

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2019/0F1
2.	Proposed Development:	CHANGE OF USE FROM A GUEST HOUSE (C1) TO 4 X FLATS (C3) AND ERECTION OF A 5M X 2.2M SINGLE STOREY REAR EXTENSION
3.	Location:	37 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	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: Site and Location This application relates to 37 High Street, a detached property situated within central Cleator Moor. According to the Applicant, the previous use of the property was as a guest house (use class C1), however the property has been vacant since 2005. The property is accessed from High Street to the north and does not benefit from any off street parking.	

Relevant Planning Application History

There have been no previous planning applications on the site.

Proposal

This application seeks Full Planning Permission for the change of use of the existing guest house (Use Classes C1: Hotels) to form 4x flats (Use Class C3: Dwelling Houses) with the addition of a 5m x 2.2m single storey rear extension.

There will be 2 x 1 bedroomed flats and 2 x 2 bedroomed flats, each with their own facilities.

The ground floor flats will benefit from a small external courtyard each. There will be a communal bin storage facility and cycle stand for two bikes to the side of the building.

Consultation Responses

Cleator Moor Town Council

No objections.

Highways/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

1st response

Environmental Health welcomes the property being brought back in to use; there has been numerous incidents of anti-social behaviour around this empty property in recent years. The proposed development is for 4 x flats within a detached pre-1919 dwelling. The property's age and construction offers poor sound insulation qualities and, whilst this may have sufficed for transient guests in a guest house, Environmental Health are conscious that the proposed development is a change of use to permanent living small flats. Part E (Resistance to sound) of the Building Regulations provides for a minimum standard of noise insulation between converted flats. Given the relatively intensive scale of this development, Environmental Health would request that an improved standard of noise insulation is provided so that residential amenity of the occupants is protected to a reasonable level. A condition on this is provided below.

We are aware that there has been some localised issues with foul drainage in this vicinity also. Can the applicants please provide a foul drainage external layout and assurance that the foul drainage is fit for the required purpose?



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If the application is approved, we would also request that construction working times are limited to agreed hours.

In conclusion, therefore, Environmental Health do not object to this development and request that the following conditions are applied:

- Sound insulation – Submission of scheme and retention thereafter No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of noise insulation measures for all residential accommodation. The scheme shall demonstrate that the following criteria will be achieved: Minimum airborne sound insulation (walls and floors between each dwelling) – 56 dB DnT, w Impact Sound transmission (between floors) – 56 db L'nt, w

Reason: In order to safeguard the amenities of the occupiers and the details are needed prior to the start of work so that measures can be incorporated in to the build.

- 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

The suggested condition below relating to drainage is acceptable to EH.

Conservation Officer

Description: This building appears to date from the late 19th century, and to have originally been the Royal public house.

Conclusion: No objection

Assessment:

- The building is in dilapidated condition and urgently needs renovating.
- A start on a renovation appears to have been made in recent years, as the frontage was repainted and new windows and doors fitted between 2022 and 2025.
- The repainting has not lasted well, and reveals a number of issues that will need to be rectified this time around if they are not to recur: the drip moulding running full width above the ground floor windows appears to be rusty; the paint to the lower-left of the left ground floor window has not adhered. This is directly below a gap in the gutter, and above a black stain on the ground, so appears to have been caused by the defective gutter splashing it.

- The building is in clear need of refurbishment, has only minimal heritage value, and makes a minimal contribution to the settings of 13-20 High Street (grade II) or the conservation area, due to being at some distance.
- I therefore have no objection to the proposals.

Public Representation

This application has been advertised by way of a site notice and neighbour notification letters issued to 3 no. properties.

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

Planning Policy

Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission is determined in accordance with the provisions of 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 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 2001-2016.

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Strategic Policy DS3: Planning Obligations



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Policy DS4: Design and Development Standards

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Strategic Policy SC1: Health and Wellbeing

Policy H6: New Housing Development

Policy H13 – Conversion and Sub Division of Buildings to Residential Uses

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy CO2: Priority for improving transport networks within Copeland

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

Strategic Policy BE1: Heritage Assets Policy

BE2: Designated Heritage Assets

Other Material Planning Considerations:

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

Cumbria Development Design Guide (CDDG)

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

Assessment

Principle of the development

Cleator Moor is designated as a Key Service Centre under Strategic Policy DS1 of the LP. This Policy seeks to focus development within the town centre of Cleator Moor.

