

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2114/0F1
2.	Proposed Development:	PROPOSED SINGLE STOREY EXTENSION TO SIDE/REAR
3.	Location:	2 CROWN PLACE, LECONFIELD STREET, CLEATOR MOOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change, PROWs - Public Right of Way
6.	Publicity Representations &Policy	See Report.
7.	Report: Site and Location The application site relates to 2 Crown Place, a large detached property which is located off a private shared driveway serving numbers 1 and 2 Crown Place, off Leconfield St within Cleator Moor. Proposal The proposal seeks planning permission for the construction of a single storey rear extension to the existing dwelling to provide a games room. The extension will project 4.35m from the rear elevation 6.1m from the rear elevation and will be 9m in width. It has been designed with a flat roof with an overall height of 2.7m. Proposed external finishes include facing masonry, EPDM roof and upvc windows and doors	

to match the existing.

Relevant Planning History

None relevant.

Consultation Responses

Cleator Moor Town Council

No comments received within the consultation period.

Highways and LLFA

As this falls under our Service Level Agreement (SLA), this application does not need to be submitted to the Local Highway Authority or Lead Local Flood Authority; subject to the highway and drainage aspects of such applications being considered in accordance with the Agreement. The highway and drainage implications of this application can therefore be decided by the Local Planning Authority. If you have a particular aspect of this application you wish us to consider, please feel free to contact me direct. Informative: The applicant needs to consider the Standing Advice for vulnerable developments in flood zone 2 & 3 regarding floor levels, extra flood resistance and resilience measures, access and escape and surface water management.

Coal Authority

No comments received to date.

Countryside Access Foothpath Officer

No comments received within the consultation period.

Public Representations

The application has been advertised by way of neighbour notification letters issued to 2 properties. No representations have been received in response to this consultation.

Planning Policies

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 local development



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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 Local Plan as commenced by Copeland Borough Council. The Local Plan 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 policies relevant to this application are as follows:-

DS4: Design and Development Standards

Policy H14: Domestic Extensions and Alterations

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy DS6 – Reducing Flood Risk

Strategic Policy CO6 – Countryside Access

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

Assessment

The key issues raised by this proposal are the principle of development, its scale and design and the potential impacts on residential amenity, flood risk, impact on the PRow, and biodiversity net gain.

Principle of Development

The proposed application relates to a residential dwelling situated within Cleator Moor. The development proposes to construct a single storey rear extension to the existing dwelling to provide a games room.

Policy H14 of the Copeland Local Plan supports domestic extensions and alterations to residential properties subject to detailed criteria, which are considered below.

The principle of development is therefore accepted within the context of Policy H14 of the Copeland Local Plan.

Scale and Design

Policy H14 of the Copeland Local Plan indicates that developments within the curtilage of existing properties will be permitted, provided that they would not adversely alter the existing

building or street scene.

Policy DS4 of the Copeland Local Plan indicates that all new development should meet high quality standards.

Original plans proposed a larger scheme whereby the proposal was to be constructed on the boundary with number 1 Crown Place. Despite no objections, given the proposed scale of the extension, this relationship was considered unacceptable and amended plans were sought.

The extension will now project 6.1m from the rear elevation and will be 9m in width. It has been designed with a flat roof with an overall height of 2.7m. Whilst the overall size of the extension is still considered large, it has now been stepped off the boundary by 0.75m. The proposed scale, massing and siting of the extension is therefore now considered acceptable.

The proposed extension will be appropriately located to the rear of the property to ensure that they will not be excessively prominent in the street scene.

Proposed external finishes include facing masonry, EPDM roof and upvc windows and doors to match the existing. The proposed materials are suitable for their use and ensures that the proposal compliments the existing property, and the wider residential area.

The proposal therefore complies with Policies DS4 and H14 of the Copeland Local Plan in this regard.

Residential Amenity

Policy DS4 of the Copeland Local Plan states that all new development should maintain high levels of amenity.

Policy H14 of the Copeland Local Plan indicates that house extensions will be permitted provided that the development would not harm the amenity of the occupiers of the parent property or adjacent dwellings.

Whilst amenity issues between the proposed extension and the neighbouring properties were considered, the proposed extension would be suitably located within the site to the rear, and partially replaces an existing conservatory.

Amended plans now show that the extension is stepped off the boundary with number 1 Crown Place by approx. 0.75m to reduce the massing prominent on this elevation.

