

**COPELAND BOROUGH COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/21/2341/OF1
2.	<b>Proposed Development:</b>	CHANGE OF USE FROM A VEHICLE SHOWROOM AND WORKSHOP (SUI GENERIS) TO RETAIL (CLASS E(a))
3.	<b>Location:</b>	CENTRAL 4 CARS, LILLYHALL, DISTINGTON, WORKINGTON
4.	<b>Parish:</b>	Distington
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	See Report.
7.	<b>Report:</b>	<p><b>Site and Location:</b></p> <p>This Application Site comprises the land and building known as Central 4 Cars, Distington, Workington.</p> <p>The Application Site comprises a vehicle sales showroom and vehicle workshop falling within the sui generis use classification.</p> <p>The Application Site houses a single story building principally under a mono-pitched roof structure and finished externally with grey profile sheeting.</p> <p>An extensive hard surfaced forecourt and yard exist to the front (north), sides and rear (south) of the Application Site. A vegetated area exists beyond the rear yard of the Application Site.</p> <p>Access to the Application Site is via the highway connecting to the A595 at the 'Distington By Pass Roundabout'.</p> <p>The Application Site is located in Flood Zone 1 and a Coal Authority Standing Advice Area.</p>

**Recent Planning Application History:**

4/11/2563/0F1 – Demolition of existing showroom and office, remodeling of remains to form showroom – Approved.

**Proposal:**

Full Planning Permission is sought for the change of use of the existing land and buildings to a bulky goods retail use falling within use classification E(a).

No other development is proposed.

It is confirmed that the internal space would be reconfigured in response to the change of use and the character of the new use. The majority of the floorspace would be set out to display the products, there would be large stock room at the rear with additional staff space.

Access to the Application Site is proposed via the existing access with parking and turning for customers to the front of the building.

It is confirmed that staff would park to the sides/rear of the building.

<b>Consultee:</b>	<b>Nature of Response:</b>
Parish Council	No objection.
Cumbria County Council – Highways and LLFA	Cumbria County Council as 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.
Highways England	No objections.
Allerdale Borough Council	2 <sup>nd</sup> September 2021  The applications submitted sequential test excludes assessment of the following sites within Workington (some of which are allocated under the provisions and policies of the Allerdale local plan (part2): <ul style="list-style-type: none"><li>- Central car park, Workington (Policy SA47 of Allerdale local plan Part 2).</li><li>- Royal British Legion, Jane St, Workington (Policy SA48 of Allerdale local Plan part 2).</li><li>- Cloffocks, Workington.</li><li>- Debenham’s former store, Workington.</li><li>- Workington Opera House (recently demolished) Ladies Walk,</li></ul>

Workington.

- Site of former Fusion nightclub (burnt down) Ladies Walk, Workington.
- Former Laura Ashley - Riseman Way, Workington.

Allerdale therefore object and contest the application's present sequential test is incomplete, hindering the means to demonstrate whether the proposal is compliant with the guidance specified within the recent updated NPPF (2021) in terms of its retail guidance re suitability /availability of sites.

No response was received to re-consultation re. submitted Sequential Assessment Addendum within 21 days of consultation.

#### **Neighbour Responses:**

The application has been advertised by way of an application site notice and notification letters issued to 14no. neighbouring properties.

No written representations have been received.

#### **Planning Policy**

Planning law requires that 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) (CS):

#### Core Strategy:

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

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

Policy ER9 – The Key Service Centres, Local Centres and other smaller centres

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

#### Development Management Policies:

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM28 – Protection of Trees

Copeland Local Plan 2001-2016 (LP):

Saved Policy TSP8 - Parking Requirements

Proposals Map including settlement boundaries.

**Other Material Planning Considerations**

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

The Conservation of Habitats and Species Regulations 2017 (CHSR).

Cumbria Development Design Guide (CDDG).

Emerging Copeland Local Plan (ECLP).

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;*

The Application Site is located outside of the defined settlement boundary of Distington.

The Application Site is not the subject of any specific land designation; however, it is well related to the A595 and Lillyhall Industrial Estate, which accommodates a range of industrial, education, retail and leisure uses.

The proposed development comprises the provision of new retail floorspace beyond the boundary of a designated centre and must therefore be considered as out-of-centre retail development.