The site falls within the designated settlement boundary as defined by Strategic Policy DS2. It is confirmed that development within these boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise.

Policy H6 supports housing development subject to a number of criteria.

The building is located within the town centre of Cleator Moor where there are a wide range of services including convenience stores, employment opportunities, schools and healthcare.

There are public bus services available from a bus stop a short distance from the Application Site. It is considered to be a sustainable location in policy terms.

Impact on Residential Amenity

Policy DS4 of the LP and section 12 of the NPPF seek to secure high standards of design which create and maintain a reasonable standard of residential amenity.

The building is detached and has suitable separation distances from the surrounding dwellings. There are no windows in the side elevation of 40 High Street, therefore there will be no loss of amenity resulting from the continued use of this building.

The previous use as a guest house was an intensive use which involved regular movements of people to and from the building. The proposed use is unlikely to result in any significant intensification that would increase its impacts further. As the existing use as a guest house could be brought back without the need for Planning Permission, it is considered that the level of occupation for 4 flats is not significantly greater than that which would be expected from the existing use and therefore there is unlikely to be a material difference.

The external alterations to the property consist of a small single storey rear extension within the existing courtyard. It will be located where there are no immediate neighbours or facing elevations, therefore there will be no issues resulting with regards to overlooking or loss of privacy.

Environmental Health have requested conditions relating to audible noise from the development and sound insulation and its retention for the scheme. These measures are likely to mitigate any issues with regards to loss of amenity for the neighbouring properties.

Overall, it is considered that there would not be any additional impact on residential amenity for the surrounding neighbourhood as a result of the proposed use. The proposal is considered to comply with Policy DS4 of the Copeland Local Plan.

Design and the Effect on the Conservation Area

Policies BE1 and BE2 of the LP relate to the protection and enhancement of the Conservation Area and seek to ensure that any alterations are in keeping and respect the existing character of the area. Policy DS4 of the ELP requires good design.

The LBCA sets out a clear presumption that gives considerable importance and weight to the desirability of preserving a heritage asset and its setting.

Section 66.1 requires that: *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*.

Section 72 requires that: *'special attention shall be paid to the desirability of preserving or*



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enhancing the character or appearance' of a conservation area.

The National Planning Policy Framework requires consideration of whether the harm to heritage asset is outweighed by the benefits of the proposal.

The proposed conversion does not involve any significant alteration to the existing building. The proposal will include the addition of a small single storey extension to the rear which will not be visible from the surrounding area.

The building is in clear need of refurbishment, has only minimal heritage value, and makes a minimal contribution to the settings of 13-20 High Street (grade II) or the conservation area, due to being at some distance. The proposed conversion will secure a viable use and is likely to result in an improvement in the appearance of the building. The Conservation Officer has raised no objections to the proposal.

Overall, the proposed alterations will comply with policies BE1 and BE2 of the local plan, respecting the character and appearance of the Cleator Moor Conservation Area.

Highways Impacts

Strategic Policy CO4 requires that proposals must include safe and direct connections to routes that promote active travel, such as cycling and walking routes where appropriate. Support in principle is outlined for developments which encourage the use of sustainable modes of transport, in particular: proposals that have safe and direct connections to cycling and walking routes where appropriate and those that provide access to regular public transport services; proposals that make provision for electric vehicles; and proposals for the integration of electric vehicle charging infrastructure into new developments. It is required that developments that are likely to generate a large amount of movement secure an appropriate Travel Plan and be supported by a Transport Assessment.

Policy CO7 of the Copeland Local Plan states that proposals for new development will be required to provide adequate parking provision, including cycle parking and accessible parking bays, in accordance with the Cumbria Development Design Guide (or any document that replaces it) where appropriate.

Furthermore, Policy H13 of the LP requires that a safe access to the front and rear of the property is available, adequate off street parking lies within close proximity to the site and cycle space is provided if possible.

