

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2223/0F1
2.	Proposed Development:	ROOF ALTERATION AND EXTENSION TO CREATE ADDITIONAL BEDROOMS TO APPROVED FLEXIBLE USE (APPROVAL 4/26/2032/0F1)
3.	Location:	5-6 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: YES Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: SITE AND LOCATION This application relates to the former public house known as The Commercial Inn, situated at 5-6 High Street in Cleator Moor. The building occupies the corner between High Street and North Street. High Street has a mixed use of retail and residential properties. The building is situated opposite to several Grade II Listed Buildings and lies within the Cleator Moor Conservation Area boundary.	

PROPOSAL

Planning permission is sought for the alteration of the roof and extension of the building to create 6 additional bedrooms under the already approved flexible use of hotel and HMO. Each bedroom will have a private en-suite bathroom.

The roof will be increased in height on the side elevation facing North Road, and the extension will be the same height as the existing portion of the building facing High Street.

RELEVANT PLANNING APPLICATION HISTORY

Refurbishment and structural alterations to combine two public houses into one, approved in July 1996 (application reference 4/96/0376/0 relates);

Conversion of public house to 2 no. semi-detached houses and 6 no. flats, approved in February 2014 (application reference 4/13/2470/0F1 relates);

Conversion of former public house to provide 9 flats, approved in March 2024 (application reference 4/24/2009/0F1 relates);

Conversion of former public house to a flexible use for use class C1 Hotel and for use as a Sui Generis house in multiple occupation (HMO), approved in April 2026 (application reference 4/26/2032/0F1 relates).

CONSULTATION RESPONSES

Cleator Moor Town Council

With regards to applications 2223 and 2222 the Council wish to place on record their objection to both of these applications, 2223 looks to increase the already approved 21 bedrooms with an additional 6 bedrooms which the council feel is overdevelopment of this property.

2223 seeks to develop a separate 4-bedroom apartment in the same space as the plan for 2222 and the Council feel is an unnecessary addition to the approved 21 separate bedroom. The Council would also wish to make clear their objection to the number of applications being made for this building with none coming to fruition and indeed not even starting. What is the current condition of this building and given the amount of times scaffold has been erected as a precautionary measure (not as a development measure) are there any outstanding charges held against this building owed to Cumberland Council or the previous Copeland Council.

Conservation and Design Officer

Description: 5-6 High Street, formerly known as The Commercial public house, is a Victorian building situated on the corner of North Street and High Street.

Conclusion: No objection



Cumberland Council

Assessment:

- These applications are similar apart from the internal 2nd floor layout of the proposed raised section to the north.
- The proposal adds an additional storey onto the lower section of the building, located northward on North Street.
- The building is a non-designated heritage asset but has a low level of significance and is in poor condition.
- I would view the proposed alteration as entailing a positive impact on the conservation area and settings of nearby listed buildings. The increased height and addition of dormer windows are likely to make the street scene more attractive and reduce the appearance of North Street “petering out”.

Highways and LLFA

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

Thank you for the above planning consultation. Environmental Health welcomes this long-term empty being brought back in to use as it is in poor condition and is a focus of much anti-social behaviour.

It is noted that the application is for a more intensive use of the property than was previously approved.

Given the property's age and construction, Environmental Health would like to see improved noise insulation provided in the build. 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.

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 + Ctr Impact sound transmission (between floors) – 56 db Ln,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.

- 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 Team

1st Response

The County Ecologist notes that due to the dilapidated state of this building; the presence of bats is to be considered. Therefore, a preliminary bat roost appraisal (PBRA) and further surveys (if necessary) are required prior to this application progressing.

2nd Response

The County Ecologist confirms that upon further review no bat surveys are required and makes the following suggestions for planning conditions.

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 Representations

The application has been advertised by way of a site notice, press notice and notification letters issued to 3 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.



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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)

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
- 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 BE1 – Heritage Assts
- Policy BE2 – Designated Heritage Assets
- Policy CO7 – Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

Conservation Area Design Guide SPD

ASSESSMENT

Principle of Development

The existing building is located within the development boundary for Cleator Moor as defined in Policy DS2 of the Local Plan. Cleator Moor is classed under Policy DS1 as one of Copeland's Key Service Centres where the conversion of existing buildings to residential 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.

The building is located within 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 residential use is considered to be appropriate 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 extension and increase in the height of part of the roof is deemed necessary to convert the building to accommodate the proposed additional living accommodation. The proposed extra 6 bedrooms will be in addition to the existing approved residential and hotel use. The applicant claims these are required to make the scheme viable.

The proposed units are of a suitable size with each room benefitting from natural light. Amenity space will be provided internally.

Externally, the extension will match the existing building and windows and doors will remain uniform. Minimal new openings have been added and they are considered to be functional.

The materials to be used on the external surfaces will match the existing to include rendered walls, a slate tiled roof and double glazed sash windows. These are considered to be acceptable and will ensure that the extension is sympathetic to the existing building and surrounding area.

The development will lead to a high standard of living for future occupiers and is considered to comply with Policy DS4.



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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 existing buildings 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.

The Housing Manager has previously confirmed that there is a demonstrable need for affordable accommodation within Cleator Moor and this additional accommodation will help to deliver this aspiration.

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

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 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 enhancing the character or appearance’ of a conservation area.

The building is considered to be a non-heritage asset and has a low level of significance. It is currently in poor condition with a structural assessment undertaken in 2024 stating:

“The property is generally in a poor structural condition, however with remedial works the existing building structure will generally be suitable to be retained as part of the proposed conversion works. The conversion of the property will remedy all current faults and strengthen the buildings, thus securing its long-term retention as a heritage asset.”