Policy ER7 of the LP seeks to maintain a hierarchy of interconnected, vibrant and inclusive Principal Town and Key Service Centres that are mixed-use hubs for retail, commercial, leisure, civic and housing provision. The policy confirms that key development objectives are to reinforce the role of Whitehaven as the Principal Town, as well as supporting its role as a tourist and visitor destination; protect and enhance services and facilities within Key Service Centres; and seek to ensure that Local Centres and neighbourhood centres maintain essential shops and services to meet the needs of local communities.

The supporting text to Policy ER7 acknowledges that there will be proposals for development of retail and other town centre uses not in an existing centre and that such applications will be dealt with in accordance with national planning policy.

The proposed development comprises the provision of a Class E(a) bulky goods retail unit. This is classified as a main town centre use in Annex 2 of the NPPF. The Application Site occupies an out-of-centre location; therefore, in accordance with the NPPF, a sequential assessment is required to establish if there are preferable sites within or to the edge of nearby centres capable of accommodating the proposed development.

The NPPF confirms that LPAs should apply a sequential assessment to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date Local Plan. Main town centre uses should be located in town centres, then in edge-of-centre locations and only if suitable sites are not available (or expected to become available within a reasonable period) should out-of-centre sites be considered. When considering edge-of-centre and out-of-centre proposals, preference should be given to accessible sites that are well-connected to the town centre. It is also suggested that applicants and LPAs should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge-of-centre sites are fully explored.

The proposed development falls below the threshold of 2,500 sqm for requiring a retail impact assessment defined in the NPPF. There is no locally defined alternative threshold in the LP.

A Retail Statement has been prepared and submitted in support of this Full Planning Application. The Retail Assessment includes a sequential assessment and retail impact assessment.

The sequential assessment concludes that there are no suitable and available sequentially preferable premises capable of accommodating the proposed bulky goods retail floor space within existing centres and edge of centre locations within Whitehaven and Workington.

The retail impact assessment concludes it is not considered that the proposed bulky goods retail unit would compete to a material degree with the existing offer of either town centre and, consequently, would not have a material impact on the performance of Workington or Whitehaven town centre, although as outlined above, such matters would not form a reasonable basis for withholding planning permission given that the development falls below the threshold in for a retail impact assessment in the NPPF.

Allerdale Borough Council objected to and contested the initially submitted sequential test on the basis that it is incomplete and thus hindering the means to demonstrate whether the proposal is compliant with the guidance specified within the NPPF. A number of additional sites were identified by Allerdale Borough Council for consideration and assessment as part of the sequential test.

The Applicant subsequently prepared a Sequential Assessment Addendum, which assesses the additional sites identified by Allerdale Borough Council. The Addendum concludes that none of the identified sites and premises are suitable to meet the commercial requirements of the applicant or available within a reasonable time period and that the sequential test is therefore satisfied. It is highlighted that the proposed unit is intended to complement the business' existing town centre stores with a greater focus on supporting the growth on their online presence hence a key requirement being the need for extensive storage space, suitable servicing areas and excellent connectivity to the strategic road network.

No response was received to re-consultation relating to the submitted Sequential Assessment Addendum within 21 days of consultation.

The conclusions of the completed sequential assessment is considered reasonable and robust in relation to the development proposed.

A planning condition is proposed to secure the proposed use for bulky goods use only to ensure that the development fulfils the identified need only and cannot be changed to other uses within Class E, which may undermine spatial objectives or cause unacceptable impacts from its operation.

#### *Highways;*

Cumbria County Council and Highways England have raised no objections to the proposed development.

Access to the Application Site is proposed via the existing access.

The Applicant has prepared a summary of the existing vehicle movements arising from the existing use and an estimate of the vehicle movements arising from the proposed use. This show a likely decrease in vehicle movements of around 27% arising from the proposed development.

Off highway parking and turning areas for customers exists to the front of the building and it is confirmed that staff would park to the sides/rear of the building. A total of 70no. off highway parking spaces are confirmed to exist.

The Cumbria Development Design Guide confirms the requirement for the following parking provision at non-food retail development:

- Essential Operational Parking - 50m<sup>2</sup> of usable service space per 750m<sup>2</sup> gross floor area Plus turning space.
- Disabled Parking - 1 space or number equivalent to 5% of car requirement whichever is greater.
- Cars - 1 space per 20m<sup>2</sup> gross floor area
- Motorcycles - 1 space or number equivalent to 5% of car requirement when more than 20 car

spaces needed.

