

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2016/0F1	
2.	Proposed Development:	USE OF UNIT AS A PRIVATE TRAINING FACILITY FOR PROFESSIONAL WRESTLERS	
3.	Location:	2E BRIDGE END INDUSTRIAL ESTATE, EGREMONT	
4.	Parish:	Egremont	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Coal - Off Coalfield - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM	
6.	Publicity Representations &Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report: Site and Location		
	This application relates to Unit 2E of Bridge End Industrial Estate, located within the south east of Egremont. Unit 2E is sited within the northern section of the Industrial Estate and is a single storey building attached to an number of other units. Unit 2E is located within the centre of a number of existing industrial buildings with the nearest residential properties located approximately 66m to the north.		

Relevant Planning History

No relevant planning history for this site.

Proposal

This application seeks planning permission to change the use of this industrial unit to a private training facility for professional wrestlers. Externally there will be no alterations to the building. Internally the building will accommodate a large wrestling ring, and toilet facilities.

It is proposed that the unit will be operated 16:00pm – 20:00pm Monday to Friday, 10:00am – 12:00pm Saturdays, and 13:00pm – 15:00pm Sundays and Bank Holidays.

Consultation Responses

Egremont Town Council

22nd February 2023

No objection however Councillors would ask that due to several complaints about similar activities in nearby units on the same site, could a noise level be set and monitored.

Cumberland Council – Cumbria Highways & LLFA

14th February 2023

The Local Highway Authority have no objections to the principle of this proposal however it would be useful to know the parking arrangements available to users of the building as the application form states there is none currently provided. The site is within a private site, I would just to ensure vehicles will not be required to park on the public highway used to access the site (the U4463).

Note: Our record show an area of 1 in 1000 (0.1%) chance of surface water flooding to the area just in front of the building entrance.

6th April 2023

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.

Cumberland Council – Flood and Coastal Defence Engineer

17th March 2023

No comments to make on this application.



Cumberland Council

Cumberland Council – Environmental Health

23rd February 2023

The Environmental Health Team have no objections to the above application, though there are concerns around potential noise disturbance to residents and, as such, we would request that the suggested condition laid out below is imposed on any approval.

The unit in question has relatively poor sound attenuation qualities, being largely constructed from single skin steel sheets with a steel roller shutter door main entrance.

The nearest noise-sensitive dwellings on Bridge End Park are approximately 50 – 60 metres distant to the north, partly obscured by the Post Office depot but still with a direct line of sight.

Environmental Health are of the opinion that impact noise from persons regularly hitting the wrestling ring would be clearly audible at the rear garden boundary of Bridge End Park if the roller shutter door was kept open, most likely in warmer Summer months.

Whilst some noise from the Industrial Estate is to be expected during standard working hours, the applicant's opening hours comprise evenings and weekends, and it is felt that this noise could be unduly disturbing to residents.

To protect the amenity of nearby residents the roller shutter door should be kept closed at all times, except in the event of emergency.

Any ventilation should be provided by mechanical means, at a rate to be determined by a suitably qualified ventilation engineer.

3rd March 2023

We would investigate for a statutory noise nuisance, but we've never had any complaints about music from the Johnny Moss Wrestling premises.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to six properties. Two letters of objections were received in relation to this application raising the following concerns:

- The industrial estate is bordered by a small private estate mainly occupied by elderly residents. Residents have lived here without problem until change of use was given to a non-industrial business who operate outside of the normal estate hours and generate loud noise and loud music without any conditions applied.
- The site has not only been used for the storage of a wrestling ring the site has also been used for wrestling without proper approvals.
- The site operated during Covid lockdowns without following restrictions.
- Last summer the site was used as a social club with doors open and people sitting outside drinking until 10pm.

- The hours they wish to operate are in the evenings, Saturday mornings, and Sunday afternoons, the very times when the industrial estate would normally be quiet.
- The unit is small with the ring occupying much of the unit not leaving much surrounding space for people, hence the reason they open the big door.
- Doors are open in the summer when the unit becomes too hot.
- The noise when they hit the boards is like a gun going off even when the doors are closed.
- Residents hear loud banging, screaming, grunting, and shouting. Not what you want to hear when relaxing in the sun.
- When asked to shut the door it was kicked shut in our face.
- Issue has previously been raised with the Council's Environmental Health Department.
- Noise from music.
- I am fed up with being unable to spend time in my garden and having to keep windows and doors closed even in the warm weather.