Whilst still large in overall size, there are also no windows proposed on this elevation, and the extension has been designed with a flat roof, and in an irregular polygonal shape which takes the form of the existing curtilage of number 2 Crown Place. This is considered acceptable and is not considered to increase overlooking or privacy concerns.

There were also no objections received as a result of the consultation process.

On balance, taking into account the siting of the extension and the orientation of the existing property, the proposed extension design is acceptable, and it will not adversely harm the neighbouring amenity.



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The proposal therefore complies with Policies DS4 and H14 of the Copeland Local Plan in this regard.

Flood Risk

Policy DS6 seeks that development will not be permitted where: there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.

Part of the South/Eastern boundary of the application site is located in flood zone 2, however this does not include the location of the proposed extension. A Householder and Minor developments in flood zones form has been submitted to support the application which is considered acceptable for this type of development.

The form confirms that the proposed floor levels within the proposed extension will be the same level as the existing dwelling.

On this basis, it is not considered that the extension will cause any additional flood risk on site or elsewhere as a result.

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) also raised no objections to the proposal.

The proposal is therefore considered to achieve the requirements of Policy DS6 of the Copeland Local Plan.

Impact on the PRow

Existing Public Rights of Way are protected by law and therefore do not need Policy protection, however Strategic Policy CO6 of the LP and The Countryside and Rights of Way Act 2000 seeks to exercise statutory rights of access.

On this basis, as the Public Rights of Way 403018 and 403017 are located within the 50m buffer zone, consideration must be given to the potential impacts on both the physical and amenity of the footpath/s.

PRow 403018 is located approx. 48m to the North West, across the B5294 along the rear of the properties along The Crescent, and to the side adjacent to Weddicar Gardens.

PRow 403017 is located approx. 39m to the South West, adjacent to Crossings Close and St Begas Church.

Given the locations of both PRowS, it is unlikely that the proposal will be seen from either given the proposal is located on the rear elevation. The proposal will therefore not interfere with the footpath, nor will it harm the physical footpath, or the amenity of the user.

The proposal is therefore considered to satisfy Policy CO6 and the NPPF guidance.

Biodiversity Net Gain

Policy N3 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. 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 permission is considered to be one which will not require the approval of a Biodiversity Gain plan before development is begun because the application is a householder therefore the proposal falls within the list of developments except from providing Biodiversity Net Gain. Based on the above, it is considered that the development complies with the requirements of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 and Policy N3 of the Copeland Local Plan and the provisions of the NPPF. <u>Planning Balance and Conclusion</u> The proposed development is of an appropriate scale and design for the site and locality, which would preserve the amenities of the parent property and wider residential area. The proposal is not subject to Biodiversity Net Gain, and is not considered to increase the flood risk on site or elsewhere. The proposal will not affect the existing PRoWs which lie in close proximity to the site. The proposal is therefore considered an acceptable form of development which complies with the policies of the adopted Local Plan and provisions of the NPPF.
8.	Recommendation: Approve (commence within 3 years)
9.	Conditions: 1. 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.



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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 10th April 2026;
 - Site Location Plan, scale 1:1250 drawing CJW836-001, received 10th April 2026;
 - Site Block Plan, scale 1:500 drawing CJW836-001, received 10th April 2026;
 - Existing Plan, scale 1:100 drawing CJW836-001, received 10th April 2026;
 - Existing Elevations, scale 1:100 drawing CJW836-001, received 10th April 2026;
 - Proposed Plan (amended), scale 1:100 drawing CJW836-002, received 1st July 2026;
 - Proposed Elevations (amended), scale 1:100, drawing CJW836-002, received 1st July 2026;
 - Flood Form, received 10th April 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.

3. Before the extension is occupied, the flood resilience and mitigation measures must be carried out in accordance with the Householder and Other Minor Extensions in Flood Zones 2 and 3 Form received by the Local Planning Authority on 10th April 2026. The flood resilience and mitigation measures must be maintained thereafter.

Reason

To protect the property against flood damage in accordance with Policy DS6 of the Copeland Local Plan.

Informative Notes

Coal – Development Referral Area

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be

submitted alongside any subsequent application for Building Regulations approval. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

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: Householder 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: Demi Crawford	Date : 31/07/2026
Authorising Officer: N.J. Hayhurst	Date : 03/08/2026
Dedicated responses to:- N/A	