

## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/22/2285/OF1
2.	<b>Proposed Development:</b>	CHANGE OF USE FROM CLASS F1 (OFFICE, EDUCATION, WORKHOP) APPROVED UNDER 4/97/0101/0 TO CLASS E(d) (OFFICE, EDUCATION, GYM); REPLACE SECTIONS OF GLAZING IN SOME EXISTING WINDOWS WITH EXTRACT LOUVRES
3.	<b>Location:</b>	UNIT 2, OLD PROSPECT WORKS, MAIN STREET, DISTINGTON
4.	<b>Parish:</b>	Distington
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Outer Consultation Zone - Cycliffe 3KM
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>  <p>This application relates to Unit 2, located at Old Prospect Works off Main Street in Distington. There are other commercial buildings to the north and south, parking and open space to the west and Main Street to the east.</p>  <b>PROPOSAL</b>  <p>Planning Permission is sought for the change of use of the building. It was previously in use as offices, education and a rear warehouse used as a training workshop. The change of use proposed seeks to retain the office and education facility and change the workshop to fitness accommodation.</p>	

The proposal requires minor alterations to the external appearance of the building, replacing 3 windows with louvre panels for ventilation. These will be white UPVC to match the existing windows.

#### **RELEVANT PLANNING APPLICATION HISTORY**

- Fascia sign and non-illuminated monument sign, approved in March 1994 (application reference 4/94/0063/0 relates);
- Installation of a window, approved in January 1999 (application reference 4/98/0874/1 relates);
- Change of use from car showroom to offices and training workshops, approved in March 1997 (application reference 4/97/0101/0 relates);
- Replace full height window with window and rendered stall riser, approved in January 2000 (application reference 4/99/0782/0 relates).

#### **CONSULTATION RESPONSES**

##### Distington Parish Council

No response received.

##### Cumbria County Highways

##### *1<sup>st</sup> response*

Before the highway authority submit our final response we would like to see a plan demonstrating the proposed parking arrangement for both staff and visitors. The application form states 15 existing spaces with 17 full time and 5 part time staff, also details of extra parking on land at the rear, this should be included in the red line boundary.

Please see Parking in the Cumbria Development Design Guide - Appendix 1 - Parking. Also, if the applicant could complete the transport form to provide a total figure for expected number of journeys to and from the site per day.

##### **2<sup>nd</sup> response**

It is noted from the Transport Form submitted that the proposed gym will operate with four classes per day which will not exceed twelve members per class. There will be bicycle storage on site and there is a public transport network in the area. They have explained that there is 15 existing parking spaces within the site. Before submitting a final response, please can the applicant show on a plan the formalised parking area with the proposed bicycle storage?

##### **3<sup>rd</sup> response**

I can confirm that, taking into account the existing use of the premises, the LHA do not feel the proposed use will have a material effect on the highway in line with the information submitted on the transport form and Drawing Number 5739-01C. I would, however, suggest that there is an Electric Vehicle Charging Point provided to improved sustainability in the future. I can confirm that the LHA raise no objections to this proposal subject to the following condition being included in any permission you might grant:

The use shall not be commenced until the parking requirements have been constructed in accordance with the approved plan. Any such parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority.

Reason: To ensure a minimum standard of access provision when the development is brought into use.

To support Local Transport Plan Policies: LD5, LD7

Local Lead Flood Authority

No objections.

Environmental Health

No response received.

Fire and Rescue Services

No response received.

Public Representations

The application has been advertised by way of a site notice and neighbour letters issued to 11 no. properties.

No objections 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 December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy  
Policy ER4 – Land and Premises for Economic Development  
Policy ER5 – Improving the Quality of Employment Space  
Policy ER6 – Location of Employment  
Policy ER11 – Development Enterprise and Skills  
Policy SS4 – Community and Cultural Facilities and Services  
Policy T1 – Improving Accessibility and Transport

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place  
Policy DM21 – Protecting Community Facilities  
Policy DM22 – Accessible Developments

**Other Material Planning Considerations**

National Planning Policy Framework 2021 (NPPF)

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 policies relevant to this proposal are as follows:

Strategic Policy DS1PU: Presumption in favour of Sustainable Development  
Strategic Policy DS3PU: Settlement Hierarchy  
Policy DS6PU: Design and Development Standards  
Strategic Policy E1PU: Economic Growth  
Strategic Policy E2PU: Location of Employment  
Strategic Policy SC1PU: Health and Wellbeing  
Policy SC2PU: Sporting, Leisure and cultural Facilities (excluding playing pitches)  
Policy SC5PU: Community and Cultural Facilities  
Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

## **ASSESSMENT**

### Principle of the development

Policies ST1 and DM10 of the CS and DS6PU of the ELP require that good design is maintained for new developments and that proposals will not affect the surrounding street scene or the amenity of neighbouring properties. Policy SS4 of the CS and SC2PU and SC5PU of the ELP seek to provide community facilities which meet the needs of locals and are accessible for all. Policy DM22 of the CS and CO7PU ensure that sufficient parking and access is available for all developments.