The Council’s Conservation Officer has reviewed all of the information and concluded that the proposal will have a positive impact on the Conservation Area and the setting of nearby Listed Buildings. The Officer commented that the additional roof height on North Street would look more attractive and allow the street scene to be more cohesive.

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

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 and commercial 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 for sound insulation for the bedrooms.

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, and it is likely that the usage would be less intensive than the previous use as a Public House and approved use as an HMO and hotel.

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. There are good public transport options within the town centre.

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



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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.

Comments received from The Cleator Moor Town Council

The Town Council raised the following concerns:

With regards to applications 2223 and 2222 the Council wish to place on record their objection to both of these applications, 2223 looks to increase the already approved 21 bedrooms with an additional 6 bedrooms which the council feel is overdevelopment of this property. 2223 seeks to develop a separate 4-bedroom apartment in the same space as the plan for 2222 and the Council feel is an unnecessary addition to the approved 21 separate bedroom. The Council would also wish to make clear their objection to the number of applications being made for this building with none coming to fruition and indeed not even starting. What is the current condition of this building and given the amount of times scaffold has been erected as a precautionary measure (not as a development measure) are there any outstanding charges held against this building owed to Cumberland Council or the previous Copeland Council.

The Town Council's response covers two planning applications that are very similar but include a different use for the second floor of the building. Obviously, only one of these applications can be implemented. It is considered that the addition of the further bedrooms is acceptable in the space to be created and does not constitute overdevelopment.

The Agent has commented that works are due to start on the building imminently. The Council cannot control the implementation of a planning permission.

The Cleator Moor Town Council were contacted by the Agent for the application. They responded with the following comments: -

"Whilst the Town Council has serious issues with this building and its previous fruitless applications the council have no intention of trying to delay a potentially viable plan, and were surprised to learn that those objections were the reason for a delay in a decision bearing in mind their previous objections and concerns have had no bearing on applications being granted"

	<u>Procedural Matters</u> A change of use of the building from public house to a mixed use of HMO and hotel was approved in April 2026. This included the layout of the other floors of the building. In order that this approved development can be completed as part of this current proposal, the previous plans should be approved as part of this application to allow for one approved layout. As the application has already been approved for a hotel and HMO use, this has not been reassessed as part of this application. The conditions attached to the previously approved application should also be repeated to ensure that the building is converted sympathetically, that the materials are suitable and for continuity. <u>Planning Balance and Conclusion</u> The building is located within Cleator Moor, which is designated as a Key Service Centre within the Borough where residential development is encouraged. The provision of further accommodation 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 already approved HMO and hotel. No objections have been raised from the Highways Officer. The re-use and extension of the building is a positive benefit of the development, and the current character of the Conservation Area will be maintained and enhanced by the proposal providing a more coherent frontage on North Street. 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.	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.



Cumberland Council

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 July 2026;
Location Plan, scale 1:1250, received 10th July 2026;
Site Location Plan, scale 1:1250, drawing number TC-P-SLP, received 10th July 2026;
Proposed Site Block Plan, scale 1:200, drawing number TC-P-PSP-E, received 10th July 2026;
Proposed Basement, Ground and First Floor Plans, scale 1:100, drawing number TC-D-PP-BGF, received 10th July 2026;
Proposed Second Floor Plan, scale 1:100, drawing number TC-P-P2P-F, received 10th July 2026;
Proposed Elevations, scale 1:100, drawing number TC-P-PE1, received 10th July 2026;
Proposed Elevations, scale 1:100, drawing number TC-P-PE2, received 10th July 2026;
Design, Access and Heritage Statement, received 10th July 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. Prior to their first use on the development hereby approved, full details of the materials to be used on the external surfaces of the building must be submitted to and approved in writing by the Local Planning Authority. Development must be carried out in accordance with the approved details and retained as such at all times thereafter.

Reason

In order to maintain the character of the building within the Conservation Area in accordance with Policies BE1 and BE2 of the Copeland Local Plan 2021-2039.

4. No part of the development hereby approved must be first occupied until a Sustainable Transport Information Pack has been submitted to and approved in writing by the Local Planning Authority. The approved Pack must thereafter be provided to all residents at the point of occupation and must be kept up to date for the lifetime of the development.

The Sustainable Transport Information Pack must include, but not be limited to:

- Details of the nearest bus stops and services, including route numbers, destinations

and frequency;

- Walking and cycling routes linking the site to public transport facilities and key local services;
- Information on cycle storage provided on-site; and
- Links to real-time public transport information services and journey-planning tools.

Reason

To promote sustainable modes of travel, reduce reliance on the private motor car and support the aims of Copeland Local Plan Strategic Policy CO4 (Sustainable Travel) and the National Planning Policy Framework's focus on sustainable transport.

5. No occupation of the development hereby approved must 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 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,

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 and in accordance with Policy DS4 of the Copeland Local Plan 2021-2039.

6. 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 Holidays.

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.

Informatives

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 (conversion).

Radon

The indicative Radon Map UK shows the site is within a 1 km grid square of elevated radon potential with a maximum radon potential of 10 – 30% unless a site-specific radon test showed otherwise. As such, full radon protection measures should be built in to the conversion.

Mandatory HMO Licensing

The HMO would need to be licensed with the Council and its design should meet national and local guidance. Further information may be obtained from the Councils Private Housing Team.

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.

	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 : 09/09/2026
Authorising Officer: N.J. Hayhurst	Date : 14/09/2026
Dedicated responses to:- N/A	