



CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2331/0F1
2.	Proposed Development:	CHANGE OF USE OF BUILDING FROM CLASS F1 (OFFICE, EDUCATION, WORKSHOP) TO CLASS E (D) (INDOOR SPORT, RECREATION, FITNESS)
3.	Location:	OLD PROSPECT WORKS, MAIN STREET, 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	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report:	<p>SITE AND LOCATION</p> <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> <p>PROPOSAL</p> <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 for a training workshop (Use Class F1). The submitted application seeks to change the use of the building to use class to E(d) for</p>

indoor sport, recreation and fitness.

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);

Change of use from Class F1 (office, education, workshop) approved under 4/97/0101/0 to Class E(d) (office, education, gym); replace sections of glazing in some existing windows with extract louvres, approved in July 2022 (application reference 4/22/2285/0F1);

Prior Approval application for demolition of office section in Unit 2, approved in December 2023 (application reference 4/23/2335/0F1 relates).

CONSULTATION RESPONSES

Distington Parish Council

No response received.

Cumbria Highways and Local Lead Flood Authority

1st response

Thank you for your consultation on 16 November 2023 regarding the above Planning Application.

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below.

The LHA and LLFA have no objections in principle but would like the following points addressed before a final response can be submitted.

- The LHA would welcome a detailed plan including all car parking spaces proposed within the red line boundary of this site, as within the application it states that the development will include 15 number car parking spaces and 1 number disabled car park, but detailed plans submitted only show the additional car parks post demolition.



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- As the proposed development is for indoor sports, recreation and fitness the LHA would welcome bicycle storage included within the development.
- No detail has been submitted regarding surface water drainage the LLFA would welcome a detailed plan how surface water will be dealt with within the development site.

2nd response

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below.

The LHA and LLFA welcome the additional information submitted to the Local Planning Authority (LPA) to which the point below have been addressed.

- The LHA would welcome a detailed plan including all car parking spaces proposed within the red line boundary of this site, as within the application it states that the development will include 15 number car parking spaces and 1 number disabled car park, but detailed plans submitted only show the additional car parks post demolition.

The above point has been addressed

- As the proposed development is for indoor sports, recreation and fitness the LHA would welcome bicycle storage included within the development.

The above point has been addressed

- No detail has been submitted regarding surface water drainage the LLFA would welcome a detailed plan how surface water will be dealt with within the development site.

The above point has been addressed

3rd Response

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below.

Upon receipt of the additional details requested in our previous response, I can confirm that we have no objections to the proposal, subject to the following recommended conditions being included in any Notice of Consent which may be issued:

Condition 1:

The use shall not be commenced until the access and parking requirements have been

constructed in accordance with the approved plan. Any such access and or 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.

Condition 2 :

Development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- Details of any proposed temporary access points (vehicular / pedestrian)
- surface water management details during the construction phase

Reason: To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety.

Informative :

Prior to any work commencing on the watercourse the applicant should contact the Lead Local Flood Authority on tel: 01228 221331 or email: LFRM.consent@cumbria.gov.uk to confirm if an Ordinary Watercourse Flood Defence Consent is required. If it is confirmed that consent is required it should be noted that a fee of £50 will be required and that it can take up to two months to determine.

Environmental Health



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There is no objection to this proposal from Environmental Health.

This site does have a history associated with past use as a garage and haulage depot and is consequently shown on Council records as being potentially contaminated land.

During this period, the rear of the site was also built up and extended with unknown base materials as made ground.

It was common practice that inert industrial waste materials that often contained clinker and slag were used as a sub-base aggregate and such sites as this are also shown on Council records as being historical landfill sites.

However, a site walk over and inspection has shown no indication of current contamination and the site is overlaid with hard tarmac / concrete surfaces to prevent any potential pollutant pathway.

Given that this application will entail no or very little groundworks, I am satisfied that a contaminated land report is not required.

The site's end use will not cause a greater risk to users.

Any construction-related works should be carried out during routine working hours.

If the development is approved, the hours of use are seen as acceptable, though the possible issue of disturbance to residents from amplified music associated with the sports use should also be considered as it was in the original approval 4/22/2285/0F1.

As such, Environmental Health, would request that the following conditions are applied to any approval –

Land Affected By Contamination - 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 to the Local Planning Authority. An investigation and risk assessment must be undertaken, and a remediation report provided where necessary, to be submitted to and approved in writing by the Local Planning Authority.

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.

Hours of Construction

All works and ancillary operations that are audible at the site boundary, shall be carried out only between the following hours: 08.00 to 18.00 Monday to Friday and 08.00 to 13.00

Saturday, and at no time on Sunday or Bank Holidays.

Reason: In the interests of the amenities of the surrounding occupiers during the construction of the development.

Hours Open to Customers

No customers shall remain on the premises outside of the hours of 16.00 – 21.00 Monday to Friday, 09.00 – 19.00 Saturday, and 09.00 – 19.00 Sunday and Bank Holiday.

Reason: To safeguard the residential amenity of nearby occupiers.

Amplified Music

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

Monday to Friday 18.00 – 20.00

Saturday, Sunday & Bank Holidays 10.00 – 11.00 and 13.00 – 17.00

Reason: To ensure the amenity of the neighbouring dwellings.

Public Representations

The application has been advertised by way of a site notice and neighbour letters issued to 7 no. properties.

No objections and one letter of support have been received in response to 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

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.



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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 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

Emerging Copeland Local Plan 2021-2038 (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.

