

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/22/2121/OF1
2.	Proposed Development:	CHANGE OF USE FROM OFFICE SPACE TO SUI GENERIS (DOG TRAINING STUDIO)
3.	Location:	UNIT 1A, THE FLAXWORKS, CLEATOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Standing Advice - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM
6.	Publicity Representations &Policy	Neighbour Notification Letter: NO Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: SITE AND LOCATION This application relates to Unit 1A, The Flaxworks, an existing office building within Cleator. The site falls within the settlement boundary and benefits from existing off-street parking to the front and side of the building. PROPOSAL Planning permission is sought for the change of use of the office unit to a dog training studio. The existing unit measures 19.5m x 11.1m and it will incorporate both one-to-one training sessions and	

group classes for up to 6 dogs with owners/handlers accompanying.

It is expected the opening hours will gradually increase over the next year to a maximum of Monday to Friday 08.00 to 20.30 and Saturday and Sunday 09.00 to 17.00.

The application was accompanied by the following:

- Location Plan;
- Block Plan;
- Block Plan with 8 Parking Spaces highlighted in green;
- The Unit Particulars;
- Dog Waste Bin Details;
- Supporting Statement;
- Noise Risk Assessment;
- Flood Risk Assessment.

RELEVANT PLANNING APPLICATION HISTORY

No relevant planning history at this site.

CONSULTATION RESPONSES

Cleator Moor Parish Council

No objections.

Highway Authority

No objections.

Lead Local Flood Authority (LLFA)

No objections.

Environment Agency

No objections. The Flood Risk Assessment provided in support of this application is adequate for the nature and scale of this change of use proposal which would not result in an increase in flood risk vulnerability. However, highlighted that the Flood Risk Assessment is out-of-date and does not take account of changes to climate change allowances.

CBC Flood Engineer

Raised an objection as the Flood Risk Assessment is out of date.

Environmental Health

No comments received.

Public Representation

The application has been advertised by way of site notice - No objections have been received as a result of this consultation.

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 ER4 – Land and Premises for Economic Development
- Policy ER7 – Principal Town Centre, Key Service Centres, Local Centres and other service areas: Roles and Functions
- Policy ER9 – The Key Service Centres, Local Centres and other small centres
- Policy SS4 – Community and Cultural Facilities and Services
- Policy ENV1 – Flood Risk and Risk Management

Development Management Policies (DMP)

- Policy DM10 – Achieving Quality of Place
- Policy DM22 – Accessible Developments
- Policy DM24 – Development Proposals and Flood Risk

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Cumbria Development Design Guide

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Publication Draft Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of the Copeland Local Plan 2017-2035 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft 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.

The following policies are relevant to this proposal:

Policy DS1PU – Presumption in favour of Sustainable Development

Policy DS6PU – Design and Development Standards

Policy DS8PU – Reducing Flood Risk

Policy CO7PU – Parking Standards and Electric Vehicle Charging Infrastructure

ASSESSMENT

The key issues raised by this proposal are the principle of development, its scale and design, the potential impacts on amenity, highway safety, parking and flood risk.

Principle of Development

The proposed application relates to an existing office unit within The Flaxworks, Cleator and the change of use will provide dog training studio (sui generis use class). Policy ST1 supports developments which create economic diversity and Policy ST2 supports growth in the local economy. Policy ER4 seeks to maintain an adequate supply of floor space for economic development and Policy SS4 encourages the expansion of service provision.

The proposed dog training facility will diversify the service provision within Cleator and the wider area and promote economic development.

On this basis, the principle of the development is therefore considered to be acceptable and the extension satisfies Policies ST1, ST2, ER4 and SS4 and the NPPF guidance.

Scale and Design

Policy DM10 requires development to respond positively to the character of the site and the wider setting and maintain reasonable standards of general amenity.

As the proposal relates to an existing office unit, the change of use will be appropriate in scale and it will be in-keeping with the wider setting. No changes to the external building are proposed and therefore the character of the area will be maintained.

The supporting statement includes details of how the business will operate and the opening times and number of clients are considered to be appropriate within the locality.

On this basis, the proposal is considered to be acceptable in terms of scale and design and complies with Policy DM10 and the NPPF guidance.

Impact of Development

Policy ST1, DM10 and section 12 of the NPPF seek to safeguard good levels of residential amenity.