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

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ER6 – Location of Employment

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 ER11 – Developing Enterprise and Skills

Policy SS4 – Community and Cultural Facilities

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM21 – Protecting Community Facilities

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposal and Flood Risk

Other Material Planning Considerations

National Planning Policy Framework (2021)

Cumbria Development Design Guide

Emerging Copeland Local Plan (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

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 DS2PU: Reducing the impacts of development on Climate Change

Strategic Policy DS3PU: Settlement Hierarchy Strategic

Policy DS6PU: Design and Development Standards

Policy DS4PU: Settlement Boundaries

Strategic Policy DS8PU: Reducing Flood Risk

Policy DS9PU: Sustainable Drainage

Strategic Policy E1PU: Economic Growth

Strategic Policy E2PU: Location of Employment

Strategic Policy R1PU: Vitality and Viability of Town Centres and villages within the Hierarchy

Strategic Policy R2PU: Hierarchy of Town Centres

Strategic Policy N2PU: Local Nature Recovery Networks

Policy SC5PU: Community and Cultural Facilities

Strategic Policy CO4PU: Sustainable Travel

Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

Assessment

The key issues raised by this application relate to the principle of the development; growth of business; impact of the development on residential amenity; highway safety; and flood risk.

Principle of Development

Policies ST1, ST2 and ER6 of the Copeland Local Plan seek to concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy. The site lies within Egremont, which is identified as one of the Borough's Key Service Centres, where opportunities for expansion of existing employment sites will be encouraged. The site is located within the existing Bridge End Industrial Estate within the settlement boundary for Egremont, therefore the principle of development is considered to be acceptable.

Growth of Business

Policy ST1, ST2, and ER6 of the Copeland Local Plan seek to facilitate growth of the Borough's local economy. Policy ER7 seeks to promote the diversification of the Borough's economy by

expanding new and expanding employment sectors, and by supporting the development of commercial units, which meet the needs of business, encourage start up and promote further expansion in order to retain enterprise, jobs and skills within the Borough. The NPPF also states that planning decisions should help create the conditions in which businesses can invest, expand and adapt.

The application site relates to an existing unit within Bridge End Industrial Estate. The proposal will ensure the continued use of this commercial building, and will introduce a new commercial business and community facility into one of the Borough's Local Service Centres. There are also other examples of the units within the Industrial Estate being converted to fitness gyms. On this basis it is considered that the proposal complies with the policies ST1, ST2, ER6 and ER7 of the Copeland Local Plan and NPPF.

Impact of Development on Residential Amenity

Policy ST1, DM10 and section 12 of the NPPF seeks protection of residential amenity, a high standard of design, fostering of quality places, and proposals, which respond to the character of the site.

The industrial unit subject to this application is located within the northern section of the existing Bridge End Industrial Estate. The unit is located within the centre of a number of industrial units with the nearest residential properties on Bridge End Park, located approximately 65m to the north. Concerns have been raised with regard to this proposed change of use on the amenity of these residential dwellings. The site however has previously been operated as an industrial site, there were no planning condition on this site to restrict the operation hours of the business use.

The Council's Environmental Health Team have offered no objections to this application, however as they are aware of issues raised around potential noise disturbance to residents they have requested the inclusion of conditions to mitigate against any noise created from the development. The Officer has stated that although the site is 50-60m from noise sensitive properties and is partly obscured by the Post Office depot, the building has relatively poor sounds attenuation qualities therefore Environmental Health are of the opinion that impact noise from persons regularly hitting the wrestling ring would be clearly audible at the rear garden boundary of Bridge End Park if the roller shutter door was kept open, most likely in warmer Summer months. In order to protect the amenity of neighbouring dwellings Environmental Health have requested a condition to ensure roller shutter doors are kept closed at all times, except in the event of emergency. An appropriately worded planning condition is also proposed to ensure that all exercise is undertaken within the building, again to limit the impact on nearby residential dwellings.

The Town Council have also requested that due to several complaints about similar activities

in other nearby units on the same site, a noise level should be set and monitored for this site. The Environmental Health Team have confirmed that any future complaints relating to noise from the use would be dealt with by them as a statutory noise nuisance rather than under the terms of this planning application.

The inclusion of these conditions is therefore considered to sufficiently mitigate any potential impacts of the development on the nearby residential properties. There will also be no external alteration to the existing building, therefore on the basis of the above it is considered that the proposal complies with ST1 and DM10 of the Local Plan and section 12 of the NPPF.

Highways Safety

Policy DM22 of the Copeland Local Plan requires developments to be accessible to all users and to meet adopted car parking standards, which reflect the needs of the Borough in its rural context. Section 9 of the NPPF promotes sustainable transport. Paragraph 102 states that transport issue should be considered from the earliest stages of development proposals, so that the potential impacts of development on transport networks can be assessed, opportunities to promote walking, cycling and public transport are identified and pursued, environmental impact of traffic can be identified, and patterns of movement, street and parking are integral to design of schemes, and contribute to making high quality places.