The building lies within the settlement boundary of Distington and was in previous use as offices and training with a warehouse to the rear. The proposal is to retain the offices and training at the front and change the use of the rear of the building to a gym/wellness centre. The supporting statement submitted with the application sets out that the details of how the building will be taken over by “Together We”, a community interest company aiming to help people take control of their own wellness both mentally and physically. Policies within the CS and ELP support the addition of community facilities with a particular emphasis on public health. The building is within easy walking distance of the centre of Distington and is therefore considered to be accessible.

On this basis, it is considered that the principle of the change of use should be supported and complies with Policy SS4 of the CS and SC2PU and SC5PU of the ELP.

### Design and Impact on Residential Amenity

Policies ST1 and DM10 of the CS and DS6PU of the ELP protect the surrounding street scene from inappropriate development and ensure that the amenity for neighbouring properties is upheld.

The proposal requires minor alterations to the external appearance of the building, replacing 3 windows with louvre panels for ventilation. These will be white UPVC to match the existing windows and are unlikely to create a material change to the external appearance of the building.

Whilst the gym will create a more active use for the building with a greater potential for noise, the closest residential properties are located 32m to the north and 45m to the south. These properties are located next to a commercial estate and therefore are likely to be accustomed to certain volumes of noise and traffic movements. No objections were received to the application in response to the consultation process.

Furthermore, the opening hours of the gym are to be restricted to no earlier than an 8am opening and 8pm closing. Audible music will also only be played between 9:30 and 10:30 and 1800 and 20:00 for gym classes, therefore reducing the opportunity for noise disturbance during unsociable hours. It is considered reasonable to include conditions on any approval to restrict both opening hours and amplified music hours in order to protect the amenity of the surrounding properties.

Overall, it is considered that the proposal complies with Policies ST1 and DM10 of the CS and DS6PU of the ELP providing a suitable design and amenity protection for neighbouring properties.

### Access and Parking

Policies T1 and DM22 of the CS and CO7PU of the ELP ensure that there is sufficient access, egress and parking for a development and that traffic movements won't have a significant impact on the surrounding highway network.

The proposal includes the utilization of the existing access/egress and the 15 parking spaces to the south of the building that are currently associated. The supporting planning statement details that there is further parking available at the rear of the property, if it is required. Given the off street parking facility available this level of provision is considered to be acceptable for the proposed use. Cumbria Highways have requested a planning condition to ensure that the parking is constructed and brought into use, prior to the first use of the building. In order to ensure there is no anti-social parking, this is considered to be a reasonable request.

During the application process, Cumbria Highways requested that the Applicant complete a transport form to detail movement to and from the site. The form detailed the following:

- Not all of the 17 members of full time and 5 members of part time staff would be on site at the same time;
- Some staff will carshare;
- Bike racks will be provided with a bike scheme available to staff;
- There would be a maximum number of 12 people per gym class, with 4 classes available per day;
- There is public transport in close proximity to the site.

Further to the receipt of a site plan to show the parking and bicycle rack facilities detailed, Cumbria Highways raised no further objections and considered that the access and parking facilities will be acceptable for the development.

Overall, the proposal complies with Policies T1 and DM22 of the CS and CO7PU of the ELP.

### Planning Balance and Conclusion

This site falls within the designated settlement boundary for Distington which is listed as a Local Centre in the adopted Local Plan. Policies within the Local Plan seek to encourage the provision of community facilities in the main settlements.

Overall, the change of use and resulting minor alterations are considered to be appropriate in this location and will not have an adverse impact on the area. Issues relating to residential amenity, noise and parking provision have been considered fully within the report and no objections to the application have been received.

	<p>On balance, the proposal is unlikely to create a material change from the previous commercial use of the building.</p> <p>This is considered to be an acceptable form of development which accords with the policies in the Copeland Local Plan and other material planning considerations.</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>Existing and Proposed Plans, scales 1:100, 1:500 and 1:1250, drawing number 5739-01-C, received 25th August 2022;  Planning Statement, written by Day Cummins Ltd, dated 22nd June 2022, received 29th June 2022;  Transport Form, received 5th August 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><u>Prior To Use Condition</u></p> </li> <li> <p>The use hereby approved must not be commenced until the parking requirements have been constructed in accordance with the details set out on the approved plan. Any such parking provision must be retained and be capable of use when the development is completed and must not be removed or altered without the prior consent of the Local Planning Authority.</p> <p>Reason</p> </li> </ol>

To ensure a minimum standard of access provision when the development is brought into use and in accordance with Policy DM22 of the Copeland Local Plan.

Other Conditions

4. The use as a gym hereby permitted must not be open to the public/customers outside the following times:

Monday – Friday – 08:00 – 20:00

Saturdays – 09:00 – 12:00

Sundays and Bank Holidays – CLOSED

Reason

To minimise potential disturbance to nearby residences and to safeguard the amenities of the locality in accordance with Policy ST1 of the Copeland Local Plan.

5. There must be no amplified music played outside the following hours:

Monday to Friday – 09:30 – 10:30 and 18:00 – 20:00

Reason

To ensure the amenity of the neighbouring dwellings and in accordance with Policy ST1 of the Copeland Local Plan.

**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 : 08/11/22**

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

**Date : 09/11/2022**

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