

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2191/0F1
2.	Proposed Development:	INCREASE IN THE HEIGHT OF EXISTING BUILDING. ERECTION OF REAR DORMER WINDOWS AND EXTENSION OF EXISTING REAR STAIRCASE ENCLOSURE TO CREATE AN ADDITIONAL ONE BEDROOM APARTMENT (USE CLASS C3) WITHIN THE ROOFSPACE, INSTALLATION OF ROOF LIGHTS ON FRONT ELEVATION AND CREATION OF ENCLOSED CYCLE STORAGE TO THE REAR YARD.
3.	Location:	12 ENNERDALE ROAD, CLEATOR MOOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC Adverts - ASC;Adverts, 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 an existing three storey building located at 12 Ennerdale Road in Cleator Moor. The building does not benefit from any off street parking. The building forms part of a terrace.	

PROPOSAL

This application seeks full planning permission for the following works:

- Increase the height of the existing building;
- Addition of rear dormer windows;
- Extension of existing rear staircase enclosure;
- Addition of a one bedroomed apartment in the loft space;
- Installation of roof lights on the front elevation;
- Creation of enclosed cycle storage to the rear yard.

RELEVANT PLANNING APPLICATION HISTORY

Change of use from public house to original house for multiple occupation, approved in February 1989 (application reference 4/88/1273/0 relates);

Change of use to licensed premises, approved in July 1992 (application reference 4/92/0399/0 relates);

Extension and alterations to a public house and maisonette above, approved in June 1993 (application reference 4/93/0281/3 relates);

Two projecting pub signs, approved in June 1996 (application reference 4/96/0360/0 relates);

Conversion and change of use of existing ground floor accommodation to a self contained flat, approved in September 2012 (application reference 4/12/2381/0F1 relates);

Conversion of existing building to form 7 one bedroomed studio apartments including second storey front extension with single ground floor rear extension, approved in January 2022 (application reference 4/21/2459/0F1 relates).

CONSULTATION RESPONSES

Cleator Moor Town Council

No objections.

Highways and Local Lead Flood Authority

No comments.

Conservation Officer

1st response

Description: 12 Ennerdale road is a three storey building, at one time used as a public house, situated within Cleator Moor. It is not within the conservation area, not listed, and appears to



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have minimal heritage value.

It is located within the setting of Cleator Moor conservation area, being part of the main approach into it from the south-west. It is part of a typical and varied row of two- and three-story terraced buildings with rendered fronts and simple window bands picked out in contrasting colours, dating from the late-19th century. Condition notwithstanding, this row makes a generally slightly positive contribution to the setting of the conservation area in being the original (on the north side of the road) and typical architectural expression of Cleator Moor's original construction phase, dating from roughly 1860-1910.

Conclusion: No objection (Suggest checking accuracy of front elevation drawings)

Assessment:

- The proposal involves raising the height of the entire top floor, with the 2nd -3rd floor window height increasing, the height of the top floor windows increasing, and the height above the windows to the eaves increasing, according to the proposed front elevation drawing.
 - o The existing front elevation drawing doesn't appear to quite match photographic evidence of the building frontage, which suggests currently the gap between the ground and 1st -floor windows is larger than the gap between 1st and 2nd (as one would expect). In reality, the front door is also lower than the tops of the windows either side.
 - o The as-existing drawing shows these gaps the same size.
 - o The as-proposed drawing shows the upper set of gaps (above the 1st -floor windows) as being larger than the lower set (below the 1st -floor windows). This gives a slightly odd and top-heavy appearance. However, if the drawings are not completely accurate, it may be that actually the gaps will not end up exactly as shown (e.g. they may end up equal sizes)
 - o This irregularity may be worth clarifying.
- Otherwise, the impact on the frontage and its small contribution to the setting of the Conservation Area appears minimal. The rear extension seems that it will be hidden from the road.

2nd response

No objections.

Environmental Health

Within the confines of its remit, Environmental Health do not object to this proposed development. We would request that the following condition is considered, to protect neighbours' amenity during the construction phase of works –

- 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

Ecology

1st response

Further Information Required: Due to the condition and location of this building, a Preliminary Bat Roost Appraisal must be undertaken by a suitably experienced ecologist with a bat licence from Natural England (any further bat survey required as a result) prior to this application progressing.

Draft Suggested Planning Conditions

Breeding Birds

Works should be completed outside of the breeding bird period (March – August inclusive). If this is not possible a breeding bird check should be carried out no more than 48 hours prior to the planned development to ensure no birds and their nests are present within habitat/buildings that may be directly or indirectly impacted. If active nests are discovered an appropriate buffer zone should be established and works within that area ceased until the young have naturally fledged.

2nd response

The County Ecologist understands that there has been significant disturbance to the building prior to the application and therefore has removed the requirement for a consideration of bats in the property.

Draft Suggested Planning Conditions

Breeding Birds

Works should be completed outside of the breeding bird period (March – August inclusive). If this is not possible a breeding bird check should be carried out no more than 48 hours prior to the planned development to ensure no birds and their nests are present within habitat/buildings that may be directly or indirectly impacted. If active nests are discovered an appropriate buffer zone should be established and works within that area ceased until the young have naturally fledged.

Public Representation

The application has been advertised by way of a site and neighbour notification letters issued to 4 no. properties.



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One letter of objection has been received raising the following concerns:

- Overlooking;
- Overshadowing;
- The use of the bicycle storage being through the building and to the rear;
- Increase in parking issues.

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 2001-2016.