The industrial unit benefits from a small parking area to the front of the site. The Local Highway Authority have been consulted on this application and although they have offered no objections to the principle of the proposed they have requested clarification on the parking arrangements available to users of the building. The applicant has confirmed that there are three spaces outside the premises, which will be sufficient for the number of people expected in one private session, plus several spaces opposite within the Industrial Estate. Based on this the Highway Authority has confirmed that they have no objections to the application as the development is not considered to have a material effect on existing highway conditions.

On this basis the proposal is considered to be compliant with the Policy DM22 of the Copeland Local Plan and Section 9 of the NPPF.

Flood Risk

Policy ST1B(ii) and paragraph 163 of the NPPF seek to focus development on sites that are at least risk of flooding and where development in flood risk is unavoidable, ensure that the risk is minimised or mitigated through appropriate design. Policy ENV1 and DM24 of the Copeland Local Plan reinforces the focus of protecting development against flood risk.

A small section of the application site is located within Flood Zone 2, therefore a Flood Risk Assessment has been submitted to support this application. As there are no external alterations to the building the assessment concludes that there is no change to existing drainage at this site. The Council's Flood and Coastal Defence Engineer has stated that they have no comments to make on the application. The LLFA have also confirmed that the



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	<p>development will not increase flood risk on the site or elsewhere. The proposal is therefore considered to comply with policies ST1, ENV3 and DM24 of the Copeland Local Plan and provision of the NPPF.</p> <p><u>Planning Balance and Conclusions</u></p> <p>This application seeks permission to change the use of an existing unit within Bridge End Industrial Estate to a private training facility for professional wrestlers. The proposed change of use will result in the reuse of an existing building and will introduce a new business located within one of the Boroughs Key Service Centres.</p> <p>Although the building is located within close proximity of existing residential properties, given the previous use of the site and the lack of restriction on these operations, the proposed development is not considered to have a significant detrimental harm on existing residential amenity. The proposal does not seek any external alterations to the existing building, therefore the development is not considered to have a detrimental impact on the surrounding area. Conditions will be included within the decision notice as requested by the Environmental Health team to limit the impacts on residential amenity.</p> <p>The proposal is therefore considered to be an acceptable form of sustainable development which is compliant with policies of the Copeland Local Plan and the provisions of the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions:</u></p> <ol style="list-style-type: none"> 1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission. <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> <ol style="list-style-type: none"> 2. 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:- <ul style="list-style-type: none"> - Location Plan, Scale 1:1250, received by the Local Planning Authority on the 18th January 2023.

- Block Plan, Scale 1:500, received by the Local Planning Authority on the 18th January 2023.
- Proposed Floor Plan, received by the Local Planning Authority on the 18th January 2023.
- Flood Risk Assessment, received by the Local Planning Authority on the 18th January 2023.

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.

Other Conditions:

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 Assessment, received by the Local Planning Authority on the 18th January 2023. 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 of the property hereby permitted must only be open to the public/customers between:
 - 16:00pm – 20:00pm Monday to Friday;
 - 10:00am – 12:00pm Saturday;
 - 13:00pm – 15:00 Sunday and Bank Holidays.

Reason

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

5. Except for in emergencies the roller shutter doors for this unit must remain closed at all

<p>times.</p> <p>Reason</p> <p>To minimise potential disturbance to nearby residences and to safeguard the amenities of the locality.</p> <p>6. No exercise by users of the unit shall take place outside of the building edged in red on the approved plan 'Location Plan, Scale 1:1250, received by the Local Planning Authority on the 18th January 2023', at any time.</p> <p>Reason</p> <p>To minimise potential disturbance to nearby residences and to safeguard the amenities of the locality.</p> <p>Informatives:</p> <p>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.</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>	<table> <tr> <td data-bbox="67 1680 1077 1774">Case Officer: C. Burns</td><td data-bbox="1077 1680 1500 1774">Date : 12.04.2023</td></tr> <tr> <td data-bbox="67 1774 1077 1868">Authorising Officer: N.J. Hayhurst</td><td data-bbox="1077 1774 1500 1868">Date : 12.04.2023</td></tr> <tr> <td colspan="2" data-bbox="67 1868 1500 2000">Dedicated responses to:-</td></tr> </table>	Case Officer: C. Burns	Date : 12.04.2023	Authorising Officer: N.J. Hayhurst	Date : 12.04.2023	Dedicated responses to:-	
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