- Pedal Cycles - Number equivalent to 5% of car requirement.

The requirements of the Cumbria Development Design Guide are achievable to the proposed development.

A planning condition is proposed requiring the submission, approval, implementation and retention of a vehicle parking layout to serve the development.

*Residential Amenity;*

The proposed use comprising a bulky goods retail use will not result in materially greater impacts upon the residential amenity of existing residents than the existing approved use.

The likely decrease in vehicle movements of around 27% arising from the proposed development, will result in a potential material improvement in terms of traffic impacts in overall terms. The development will however result in an increase in deliveries to and from the premises.

Planning conditions are proposed to limit the hours of operation and delivery to prevent harmful impacts upon the residential amenity of nearby residents at unsocial periods.

*Other Matters;*

No physical development is proposed; therefore, no issues are arising in respect of ecology, drainage and ground conditions.

*The Planning Balance;*

It has been demonstrated that there are no suitable and available sequentially preferable premises capable of accommodating the proposed bulky goods retail floorspace within existing centres and edge of centre locations; therefore, the sequential assessment is met.

The development is acceptable in respect of flood risk, ecology, amenity and highway impacts subject to the planning conditions proposed.

The development therefore accords with the provisions of the Development Plan subject to the planning conditions proposed.

8. **Recommendation:**  
Approve (commence within 3 years)

9. **Conditions:**

1. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Planning Application Form received 22<sup>nd</sup> July 2021
- Location/Block Plan - Drawing No. A 01 received 22<sup>nd</sup> July 2021

Reason:

For the avoidance of doubt and in the interests of proper planning.

3. Prior to the development hereby permitted being brought into use:

- a parking layout and service area plan for the development shall be submitted to and approved in writing by the Local Planning Authority; and,
- the approved parking layout and service area plan for the development shall be constructed, marked out and made available for use.

The parking spaces and turning space shall be used solely for the benefit of the occupants and visitors of the development hereby approved and for no other purpose and shall be retained for the lifetime of the development.

Reason:

In the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

**Other Planning Conditions**

4. The premises shall be used for Class E(a) use and for no other purpose (including any other purpose



in Class E of Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

The Class E(a) premises hereby approved shall not exceed 553 square metres in gross internal floor space and shall not be used for the sale of any goods other than those within the following categories:

- i. Electrical goods and other domestic appliances;
- ii. Furniture, wall and floor coverings;
- iii. DIY products, materials, tools and machinery for the repair, maintenance or improvement of the home, the garden and motor vehicles;
- iv. Motor and cycle goods; and
- v. Bedding, soft furnishing and textiles.

Reason:

To prevent adverse impacts upon the retail function of the Principal Town and Key Service Centres in accordance with the provisions of Policy ER7 of the Copeland Local Plan 2013-2028 and National Planning Policy Framework and to prevent the introduction of uses that would cause unacceptable impacts upon the highway network and residential amenity in accordance with Policy ST1 and Policy T1 of the Copeland Local Plan 2013-2028 and National Planning Policy Framework.

5. The use hereby approved shall not take place other than between the following hours:-

08:00 and 19:00 Monday to Saturday; and,  
10:00 and 16:00 at any time on Sundays, Bank or Public Holidays.

Reason:

To safeguard the amenity of neighbouring occupiers in accordance with Policy ST1 of the Copeland Local Plan 2013-2028.

6. No deliveries shall be taken at or despatched from the site, outside the hours of:

08:00 and 19:00 Monday to Saturday; and,  
10:00 and 16:00 at any time on Sundays, Bank or Public Holidays.

Reason:

To safeguard the amenity of neighbouring occupiers in accordance with Policy ST1 of the Copeland

Local Plan 2013-2028.

**Informative**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

**Statement**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and negotiating with the applicants acceptable amendments to address them. As a result the Local Planning Authority has been able to grant planning permission for an acceptable proposal in accordance with Copeland Local Plan policies and the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

**Case Officer:** Chris Harrison

**Date :** 12.10.2021

**Authorising Officer:** N.J. Hayhurst

**Date :** 14/10/2021

**Dedicated responses to:-** N/A