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 N1 - Conserving and Enhancing Biodiversity and Geodiversity
- Strategic Policy N3 - Biodiversity Net Gain
- 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

Strategic Policy DS1 of the LP defines the settlement hierarchy for the former Copeland Borough Council area. Cleator Moor is listed as a Key Service Centre. Strategic Policy DS2 of the LP defines settlement boundaries for all settlements included within the hierarchy. It is confirmed that development within defined settlement 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 and Policy H13 supports the conversion of buildings to residential use, 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.



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The three existing floors are already in use as residential flats, with the addition of one further flat proposed. As the site lies within the settlement boundary of Cleator Moor the principle of the development is therefore supported.

Design and Impact on Residential Amenity

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

Policy H13 of the LP sets the standards for acceptable conversions to residential use.

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.

Consideration will also be given to the loss of the original property and whether this supports the Housing Strategy informed by the Council's SHMA and Housing Needs Study.

Externally, the height of the property will be increased by 1.8m in order to accommodate the required ceiling height for a flat within the loft space. This is unlikely to create any amenity issues for the surrounding properties as the roof height is already significantly higher than the neighbouring properties. On this basis, it is also considered that the street scene will be unaffected with the difference already existing. The proposal will not give rise to overlooking due to there being no windows proposed in the side elevations. The roof lights in the front elevation will not be of a height where they can be utilized for viewing purposes, however, will provide natural light to the apartment.

Whilst the dormer windows on the rear of the property will be a significant addition, they will not materially change the existing situation. Permission was granted in 2021 for the extension of the property to the rear, which has created a further protrusion. Whilst the

dormer windows will increase this, they will not project further from the rear elevation than the existing and, due to the separation distances between 12 Ennerdale Road and the closest residential property to the north west – Misslethwaite property being 37m, there will be no overlooking issues. It is considered there will be no loss of light for the neighbouring properties due to the south facing orientation of the proposed development.

All criteria from Policy H13 relating to design and neighbouring amenity are considered to have been met.

Environmental Health responded to a consultation request to confirm that there were no objections to the proposal, subject to condition relating to preventing noise during construction works.

On this basis, the living standards are deemed to be acceptable for each property, and the design overall is considered to comply with Policies DS4 and H13 of the LP.

Impact 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



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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 is typical of the style of terraced properties found in this area of Cleator Moor. It is not Listed, nor within the Conservation Area, however the Conservation Officer was consulted due to the potential effect on the Conservation Area which lies in close proximity to the site. The Conservation Officer has confirmed that the impact on the frontage and its small contribution to the setting of the Conservation Area appears to be minimal and that the rear extension is well hidden.

Overall, It is considered that the proposal will not have a detrimental impact on the character and appearance of the nearby Conservation Area.

Highways Impacts

Policy CO4 promotes sustainable forms of transport.

Policy CO7 sets out the parking standards for new development.

Policy H13 of the Copeland Local Plan requires that conversions provide off street parking and cycle storage where possible.

No off-highway parking spaces are proposed to serve the development; however, given the location of the property within close proximity to the facilities and amenities within Cleator Moor Town Centre, the availability of the sustainable transport modes within walking distance and the availability of public parking spaces within walking distance, on balance, the development is considered acceptable.

The proposal includes covered secure semi-vertical bicycle storage for 8 bicycles in the rear yard area.

The proposal is considered to comply with Policies CO4, CO7 and H13 of the Copeland Local Plan.

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.

Ecology

	Policy N1 of the Copeland Local Plan seeks to mitigate any harmful impacts of development on the Borough's biodiversity. As the loft of the building is to be converted, the Ecologist initially requested that a Bat Survey should be submitted. The Agent responded that the building has been subject to extensive works and is an "ongoing building site". As a result, the Ecologist concluded that there are unlikely to be bats within the building and withdrew the request for this survey. With regards to breeding birds, the works should be completed outside the breeding bird period (March to August inclusive). This can be included as an informative on the decision notice. <u>Planning Balance and Conclusion</u> The building is located within the centre of Cleator Moor, which is designated as one of the Borough's Key Service Centres where residential development is encouraged. The refurbishment and upgrade of this building within a sustainable location would provide a positive benefit in terms of housing provision and would secure a further viable use for the building. The increase of height for the building is not considered to create any amenity or street scene issues. This is considered to have significant weight within the planning balance. 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 works will have a minimal effect on the amenity of the neighbouring properties. This is considered to carry great weight in the planning balance. The proposal will have a negligible effect on the Conservation Area and is deemed to be acceptable. This carries significant weight within the planning balance. Due to the overall development being below the threshold, BNG is not required for this development. Bats and birds should be protected. 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: <u>Standard Conditions</u> 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.

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 16th June 2026;

Site Location Plan, scale 1:1250, drawing number 12ER-P-SLP, received 16th June 2026;

Proposed Floor Plans, scale 1:100, drawing number ER-P3-PP, received 16th June 2026;

Proposed Third Floor Plan, scale 1:50, drawing number ER-P3-P3P, received 16th June 2026;

Proposed Elevations, scale 1:100, drawing number ER-P3-PE-A, received 20th July 2026;

Street Scene Elevations, scale 1:100, drawing number ER-P3-SE-A, received 20th July 2026;

Design and Access Statement, received 16th June 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.

Other Conditions

3. 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

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.

Ecology – Breeding Birds

1) Works must be completed outside of the breeding bird period (March – August inclusive). If this is not possible a breeding bird check must be carried out no more than 48 hours prior to the planned development to ensure no birds and their nests are present within habitat/buildings that may be directly or indirectly impacted. If active nests are discovered an appropriate buffer zone must be established and works within that area ceased until the young have naturally fledged.

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.



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Council**

Case Officer: Sarah Papaleo	Date : 12/08/2026
Authorising Officer: N.J. Hayhurst	Date : 13/08/2026
Dedicated responses to:-	