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

Other Material Planning Considerations

National Planning Policy Framework 2023 (NPPF)

Cumbria Development Design Guide

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 is located within the designated settlement boundary for Distington. Policy ST2 listed Distington as a Local Centre and encourages appropriately scaled development which helps to sustain services and facilities for local communities.

The building was in previous use as offices, training and a warehouse to the rear. The proposal seeks to change the use of the building to an indoor sport and recreation facility, following the demolition of the offices to the front of the property (application reference 4/23/2335/0F1 relates). 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 main 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 Policies ST1, St2 and SS4 of the CS and SC2PU and SC5PU of the ELP.



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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 also the amenity for neighbouring properties.

The proposal requires minor alterations to the external appearance of the building, making good the sheet roofing and the cladding of the exposed gable in light grey profiled plastisol sheets. These alterations are unlikely to create a material change to the aesthetics of the building.

Whilst the use for football training will create a more active use for the building with a greater potential for noise, the closest residential properties are 32m to the north and 45m to the south. These properties are located next to a commercial estate and therefore are likely to be used to certain volumes of noise and traffic movements. No objections were received to the application with one letter of support from a neighbouring property.

Furthermore, the opening hours of the facility are to be restricted to no earlier than a 9am opening and 9pm closing. Environmental Health have requested a condition to ensure that audible music will only be played between Monday to Friday 18.00 – 20.00, Saturday, Sunday & Bank Holidays 10.00 – 11.00 and 13.00 – 17.00, therefore reducing the opportunity for noise disturbance during unsociable hours. These restrictions can be secured by appropriately worded planning conditions 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.

Access and Parking

Policies T1 and DM22 of the CS and CO7PU of the ELP seek to 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 15 parking spaces to the south of the building that are currently associated with the existing use. Further parking is available at the rear of the property, if it is required. Given the off street parking provision available, it is considered to be acceptable for the proposed use. The Highways Officer has 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, the Highway Officer requested that the Applicant completes a Construction Traffic Management Plan. This detailed the required information to ensure that the works don't have an adverse effect on the public highway or public safety. The information is considered to be acceptable and any approval of the application can include a suitably worded planning condition to ensure that the Construction Traffic Management Plan is followed at all times.

	<p>Overall, the proposal complies with Policies T1 and DM22 of the CS and CO7PU of the ELP.</p> <p><u>Ground Conditions</u></p> <p>The site is located where there is historical potentially contaminated land. As this application does not include the breaking of the ground, no information has been required for submission. The Environmental Health Officer has requested a condition to ensure that any discovery of land contamination issues are reported and dealt with accordingly.</p> <p><u>Planning Balance and Conclusion</u></p> <p>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. This proposal will allow the reuse of an existing site within close proximity to the centre of Distington village and will provide a local facility for use by the community.</p> <p>Issues relating to neighbouring amenity, noise and parking have been considered fully within the report and no objections to the application have been received. On balance, the proposal is unlikely to create a material change from the previous use.</p> <p>This is considered to be an acceptable form of sustainable development which accords with the policies in the Copeland Local Plan and other material planning considerations.</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 shall 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. 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: - <ul style="list-style-type: none"> Application form, received 14th November 2023; Site Location Plan, scale 1:1250, received 14th November 2023; Proposed Floor Plans and Elevations, scale 1:100, drawing number 2023/100.02A,



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received 18th December 2023;

Construction Traffic Management Plan, received 23rd January 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.

Prior to Use Conditions

3. The use hereby permitted must not be commenced until the parking requirements have been constructed in accordance with 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.

Reason

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. All works and ancillary operations that are audible at the site boundary, must be carried out only between the following hours:
 - 08.00 to 18.00 Monday to Friday and,
 - 08.00 to 13.00 Saturday, and at no time on Sunday or Bank Holidays.

Reason

In the interests of the amenities of the surrounding occupiers during the construction of the development and in accordance with Policy ST1 of the Copeland Local Plan.

5. No customers shall remain on the premises outside of the hours of:
 - 16.00 – 21.00 Monday to Friday,
 - 09.00 – 19.00 Saturday, and,
 - 09.00 – 19.00 Sunday and Bank Holidays.

Reason

To safeguard the residential amenity of nearby occupiers in accordance with Policy ST1 of the Copeland Local Plan.

6. There must be no amplified music played outside of the following hours:
- Monday to Friday 18.00 – 20.00
 - Saturday, Sunday & Bank Holidays 10.00 – 11.00 and 13.00 – 17.00

Reason

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

7. Development must be undertaken in accordance with the details within the approved Construction Traffic Management Plan at all times.

Reason

To ensure that the levels of amenity and highway safety are maintained for the surrounding area in accordance with Policies ST1 and DM22 of the Copeland Local Plan.

8. 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 to the Local Planning Authority. An investigation and risk assessment must be undertaken, and a remediation report provided where necessary, to be submitted to and approved in writing by the Local Planning Authority.

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. In accordance with Policy ST1 of the Copeland Local Plan.



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Informatives

1. 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.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

2. Prior to any work commencing on the watercourse the applicant should contact the Lead Local Flood Authority on tel: 01228 221331 or email: LFRM.consent@cumbria.gov.uk to confirm if an Ordinary Watercourse Flood Defence Consent is required. If it is confirmed that consent is required it should be noted that a fee of £50 will be required and that it can take up to two months to determine.

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 : 21/02/2024

Authorising Officer: N.J. Hayhurst

Date : 23/02/2024

Dedicated responses to:- N/A