

## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/21/2235/OF1
2.	<b>Proposed Development:</b>	CHANGE OF USE FROM SANDWICH SHOP TO FORM SINGLE UNIT OF PETROL FILLING STATION WITH "FOOD TO GO" OUTLET AND EXTERNAL ALTERATIONS
3.	<b>Location:</b>	CROSSFIELD GARAGE, LECONFIELD STREET, CLEATOR MOOR
4.	<b>Parish:</b>	Cleator Moor
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter: YES  Site Notice: YES  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>  <b>SITE AND LOCATION</b>  This application relates to Crossfield Garage located on Leconfield Street in Cleator Moor.  <b>PROPOSAL</b>  Planning Permission is sought for the change of use of the building to include the sale of petrol and a “food to go” outlet. The proposal includes external alterations to the building including the installation of new windows and an extraction system.  An application for Advertisement Consent has been submitted in tandem for the new signage associated with the use (application reference 4/21/2236/OA1 relates).  <b>RELEVANT PLANNING APPLICATION HISTORY</b>	

There have been no recent planning applications on the site.

## **CONSULTATION RESPONSES**

### Cumbria Highways

Considering the existing use of the buildings and parking requirements this application to merge the sandwich shop and filling station into one unit will not have a material increase in impact on the local highway network.

### Local Lead Flood Authority

No objections.

### Public Representation

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

No responses have been received to 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 December 2013)

### Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ER6 – Location of Employment

Policy ER7 – Principal Town Centre, Key Service Centres, Local Centres and other service areas: Roles and Functions

Policy SS4 – Community and Cultural Facilities and Services

### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM22 – Accessible Developments

## **Other Material Planning Considerations**

National Planning Policy Framework 2019 (NPPF)

Emerging Copeland Local Plan

The emerging Copeland Local Plan 2017-2035 was recently the subject of a Preferred Options Consultation. The Preferred Options Consultation builds upon the completed Issues and Options Consultation which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

### **ASSESSMENT**

#### **Principle of Development**

The expansion of existing businesses is generally supported throughout national and local policy, however the main considerations in the decision of this application are the appropriateness of the use and any potential impact on the neighbouring dwellings.

The proposal is for the change of use of part of the building to create a “food to go” outlet and for the associated external alterations to include new windows and a ventilation outlet. Cleator Moor is designated as a Key Service Centre within Policy ST2 of the Copeland Local Plan where the retention and expansion of businesses is encouraged. It is considered that the food outlet will compliment the use as a filling station and provide another service for Cleator Moor.

On this basis, the principle of the development is acceptable and complies with Policy ST2 and SS4 of the Copeland Local Plan.

#### **Impact on Amenity**

The building is already in use as a petrol filling station and sandwich shop, and the application seeks a modest change to this use. The additional windows will provide a more modern exterior and will face east where there are no residential properties in close proximity. Given the existing use of the building it is considered that there is unlikely to be an adverse impact on any neighbouring amenity and the proposal is in accordance with Policy DM10 of the Copeland Local Plan.

#### **Highways**

The building will retain the same footprint, with the change of use being incorporated into the existing internal floorspace. On this basis, the Cumbria Highways Department do not consider that there will be a change in the use of the site that will cause a material increase to the existing traffic

	<p>situation.</p> <p>On this basis, it is considered that the proposal complies with Policy DM22 of the Copeland Local Plan.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The proposal seeks to change the use of existing floorspace to expand an independent business in a satisfactory location. The policies within the Local Plan and also guidance within the NPPF support the expansion of existing business premises.</p> <p>The proposed external alterations are modest and the additional windows will not have a negative effect on the surrounding area and will result in an improvement to the overall appearance of the property.</p> <p>This proposal is considered to be an acceptable form of development which accords with the guidance set out in the NPPF and the adopted Local Plan.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li> <p>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> </li> <li> <p>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 Plan, scale 1:500, received 21<sup>st</sup> May 2021;  Block Plan, scale 1:100, drawing number WDS-05-7030-303C, received 21<sup>st</sup> May 2021;  Existing Elevations, scale 1:100, received 21<sup>st</sup> May 2021;  Existing Floor Plan, scale 1:100, received 21<sup>st</sup> May 2021;  Proposed Elevations, scale 1:100, drawing number WDS-05-6654-303C, received 21<sup>st</sup> May 2021;  Proposed Floor Plan, scale 1:100, drawing number WDS-6654-303C, received 21<sup>st</sup> May 2021.</p> </li> </ol>

	<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><b>Statement</b></p> <p>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.</p>
<b>Case Officer: Sarah Papaleo</b>	<b>Date : 14/07/2021</b>
<b>Authorising Officer: N.J. Hayhurst</b>	<b>Date : 15/07/2021</b>
<b>Dedicated responses to:- N/A</b>	