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TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) – SECTION 73.

**NOTICE OF GRANT OF PLANNING PERMISSION**

Urban Fitness and Performance  
Ennerdale Mill  
Egremont  
CA22 2PN  
FAO Mr Craig Levens

**APPLICATION No: 4/22/2354/0B1**

**VARIATION OF CONDITION 5 (ROLLER SHUTTER DOORS) OF PLANNING  
APPROVAL 4/20/2387/0F1 - CHANGE OF USE FROM BUS GARAGE &  
WORKSHOP TO GYM  
UNITS 5 AND 6, ENNERDALE MILL, BRIDGE END, EGREMONT**

**Urban Fitness and Performance**

The above application dated 26/08/2022 has been considered by the Council in pursuance of its powers under the above mentioned Act and PLANNING PERMISSION HAS BEEN GRANTED subject to the following conditions:

1. -
2. This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-
  - Site and Location Plan Existing, Scale 1:200 & 1:1250, Drawing No 19/0239/01, received by the Local Planning Authority on the 26<sup>th</sup> August 2022.
  - Block Plan Proposed with Drainage, Scale 1:200, Drawing No 19/0239/02, received by the Local Planning Authority on the 29<sup>th</sup> September 2020.

- Landscaping and Parking, Scale 1:200, Drawing No 20/270/01, received by the Local Planning Authority on the 29<sup>th</sup> September 2020.
- Conceptual Gym Layout for Urban Fitness & Performance, Drawing No 22394-SS21, received by the Local Planning Authority on the 29<sup>th</sup> September 2020.
- Flood Risk Statement, Prepared September 2020, received by the Local Planning Authority on the 29<sup>th</sup> September 2020.
- Planning Statement, Prepared by the SRE Associates on the September 2020, received by the Local Planning Authority on the 29<sup>th</sup> September 2020.
- Letter from Applicant - Management Plan Roller Shutter Doors (Amended), received by the Local Planning Authority on the 17<sup>th</sup> September 2024.

#### Reason

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.

3. The development must be carried out in accordance with and implement all of the details and measures set out within the approved document Flood Risk Statement, Prepared September 2020, received by the Local Planning Authority on the 29<sup>th</sup> September 2020.

Once installed these measures shall be retained at all times thereafter.

#### Reason

To secure proper drainage and to manage the risk of flooding and pollution.

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

- Monday – Friday: 05:30 - 21:00;
- Saturday – Sunday, including Bank Holidays: 08:00 - 20:00.

#### Reason

To minimise potential disturbance to nearby residences and to safeguard the amenities of the locality.

5. The roller shutter doors at this site must only be opened in accordance with the details and mitigation measures set out in the approved document 'Letter from Applicant - Management Plan Roller Shutter Doors (Amended), received by the Local Planning Authority on the 17<sup>th</sup> September 2024'. The development must be carried out in accordance with the approved document at all times thereafter.

Reason

To minimise potential disturbance to nearby residences and to safeguard the amenities of the locality.

6. No exercise by users of the gym shall take place outside of the building on any of the land edged in red on the approved plan 'Site and Location Plan Existing, Scale 1:200, Drawing No 19/0239/01, received by the Local Planning Authority on the 29<sup>th</sup> September 2020', at any time.

Reason

To minimise potential disturbance to nearby residences and to safeguard the amenities of the locality.

7. The existing parking arrangements at the site must be retained for the lifetime of the development in accordance with the approved document Landscaping and Parking, Scale 1:200, Drawing No 20/270/01, received by the Local Planning Authority on the 29<sup>th</sup> September 2020.

Reason

In the interest of highway safety.

**Informatives:**

1. It is advised that the gym signs up to the Environment Agency's Flood Warning Service and has an Evacuation plan in the event of flooding.
2. The applicant should take all relevant precautions to minimise the potential for disturbance to occupiers of neighbouring properties in terms of noise and vibration. The granting of change of use does not indemnify against statutory nuisance action being taken should complaints be received. Noise nuisance notifications are not covered within the planning process

and will be investigated by Environmental Health in their duties under the Environmental Protection Act 1990.

3. Public Footpath 414004 follows an alignment to the west of the proposed development and must not be altered or obstructed before or after the development has been completed. If the footpath is to be temporarily obstructed then a formal temporary closure will be required there is a 12 week lead in time for this process, for further information please contact [Sandra.smith@cumbria.gov.uk](mailto:Sandra.smith@cumbria.gov.uk).

**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.

Please read the accompanying notice



Nick Hayhurst  
Head of Planning and Place  
Inclusive Growth and Placemaking

11th October 2024

**APPROVALS  
(OUTLINE, FULL RESERVED MATTERS & HOUSEHOLDER)**

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT  
PROCEDURE) (ENGLAND) ORDER 2015**

**PART 2**

**TOWN AND COUNTRY PLANNING ACT 1990**

**Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision> . If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

**Purchase Notices**

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.