

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/20/2289/0F1
2.	Proposed Development:	CHANGE OF USE FROM INDUSTRIAL (B1, B2 OR B8) TO GYM (D1 OR D2) AND INDUSTRIAL (B1, B2 OR B8)
3.	Location:	15C LECONFIELD INDUSTRIAL ESTATE, CLEATOR MOOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Development Referral Area - Data Subject to Change, 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:	<p>SITE AND LOCATION This application relates to Unit 15C which is located on the Leconfield Industrial Estate in Cleator Moor. The unit is sited in the middle of a row of 8 units on the northern section of the Industrial Estate. It is accessed from the central access road which joins onto Leconfield Street at a roundabout junction. There is existing parking provision at the front of the unit.</p> <p>PROPOSAL Planning Permission is sought for the change of use from industrial (B1, B2 and B8) to a mixed use of gym (D2) and industrial (B1, B2 and B8).</p> <p>There will be no alterations to the external appearance of the unit.</p>

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous applications on the site.

CONSULTATION RESPONSES

Consultees

Town Council – No response received

Cumbria County Highways – No objections as it is considered that the proposal does not affect the highway.

Local Lead Flood Authority – No objections as it is considered that the proposal does not increase the flood risk on site or elsewhere.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued 2 no. properties.

No responses 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.

Development Plan

Copeland Local Plan 2013 – 2028 (Adopted 2013)

Core Strategy

Policy ST2 – Spatial Development Strategy

Policy ER4 – Land and Premises for Economic Development

Policy SS4 – Community and Cultural Facilities and Services

Development Management Policies (DMP)

Policy DM3 – Safeguarding Employment Areas

Policy DM22 – Accessible Developments

Other Material Planning Considerations

National Planning Policy Framework 2019 (NPPF)

ASSESSMENT

Principle of development

Whilst the change of use of the existing unit is acceptable in principle as it is situated within an industrial estate and close to the centre of Cleator Moor, it does raise policy issues due to the partial loss of the business provision. Policy DM3 seeks to safeguard employment areas and resists non employment uses unless the site is no longer viable, there are no suitable alternatives and the benefits of the proposal outweigh the loss of the employment. The Leconfield Industrial Estate has had mixed fortunes for a number of years and full occupancy has rarely been achieved. Although the proposed use as a gym is not normally found on industrial estates, this estate is located within the central area of Cleator Moor. Furthermore, use as B1, B2 and B8 will be retained allowing for the industrial use to be reinstated when required. The proposal will secure the future use of this building and provide local facilities in a sustainable location as advocated by Policy SS4.

The change of use of this building allows for a new business to be created within an existing and formerly vacant unit. It will create jobs and as the industrial estate is close to the town centre, the use is considered to be acceptable.

On this basis, the proposal is considered to be acceptable and it is unlikely to undermine the overall use of the industrial estate.

Neighbouring amenity

The closest residential properties to the unit are situated 56 metres to the north and are unlikely to be affected by the proposal. The access road to the industrial estate is existing and will not be changed as a result of this change of use. The levels of traffic generated from the use are also to be modest and comparable to an employment use. On this basis the amenities of the adjacent industrial occupants and the character of the area will be maintained.

Parking

Leconfield Industrial Estate includes ample off street parking, with plenty of provision surrounding unit 15C to serve various uses. This will remain unaffected by the proposal and the ongoing situation will not change. The Highway Authority have raised no objection to the proposal and consider that there will not be a material effect on the current highway situation.

Coal Mining Development Referral Area

Half of the unit is sited within the coal mining development referral area. There will be no external alterations as part of the proposal and guidance clarifies that the Coal Authority do not require to be consulted on change of use applications. An informative can be added to any approval to ensure that should any coal related issues arise, the Applicant informs the Local Authority so that appropriate advice can be sought.

Conclusion

There have been no objections to the proposal.

	<p>Overall this is considered to be an acceptable form of development which accords with the policies within the adopted Local Plan and the guidance set out in the NPPF.</p>
<p>8.</p>	<p>Recommendation: Approve (commence within 3 years)</p>
<p>9.</p>	<p>Condition(s):</p> <p>1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <p>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: -</p> <p>Site Location/Estate Plan, scale 1:2500, drawing number 1005K, received 27th July 2020; Block Plan, scale 1:1250, received 27th July 2020; Floor Plan, received 19th August 2020.</p> <p>Reason</p> <p>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.</p> <p>Informative</p> <p>The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.</p> <p>It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance</p>

of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. 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 a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com <<http://www.groundstability.com>> or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

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 : 21/09/2020

Authorising Officer: N.J. Hayhurst

Date : 21/09/2020

Dedicated responses to:- N/A