

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2379/0F1
2.	Proposed Development:	TEMPORARY CHANGE OF USE OF BUILDING AND LAND FROM VEHICLE SHOWROOM AND WORKSHOP (SUI GENERIS) TO LEARNING AND NON-RESIDENTIAL INSTITUTIONS TO PROVIDE OVERSPILL SPACE FOR FURTHER EDUCATION (USE CLASS F.1)
3.	Location:	CENTRAL MOTOR COMPANY, DISTINGTON TO PARTON, DISTINGTON
4.	Parish:	Distington
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Outer Consultation Zone - Cycliffe 3KM
6.	Publicity Representations &Policy	See report.
7.	Report: Site and Location: <p>The 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:

4/21/2341/0F1 – Change of use from a vehicle showroom and workshop (Sui Generis) to retail (Class E(a)) – Approved subject to planning conditions.

Proposal:

Full Planning Permission is sought for the temporary change of use of the existing land and buildings to comprise a learning and non-residential institution (Use Class F.1) to provide overspill space for further education.

The space is to provide some additional workshop space to temporarily accommodate the brickwork course operated by Lakes College whilst a new multi-million-pound Civil Engineering Training Centre is developed on the Lakes College site.

No external development is proposed to enable the development.

Access is proposed via the existing access with parking and turning for staff and students located around the building.

Consultee:	Nature of Response:
Parish Council	No objection.
Cumbria County Council – Highways and LLFA	<p><i>12th October 2022</i></p> <p>Although the Local Highway Authority have no objections to the principle of this application, before formally responding we would like to see some more information in regards to the anticipated numbers of students and employees that will be at the site each day. It would be beneficial for the applicant to provide information of the expected traffic movements to and from the site along with any public transport links and bicycle/motorcycle storage.</p> <p>It is also noted that the A595 roundabout is managed by National Highways who may wish to be consulted on this application as it could have an impact on their network.</p> <p>Upon receipt of more information of vehicle movements, we will be better placed to make a final Recommendation.</p> <p><i>15th November 2022 - 1</i></p>

		<p>Thanks for this email, I was just about to send a formal response but just wanted to ask if there could be a site layout plan submitted? Although we have no objections to the proposal, I have a couple of concerns regarding the increase in traffic and the impact on the A595 at peak times as stated below. To alleviate traffic waiting on the highway to enter and leave the site and potentially back up onto the A595, we would ask that the access is widened to a minimum of 4.8m.</p> <p>Do you know if National Highways have been consulted on this application as they may have some comments to make in regards to its impact on their network.</p> <p><i>15th November 2022 - 2</i></p> <p>Thank you for your email and for sending National Highways' response. It's reassuring to know they have no objections.</p> <p>I appreciate that there is sufficient parking on site for what is proposed however as you note many will rely on parents/guardians picking them up and dropping them off which would increase the conflicting traffic movements during the busier periods coming both in and out of the site. The access at present has sufficient width for a single vehicle and we strongly recommend this is increased to a minimum of 4.8m to ensure two vehicles can pass one another without the need for any waiting on the public highway.</p>
	Highways England	No objections.
	Copeland EHO	<p>No objections to the proposal.</p> <p>Considered potential noise disturbance to residents but the proposed use of the premises should not be inherently noisy, and the general local environment has quite a high ambient noise environment due to traffic on the A595 roundabout and junctions.</p> <p>Likewise possible nuisance from external lighting at the premises.</p> <p>The road junction is very well lit and the premises itself has existing external spot lighting.</p> <p>The application does not lay out any proposed new lighting measures to the building, so external lighting should not be a problem.</p>

		<p>The site itself does show, on a desktop study, as being possibly affected by contamination due to historical use as a dairy.</p> <p>However, as the use of the premises does not involve major ground works, and may involve only cosmetic alterations to the building, I would not require a contaminated land study to be carried out.</p> <p>The developers should be aware of possible past ground contamination however and undertake any works with the necessary Health and Safety precautions.</p> <p>You may wish to condition if any evidence of ground contamination is encountered during the preparation of the site –</p> <p>Reporting of Unexpected Contamination – In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. A suitable investigation and risk assessment will then be agreed upon by the Council and the developer and where remediation is necessary a remediation scheme must be prepared and submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.</p>
	<p>Cumbria County Council Resilience Unit Cumbria Fire & Rescue Service</p>	<p>This response from Cumbria County Council Resilience Unit relates to emergency planning arrangements in the unlikely event of an incident occurring at Cyclife UK Ltd.</p> <p>The Cyclife UK Ltd site is currently covered by the provision of the Radiation (Emergency Preparedness and Public Information) Regulations 2019. However, it has been established that there is no emergency planning zone required for this site.</p>
<p>Neighbour Responses:</p>		
<p>The application has been advertised by way of an application site notice and notification letters issued to 14no. neighbouring properties.</p>		
<p>One written representation has been received. The material issues raised comprise:</p>		

The residents of Toll Bar use the car park near to the Application Site. Residents already have problems parking due to use of the car park by persons who don't live at Toll Bar. It is considered that any overspill parking from the proposed development will exacerbate the existing parking issues.