The proposal includes cycle storage within the courtyard to the side of the property. Whilst there is no off street parking proposed, the flats will be located within the town centre where there are alternative parking options and sustainable transport routes readily available. On this basis, the Highways Authority raised no objections to the proposal and considered that there is unlikely to be a material effect on the existing highway conditions.

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 exempt from these BNG requirements.

Based on the information available this proposal is considered to be exempt from the requirements of Biodiversity Net Gain. The proposed use is confined to the existing building structure with the addition of a small extension which will not have any impact on any habitat. The development is considered to be de minimis development below the threshold of 25 square metres.

Drainage

Policies DS6 and DS7 of the Copeland Local Plan seek to ensure that any flooding risk is reduced and mitigated where possible.

Although the proposal seeks to convert an existing building a modest rear extension is also proposed, Environmental Health raised concerns relating to localised issues with foul drainage within this vicinity. An external drainage layout was therefore requested. The Applicant was unable to provide this as a detailed drainage investigation has yet to be carried out. Consequently, it is appropriate to impose a planning condition to ensure that this detail would be provided prior to the commencement of the development.

Surface water will be drained to the main sewer in accordance with the existing arrangement.

Subject to the planning condition proposed it is considered that compliance with Policies DS6 and DS7 of the Copeland Local Plan can be achieved. .

Planning Balance

Policies within the Local Plan seek to ensure that new development is focused within the main town centres. The site lies within the centre of Cleator Moor which is designated as a Key Service Centre. It is a sustainable location which has access to services and public transport. This is considered to mitigate against the lack of designated car parking available to serve the development.

The proposed conversion to form four flats would not result in any significant intensification in the existing use and is unlikely to have any impact on residential amenities within the immediate locality.



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	The building is in clear need of refurbishment, has only minimal heritage value and makes a minimal contribution to the settings of the Conservation Area. The proposed conversion will secure a viable use for the building and is likely to result in an improvement in its appearance. The proposed single storey rear extension is modest in scale and of an appropriate design. Issues relating to noise and drainage can be dealt with by way of suitably worded planning conditions. In overall terms, the benefits of the refurbishment and re-use of the existing building would outweigh any harm that would result from the proposal.
8.	Recommendation: Approve (commence within 3 years)
9.	Conditions: 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 26th January 2026; Location Plan, scale 1:1250, drawing number 349-EX-050 A, received 26th January 2026; Proposed Site Plan, scale 1:200, drawing number 349-PL-051 A, received 26th January 2026; Proposed Floor Plans, scale 1:100, drawing number 349-PL-100 A, received 26th January 2026; Proposed Elevations, scale 1:100, drawing number 349-PL-200 A, received 26th January 2026; Visual Structural Inspection, written by Redstone Consulting Engineers, received 26th January 2026; Heritage Impact Assessment, written by Octo Architecture Limited, received 26th January 2026;

Design and Access Statement, written by Octo Architecture Limited, received 26th January 2026.

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.

Prior to Commencement Conditions

3. No development must commence, other than demolition or site clearance works, until details of the foul drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The details must include confirmation of the existing drainage route and connection point, together with any survey/CCTV findings and details of any remedial works required. The approved arrangements must be implemented prior to occupation and retained at all times thereafter.

Reason

To ensure a satisfactory scheme of water disposal from the site in accordance with Policies DS6 and DS7 of the Copeland Local Plan 2021-2039.

4. No development must take place until a detailed scheme of noise insulation measures for all residential accommodation has been submitted to and approved in writing by the Local Planning Authority. The scheme must demonstrate that the following criteria will be achieved:
- Minimum airborne sound insulation (walls and floors between each dwelling) – 56 dB DnT, w
 - Impact Sound transmission (between floors) – 56 db L'nt w.

Reason

In order to safeguard the amenities of the occupiers and the details are needed prior to the start of work so that measures can be incorporated into the build and in accordance with Policy DS4 of the Copeland Local Plan 2021-2039.

Other Conditions

5. Following approval of the development, construction activities that are audible at the site boundary must 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 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

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 exemptions: De Minimis development.

	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 : 02/06/2026
Authorising Officer: N.J. Hayhurst	Date : 05/06/2026
Dedicated responses to:- N/A	