As there are no residential houses in the vicinity, it is unlikely that the dog training change of use will

give rise to any disturbance in the area. Although a noise management plan and risk assessment have been submitted to support this application and this can be secured by the use of a planning condition. This will ensure the development will not cause disturbance to the surrounding units and protect the general amenity of the area.

In addition, there have been no objections received to the proposal.

On this basis, the proposal is considered to comply with Policy DM10 of the Local Plan.

Highway Safety and Parking

Policy DM22 requires developments to be accessible to all users and encourages innovative approaches to manage vehicular access and parking to avoid vehicles dominating the street scene.

The proposal will not increase the number of staff within the existing office unit and therefore the Highways Authority raised no objections to the proposal. It is not considered that the proposal will have a material effect on the highway conditions or safety. In addition, an existing parking area is located adjacent to the site, shown on the Block Plan, which is considered to meet the needs of the dog training business.

On this basis, the proposal is considered to meet Policy DM22 and the standards set out in the Cumbria Development Design Guide.

Flood Risk

Policy ENV1 and Policy DM24 seek to protect developments against flood risk.

The proposal is located within Flood Zones 2 and 3 which are defined as having a medium and high probability of flooding. The application is for a 'less vulnerable' use and therefore the Environment Agency raised no objections due to the nature of proposed change of use.

The Environment Agency noted the Flood Risk Assessment provided in support of this application is adequate for the nature and scale of this change of use proposal which would not result in an increase in flood risk vulnerability.

However, they did highlight that the Flood Risk Assessment is out-of-date and does not take account of changes to climate change allowances. The Council's Flood Engineer raised an objection to the out-of-date flood risk assessment, although as the Environment Agency who are a statutory consultee did not object, the proposal is considered to be acceptable.

The development will not increase the existing floor area and the surface water drainage will remain the same. The LLFA also raised no objection as they considered that it will not increase the risk of flood risk on the site or elsewhere.

On this basis, the change of use is not considered to have a detrimental impact on flood risk and it is therefore considered that the proposal will satisfy Policy DM24 and the NPPG guidance.

Planning Balance and Conclusion

The proposed application relates to an existing office unit within The Flax Works, Cleator and the change of use will provide dog training studio.

	<p>The proposed dog training facility will diversify the service provision within Cleator and the wider area and promote economic development. It is considered to be acceptable in terms of scale and design, surrounding amenity, highway safety and flood risk.</p> <p>On balance, the change of use is considered be an acceptable form of development, in accordance with Policies ST1, ST2, ER4, SS4, DM10, DM22 and DM24 of the Copeland Local Plan.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> <p>The use hereby permitted shall be for a limited period of three years from the date of this decision. At the end of this period the use shall cease, all materials and equipment brought onto the land in connection with the use shall be removed from the site on or before this date and the land restored to its former condition.</p> <p>Reason</p> <p>The use hereby approved is not considered suitable as a permanent form of development in order to safeguard the amenities of the locality.</p> <p>This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them: -</p> <p>Application Form, received 14th March 2022; Location Plan, scale 1:1250, received 14th March 2022; Block Plan, scale 1:250, drawing no. 1703C-M-101, received 14th March 2022; Block Plan with Parking; scale 1:500, drawing no. 1701C-LG200, received 14th March 2022; The Unit Particulars; received 14th March 2022; Dog Waste Bin Details; received 14th March 2022; Supporting Statement; received 14th March 2022; Noise Risk Assessment; received 14th March 2022; Flood Risk Assessment, received 14th March 2022.</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>3. The hours of opening shall be restricted to Mondays to Fridays 08:00 to 20:30 and Saturday to Sunday 09:00 to 17:00.</p> <p>Reason</p> <p>In the interest of protecting surrounding amenity in accordance with Policy DM10 of the Copeland Local Plan.</p> <p>4. The use hereby permitted shall be carried out in accordance with the details set out in the Supporting Statement, received by the Local Planning Authority on 14th March 2022. The noise management measures must be carried out and maintained thereafter.</p> <p>Reason</p> <p>In the interest of protecting surrounding amenity in accordance with Policy DM10 of the Copeland Local Plan.</p> <p>Informative Note</p> <p>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.</p> <p>Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p> <p>Statement</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>
Case Officer: C. Unsworth	Date : 25/05/2022
Authorising Officer: N.J. Hayhurst	Date : 25/05/2022
Dedicated responses to:- N/A	