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 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.

Emerging Copeland Local Plan (ELP).

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been submitted for examination by the Planning Inspector.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) 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 NPPF.

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS3PU: Settlement Hierarchy

Strategic Policy DS4PU: Settlement Boundaries

Policy DS10PU: Soils, Contamination and Land Stability

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy CO4PU: Sustainable Travel

Policy CO5PU: Transport Hierarchy Strategic

Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

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).

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 temporary change of use of the existing land and buildings to comprise a learning and non-residential institution (Use Class F.1) to provide overspill space for further education.

The space is to provide some additional workshop space to temporarily accommodate the brickwork course operated by the nearby Lakes College whilst a new multi-million-pound Civil Engineering Training Centre is developed on the Lakes College site.

The proposed development will help facilitate the proposed development/improvement of the

existing Lakes College to create an improved and enhanced school facility that is an important community facility for both the residents of Copeland and Allerdale.

The principle of the development is supported subject to site-specific matters.

A use period of two year is proposed for the development, this being to allow for the anticipated construction period and to allow for any overruns should they occur.

Highways

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

The Applicant has prepared a summary of the vehicle movements arising from the proposed use.

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 further education premises:

- Essential Operational Parking - Min 1 coach space (more if appropriate).
- Disabled Parking - 1 space or number equivalent to 5% of car requirement whichever is greater.
- Cars - 1 space per 3 staff (at one time) PLUS 1 visitor per 100 students PLUS 1 space per 5 students PLUS space to collect students (to be agreed).
- Motorcycles - 1 space per 5 students.
- Pedal Cycles - 1 space per 5 staff PLUS 1 space per 4 students.

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

Cumbria County Council and Highways England have raised no objections to the proposed development; however, they have a couple of concerns regarding the increase in traffic and the impact on the A595 at peak times. To alleviate traffic waiting on the highway to enter and leave the site and potentially backing up onto the A595, it is strongly recommended that this be increased to a minimum of 4.8m to ensure two vehicles can pass one another without the need for any waiting on the public highway.

Pursuant to the above, clarity has been sought from the Applicant in relation to the operation of the proposed development

The following has been confirmed:

- It is not proposed to create a new College or expand the existing college, rather the proposed is a temporary overspill for a specific course only.
- The traffic movements to and from this site at peak times will be no more than under the original use and the retail use recently granted permission. The movements will be substantially less as only a few students and staff attend the site and some movements are out with the peak times.
- The students and staff will continue to attend the main college site at peak times as this is where the bulk of the academic work and registration takes place.
- The students and staff then move to undertake the practical work on the main campus and a small number of them use the overspill accommodation on the Application Site.
- To help with the understanding of the number of traffic movements we generally have 5 student cars and 2 staff cars at the morning peak and 3 student cars and 2 staff cars at the evening peak.
- Students moving from the main college site to Application Site in the afternoon car share.

It is agreed that the improvement of the existing access to the Application Site would be beneficial.

It is noted that Cumbria County Council strongly recommend the improvement of the existing access only.

In the context of the additional information provided by the Applicant relating to the proposed operations, including the use of the main college site and the limited number of vehicle movements identified at key times etc. the improvement is not considered necessary to make the development acceptable in planning terms.

Residential Amenity

The proposed development comprises education workshops and lecture areas. The proposed uses are contained to the interior to the building and so will not result in materially greater impacts upon the residential amenity of existing residents than the existing approved use.

The proposed development will result in a likely decrease in vehicle movements beyond the existing situation.

	<p><u>Other Matters;</u></p> <p>No physical development is proposed; therefore, no issues are arising in respect of ecology, drainage and ground conditions.</p> <p><u>The Planning Balance</u></p> <p>The proposed development will help facilitate the proposed development/improvement of the existing Lakes College to create an improved and enhanced school facility that is an important community facility for both the residents of Copeland and Allerdale.</p> <p>The development is acceptable in respect of flood risk, ecology, amenity and highway impacts subject to the planning conditions proposed.</p> <p>The development therefore accords with the provisions of the Development Plan subject to the planning conditions proposed.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p>1. The use hereby permitted shall be discontinued on or before the 30th November 2024.</p> <p>Reason</p> <p>To ensure that the approved use shall cease on expiration of a period of two years.</p> <p>2. The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Planning Application Form received 14th September 2022 Site Location Plan at Scale 1:1250 received 14th September 2022 Proposed Floor Plan – Drawing No. 00320 received 14th September 2022</p> <p>Reason:</p> <p>For the avoidance of doubt and in the interests of proper planning.</p>

<p>3. The use hereby approved shall not take place other than between the following hours:-</p> <p>08:00 and 19:00 Monday to Saturday; and, 10:00 and 16:00 at any time on Sundays, Bank or Public Holidays.</p> <p>Reason</p> <p>To safeguard the amenity of neighbouring occupiers in accordance with Policy ST1 of the Copeland Local Plan 2013-2028.</p> <p>Informative</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>	
<p>Case Officer: Chris Harrison</p>	<p>Date : 21.11.2022</p>
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 24.11.2022</p>
<p>Dedicated responses to:- N/A</p>	