

**CUMBERLAND COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/25/2416/0F1
2.	<b>Proposed Development:</b>	PROPOSED SINGLE STOREY CLASSROOM EXTENSION & INTERNAL ALTERATIONS
3.	<b>Location:</b>	CLEATOR MOOR NURSERY SCHOOL, ENNERDALE ROAD, CLEATOR MOOR
4.	<b>Parish:</b>	Cleator Moor
5.	<b>Constraints:</b>	ASC Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	See Report.
7.	<b>Report:</b>	<p><b>SITE AND LOCATION</b></p> <p>The application site relates to Cleator Moor Nursery School which is located adjacent to Montreal C of E Junior School. Access is taken via Ennerdale Road.</p> <p>Residential properties are located to the north and north-east of the site, with fields surrounding the site to the immediate east and south.</p> <p><b>PROPOSAL</b></p> <p>The application seeks permission for the erection of an extension to the front of the school, to create additional teaching space.</p> <p>The new extension will be located on an existing grassed area to the front of the nursery school entrance. It will adjoin the existing Headteachers Office by a small bridging extension measuring 2.08m x 3.345m.</p> <p>The new extension has been designed in an irregular polygonal shape which takes the form of the existing grassed area to the front of the school. The design is predominantly of a rectangular footprint measuring 7.20m from the widest point by 5.636m with an angled corner</p>

of 3.201m. It has a flat roof with a skylight with an overall height of 3.47m.

It will be finished in K-Rend & Facing Brick with a black rubber roof and white upvc and grey aluminium windows and doors.

Various internal alterations are also proposed as part of the application.

### **RELEVANT PLANNING APPLICATION HISTORY**

4/06/9003/0 - NEW ENTRANCE PORCH TO SCHOOL INCLUDING INTERNAL ALTERATIONS AND REAR COVERED AREA – Approve

4/08/2425/0 - NEW ANNEXE EXTENSION TO EXISTING NURSERY SCHOOL TO PROVIDE FURTHER NURSERY SCHOOL FACILITIES - Approve

### **CONSULTATION RESPONSES**

#### Cleator Moor Town Council

No comments received to date.

#### Local Lead Flood Authority and Highways

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.

Public Representations – The application has been advertised by way of a site notice and consultation letters issued to 5 properties.

No objections have been received as a result of this consultation.

### **PLANNING POLICY**

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

#### **Development Plan**

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria. Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland. The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.



## Cumberland Council

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 2001- 2016.

The following policies are relevant to this proposal:

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Strategic Policy DS3: Planning Obligations

Policy DS4: Design and Development Standards

Policy SC1: Health and Wellbeing

Policy SC5: Community and Cultural Facilities

Strategic Policy R4: The Key Service Centres

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3: Biodiversity Net Gain

### **Other material planning considerations**

National Planning Policy Framework

National Planning Practice Guidance (NPPG)

### **ASSESSMENT**

The key issues raised by this proposal are the principle of development, scale, design and potential impact on the area, community Highway safety, and biodiversity net gain.

#### **Principle of Development**

Strategic Policies DS1 and DS2 of Copeland Local Plan concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy.

Cleator Moor is identified as a key service centre within the settlement hierarchy, providing a wide range of services, including convenience and comparison stores, employment opportunities, schools and healthcare. The focus is for town centre developments, employment development and medium scale housing extensions, windfall and infill development. The site is located within the settlement boundary of Cleator Moor. It is stated that development within the defined settlement boundaries will be supported in principle

where it accords with the Development Plan unless material considerations indicate otherwise.

Strategic Policy R4 states that development that supports the roles of Cleator Moor, Egremont and Millom as the Key Service Centres, strengthens and diversifies their offer and improves vitality and viability will be encouraged, particularly where it defined criteria are met. These include: builds upon and addresses the strengths, opportunities and challenges associated with each town, as set out in Table 10; provides convenience and comparison shopping, or range of other services, including leisure provision to serve the settlement and surrounding communities; strengthens and diversifies the towns offer; or, promotes the reuse of brownfield land.

The proposal delivers demonstrable public benefit by enhancing early years education provision, supporting working families, and strengthening local social infrastructure by expanding a current educational facility. The principle of development is therefore considered to be acceptable.

#### **Scale, Design and Impact on the Area**

Policy DS4 of the Copeland Local Plan requires all new development to meet high-quality standards of design. This includes creating and enhancing locally distinctive places, the use of good quality materials that reflect the local character, including high quality and useful open spaces, providing high levels of residential amenity, adopting active travel principles, creating opportunities for social interaction, and effective use of land whilst maintaining amenity and maximising solar gain.

Whilst the proposed extension will be located to the front of the existing nursery school complex, the site already benefits from a new front porch extension and an annexe extension also located on the front/side elevation which were approved in 2006 and 2008. The school is set back from Ennerdale Road by approx. 68m, so this reduces the impact on visual amenity of the locality.

