a site and press notice and neighbour notification letters issued to the adjoining residential properties.

No responses have been received as a result of these advertisements.

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
- Strategic Policy BE1 – Heritage Assts
- Policy BE2 – Designated Heritage Assets
- Policy CO7 – Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Planning Considerations

National Planning Policy (NPPF)

Planning Practice Guidance (PPG)

Conservation Design Guide SPD

Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA)

ASSESSMENT

Principle of Development

The existing building is located within the development boundary for Cleator Moor as defined in Policy DS2 of the Local Plan. Cleator Moor is classed under Policy DS1 as one of the Key Service Centres where the conversion of existing buildings to a residential use is acceptable within the confines of the settlement boundary.

The principle of new housing is supported in the Copeland Local Plan through policy H1. This policy 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 building is surrounded by other residential dwellings and within walking distance of services required for day to day living and therefore is considered to be an appropriate use in this location.

Design

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

Minor external alterations are required for the conversion of the building. Internally, the unit will be served by sufficient private facilities for everyday living.

Housing Need

The principle of new housing is supported in the Copeland Local Plan through policy H1. This policy 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.

Overall the repurposing of the building to provide a one bed roomed flat is considered to be acceptable in this location.

Effect on the Conservation Area and Heritage Assets

Strategic Policy BE1 and Policy BE2 seek to protect, conserve and where possible enhance designated and non-designated heritage assets and their settings

Policy DS4 of the LP requires good design.

The Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA) requires that in respect of listed buildings local planning authorities have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest and that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

Paragraphs 212 to 220 of the NPPF relates to heritage impacts.

It is required that in assessing the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

It is stated that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

It is stated that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

It is confirmed that not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 214 or less than substantial harm under paragraph 215, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole

The building lacks much in the way of historic and architectural character and currently makes a minor negative contribution to the character and appearance of the Conservation Area and the terrace of Listed Buildings nearby. The proposed conversion will provide a viable use and will result in a visual improvement to the building.

The proposal as submitted involves the installation of Upvc doors and window frames. This is contrary to the advice set out in the Copeland Conservation Area Design Guide SPD.

Following discussions with the applicants agent he has confirmed that the scheme can be modified to include the use of timber frames and doors. This can be secured by the use of an appropriately worded planning condition.

Overall, It is considered, that the proposal would secure a viable use for the building which help to secure its future and provide some benefits to the appearance of the building and this part of the Conservation Area.

Parking

The building currently utilizes on street parking on Aldby Street with public parking available elsewhere within the town centre. Although the proposed use may marginally increase vehicle movements around the surrounding area the site is located on a regular bus route with cycling and walking opportunities widely available for nearby local services.

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

Biodiversity Net Gain

Biodiversity Net Gain is mandatory from 12 February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). The statutory framework for biodiversity net gain involves discharge of the biodiversity net gain condition following the grant of planning permission to ensure the objective of at least 10% net gain will be met for a development.

The application details indicate that it is believed that if permission is granted for the development to which the application relates, the biodiversity net gain condition would not apply.

As this proposal involves the conversion of an existing building and does not affect any habitat it is accepted that the biodiversity net gain condition should not be applied in this case

Planning Balance and Conclusion

The building is located within the centre of Cleator Moor which is designated as a Key Service Centre within the Borough where residential development is encouraged. The provision of a new residential unit within a sustainable location would provide a positive benefit in terms of housing provision and would secure a viable use for the building.

Although no dedicated car parking provision is available to serve the building there are alternative car parking options nearby and the town centre location offers other sustainable transport options. This is considered to be neutral within the planning balance.

The re-use and refurbishment of the building is a positive benefit of the development.

In applying the statutory duties of the LBCA and the relevant provisions of the NPPF and the Development Plan, it is considered that the development proposed will result in a minor positive impact upon special interest of Cleator Moor Centre Conservation Area and that the impact on the setting of the adjoining grade II listed building would be negligible/neutral.

	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 benefits of the proposal outweighing any adverse impacts.
8.	Recommendation: Approve (commence within 3 years)
9.	Conditions: <ol style="list-style-type: none"> The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. Reason To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: - Application Form, received 07th May 2025 Site Location Plan, scale 1:1250, drawing number 590 01002 Rev 01, received 07th May 2025 Existing and Proposed Floor Plans, scale 1:100, drawing number 590 01002 Rev 01, received 07th May 2025 Existing and Proposed Elevation Plans, scale 1:100, drawing number 590 01002 Rev 02, received 07th May 2025 Design and Access and Heritage Statement, prepared by Calva Design Studio, dated May 2025 Bio Diversity Net Gain Exemption Statement, prepared by Calva Design Studio, dated April 2025 Reason To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. 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 Holidays.

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.

Measures for the control of dust and other airborne pollutants from the site during the construction phase must be implemented.

Reason

In the interests of the amenities of surrounding occupiers during the construction of the development.
4. All windows and doors used within the conversion of this building hereby permitted shall be of a timber construction and coated with an external painted finish. Once installed the windows and doors shall be maintained as timber at all times thereafter.

Reason

To ensure a satisfactory form of development which preserves and enhances the Cleator Moor Conservation Area.

Informative Notes

Radon

This site is within a 1 km grid square of elevated radon potential. The maximum radon potential is 10 – 30% and full radon protection may be required

Biodiversity Net Gain – Biodiversity Plan Not Required

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been

	<p>granted subject to the condition (biodiversity gain condition) that development may not begin unless:</p> <ul style="list-style-type: none"> a) A Biodiversity Gain Plan has been submitted to the planning authority, and b) The planning authority has approved the plan. <p>The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Cumberland Council.</p> <p>There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.</p> <p>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 the statutory exemption listed below is considered apply:</p> <p>Exemption – De Minimis</p> <p>Statement</p> <p>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.</p>
Case Officer: S. Papaleo	Date : 28/07/2025
Authorising Officer: N.J. Hayhurst	Date : 28/07/2025
Dedicated responses to:- N/A	