

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2361/0F1
2.	<b>Proposed Development:</b>	CHANGE OF USE FROM APPROVED USE AS HOTEL TO A MIXED USE COMPRISING A HOTEL (CLASS C1) AND A HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS)
3.	<b>Location:</b>	DENTHOLME, CRAGG ROAD, CLEATOR MOOR
4.	<b>Parish:</b>	Cleator Moor
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, PROWs - Public Right of Way
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter: YES  Site Notice: YES  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>  <b>SITE AND LOCATION</b>  <p>This application relates to a parcel of land that fronts onto Cragg Road in Cleator Moor. There are residential dwellings surrounding the site. The building that occupies the site was previously in use as a care home known as Dentholme.</p> <p>Planning permission was granted for the change of use of the vacant residential care home to a hotel (application reference 4/20/2444/0F1 relates) and subsequently for the first floor extension to the existing hotel building and erection of a single storey outbuilding to create a guest spa (application reference 4/21/2128/0F1 relates).</p>	

## **PROPOSAL**

Planning permission is sought for the change of use of the building to a flexible use to include a hotel (Class C1) and an HMO (Sui Generis). An associated vehicle parking area and grassed open space is also proposed.

Details of the quantity of bedrooms and internal floor areas are included on the accompanying drawings and in the Design and Access Statement, but it is proposed to have a total of 38 rooms. There will be a lounge and TV room on the first floor.

## **CONSULTATION RESPONSES**

### Cleator Moor Town Council

No response received.

### Highways and LLFA

No objections on highways grounds.

### Env. Health

There are no objections in principle to this proposed development from Environmental Health, provided that the appropriate fire safety measures are incorporated in to the build. The Housing Team have advised that a HMO Licence will be required. As part of the previous planning approval as a hotel, a condition was imposed on the provision of artificial external lighting and this should still be in place with this change of use, notwithstanding any legal external artificial lighting required. In order that noise from construction activities is mitigated, a condition on the hours of working is also suggested as below:

- 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.

### Housing Team

No objections.

### Footpaths Officer



## Cumberland Council

No response received.

### Public Representations

The application has been advertised by way of a site notice and notification letters issued to 9 no. neighbouring properties.

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

### **PLANNING POLICIES**

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**

The following policies are relevant to this proposal:

- 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 T1 - Tourism Development
- Policy CO7 – Parking Standards and Electric Vehicle Charging Infrastructure

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

### **ASSESSMENT**

#### Principle of Development

The existing building is located within the development boundary for Cleator Moor as defined under Policy DS2 of the Local Plan. Cleator Moor is identified under Policy DS1 as one of Copeland's Key Service Centres where the conversion of existing buildings to houses of multiple occupation (HMO) residential use and hotel use is acceptable within the confines of the settlement boundary.

The principle of new housing is supported in the Copeland Local Plan through policies H1 and H13. These policies seek 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.

Policy T1 supports the provision of tourism development, allowing for the creation of tourist accommodation of an appropriate scale, located where the impact can be managed and where there is not an unacceptable harm to environmental assets of the character of the local area.

The building is located close to the centre of Cleator Moor and is surrounded by a mix of uses including other residential units. It lies within walking distance of services required for day to day living and therefore a mixed use of hotel and HMO is considered to be an appropriate use in this location.

#### Design

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

The proposed alterations deemed necessary to convert the building to accommodate the proposed living accommodation is limited to internal works only. The proposed units are of a suitable size and some communal facilities are provided. Each habitable room will have access to adequate natural light. Amenity space will be provided externally.



## Cumberland Council

The development will lead to a high standard of living for future occupiers

### 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.

Policy H13 of the LP relates specifically to the conversion of buildings to HMO's.

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

The Housing Manager has confirmed that there is a demonstrable need for affordable flats within Cleator Moor. The applicant has stated that the HMO facility is intended to provide accommodation for Sellafield contract staff.

Overall, the repurposing of the building to provide this type of accommodation is considered to be acceptable in this location.

### Residential Amenity

The property is located within Cleator Moor where higher levels of general noise and activity exist. The building is surrounded by other residential properties.

The Environmental Health Officer has stated that they have no objections to the scheme, requesting conditions relating to reducing noise from construction works and requesting a scheme of external lighting. The proposed lighting has been included within the submitted

site plan and is considered to be acceptable.

The scheme would not lead to any loss of privacy or noise and disturbance for neighbouring land users over and above what is already experienced.

#### Highways and Parking

The scheme has been assessed by the Council's Highway Officer. No objections have been raised. The scheme is in a highly sustainable location, and the development would not have an adverse impact on highway safety or the highway network.

#### Drainage

It is proposed to dispose of foul and surface water as per the existing situation. Given the existing drainage discharge and as additional surface water flows will not result, this arrangement is acceptable.

#### 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 development will not impact a priority habitat and impacts less than 25 square metres (5m by 5m) of on-site habitat and 5 metres of on-site linear habitats; therefore, the development falls below the biodiversity net gain threshold and a ten percent biodiversity net gain is not required to be delivered.

#### Planning Balance and Conclusion

The building is located within Cleator Moor, which is designated as a Key Service Centre within the Borough where residential and tourism development is encouraged. The provision of an HMO within a sustainable location would provide a positive benefit in terms of housing provision and would secure a viable use for the building, running coherently alongside the hotel.

No objections have been raised from the Highways Officer.

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

Given the nature and location of the development, impacts upon the residential amenity of occupants should not occur.

On 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.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li data-bbox="159 604 1500 896"> <p>1. 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> </li> <li data-bbox="159 940 1500 1523"> <p>2. 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 30th September 2025;  Site Location Plan, scale 1:1250, drawing number SNG-HCM-SLP, received 30th September 2025;  Site Plan, scale 1:200, drawing number SNG-HCL-SP, received 30th September 2025;  Ground Floor Plan, scale 1:100, drawing number SNG-HCL-GFP, received 30th September 2025;  First Floor Plan, scale 1:100, drawing number SNG-HCL-FFP, received 30th September 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> </li> <li data-bbox="159 1590 1500 1971"> <p>3. Following approval of the development, construction activities that are audible at the site boundary must be carried out only between the following hours.</p> <p>Monday to Friday 08.00 – 18.00 and;  Saturday 08.00 – 13.00 and;  At no time on Sunday or Bank Holiday.</p> <p>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.</p> <p>Reason</p> </li> </ol>

In the interests of the amenities of surrounding occupiers during the construction of the development in accordance with Policy DS4 of the Copeland Local Plan 2021-2039.

4. External lighting must be in accordance with the Site Plan, scale 1:200, drawing number SNG-HCL-SP, received 30<sup>th</sup> September 2025 at all times.

**Reason**

In order to ensure that the amenity of the neighbouring properties is protected and in accordance with Policy DS4 of the Copeland Local Plan 2021-2039

**Informative Notes**

**Coal Mining Legacy**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)  
<http://www.gov.uk/government/organisations/the-coal-authority>

**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 considered to apply.

Applicable exemptions: De minimis development.





**Cumberland  
Council**

	<b>Statement</b>  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.
<b>Case Officer: Sarah Papaleo</b>	<b>Date : 02/12/2025</b>
<b>Authorising Officer: N.J. Hayhurst</b>	<b>Date : 08/12/2025</b>
<b>Dedicated responses to:- N/A</b>	