Following a site visit, it is clear that this location is the most appropriate when viewed in the context of the existing site. The extension is considered to be of an appropriate scale and has been designed in an irregular polygonal shape which appears to have been deliberately designed to replicate the footprint and geometry of the grassed area that it is replacing. The design is predominantly of a rectangular footprint measuring 7.20m from the widest point by 5.636m with an angled corner of 3.201m.

It has been designed with a flat roof with a skylight above, with an overall height of 3.47m to reduce the scale and bulk of the development within the site. The scale and design of the proposed classroom extension is therefore considered to respond naturally to the site.

It will be finished in K-Rend & Facing Brick with a black rubber roof and white upvc and grey aluminium windows and doors. These materials are considered to be acceptable and are appropriate for their use.



## Cumberland Council

The nearest residential property is located approximately 47m to the north of the site along Ennerdale Road. The proposal will be located no closer to residential properties than the existing extensions on site and is therefore not considered to have a detrimental impact on existing residential amenity.

On the basis of the above, it is considered that the proposal complies with Policy DS4 of the Copeland Local Plan and the provisions of the NPPF.

### **Health and Wellbeing**

Planning has a key role in addressing the health and wellbeing challenges within Copeland. It is important that the Council enables well-designed developments such as housing and health and educational facilities to meet the changing needs of our communities.

Strategic Policy SC1 of the Copeland Local Plan will promote health and wellbeing in Copeland by supporting new developments that address these challenges.

Policy SC5 supports proposals for community facilities in principle subject to criteria.

It is considered that the proposed nursery extension will improve overall health and wellbeing by enhancing access to services within this well-established nursery school, within a key service centre.

The extension would contribute positively to the community's social infrastructure services that meet local needs, particularly in areas with growing populations or where existing facilities are under pressure. An increase in teaching space would allow for the nursery to accommodate more pupils and/or improve the services already provided.

On this basis, the proposal is considered to satisfy Policies SC1 and SC5 of the Copeland Local Plan.

### **Highway Safety**

The access into the site would remain unchanged; the highways authority has raised no objections to the proposal. It is considered that there is sufficient parking and turning within the curtilage of the site as a whole for the proposed use without compromising the parking available.

It is considered that the potential small increase in vehicles that may use the facility would not be of a scale that requires any additional parking provision to be included.

There is on street parking within the vicinity of the site which provides additional capacity should this be required.

### **Biodiversity Net Gain**

Policy N1 seeks to ensure that new development will protect and enhance biodiversity and geodiversity and defines a mitigation hierarchy.

Policy N3 of the ELP 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

	<p>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</p> <p>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.</p> <p>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.</p> <p>Based on the information available this proposal is one which is exempt from BNG under the de minimis rule as there is no on site habitat present.</p> <p><b>Planning Balance and Conclusion</b></p> <p>The proposed extension to the nursery school is of an acceptable scale and design that responds positively to the site.</p> <p>It is not considered to introduce significant harm to the nearest neighbouring properties in terms of amenity given the significant separation distance between them.</p> <p>There are also no significant impacts on the appearance of the existing building or surrounding area that arise as a result of the proposal. The Highway Authority has not raised any objections to the proposal.</p> <p>On this basis the proposal is considered to be an acceptable form of development in line with policies within the Local plan.</p>
8.	<p><b>Recommendation:</b> Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</li> </ol> <p>Reason To comply with Section 91 of the Town and Country Planning Act 1990 as amended</p>



## Cumberland Council

by the Planning and Compulsory Purchase Act 2004.

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: -
- Application Form, received 10<sup>th</sup> December 2025;
  - Existing Site Plan, scale 1:1250, drawing ER-CMN-001, received 10<sup>th</sup> December 2025;
  - Proposed Block Plan, scale 1:500, drawing ER-CMN-001, received 10<sup>th</sup> December 2025;
  - Existing Floor Plan, scale 1:100, drawing ER-CMN-002, received 10<sup>th</sup> December 2025;
  - Existing Elevations, scale 1:100, drawing ER-CMN-003, received 10<sup>th</sup> December 2025;
  - Existing Roof Plan, scale 1:100, drawing ER-CMN-004, received 10<sup>th</sup> December 2025;
  - Proposed Floor Plan, scale 1:100, drawing ER-CMN-005, received 10<sup>th</sup> December 2025;
  - Proposed Floor Plan, scale 1:50, drawing ER-CMN-006, received 10<sup>th</sup> December 2025;
  - Proposed Roof Plan, scale 1:100, drawing ER-CMN, 007, received 10<sup>th</sup> December 2025;
  - Proposed Elevations, scale 1:100, drawing ER-CMN-008, received 10<sup>th</sup> December 2025;
  - Proposed Elevations, scale 1:50, drawing ER-CMN-009, received 10<sup>th</sup> December 2025;
  - Design & Access Statement DAS-001, received 10<sup>th</sup> December 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.

### Informative Notes

#### **Biodiversity Net Gain – Exemption Applies**

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 exemption: De minimis development

**Development Low Risk Area – Standing Advice – Mining Remediation Authority**

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 Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242 Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

**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: Demi Crawford**

**Date : 03/02/2026**

**Authorising Officer: N.J. Hayhurst**

**Date : 06/02/2026**

**Dedicated responses to:- N/A**