



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

**NOTICE OF GRANT OF PLANNING PERMISSION**

Myers & Bowman Ltd  
Lillyhall Industrial Estate  
Lillyhall West  
Workington  
CA14 4PE  
FAO: Mr Stephen Calvin

**APPLICATION No: 4/24/2110/0B1**

**VARIATION OF CONDITION 5 (OPERATING HOURS) OF PLANNING  
APPLICATION 4/23/2331/0F1 CHANGE OF USE OF BUILDING FROM CLASS F1  
(OFFICE, EDUCATION, WORKSGOP) TO CLASS E (INDOOR SPORTS,  
RECREATION, FITNESS)**

**OLD PROSPECT WORKS, MAIN STREET, DISTINGTON**

**Myers & Bowman Ltd**

The above application dated 04/04/2024 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:

**Standard Conditions**

1. The development hereby permitted must be commenced before the 22nd February 2027.

Reason

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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: -

Application form, received 4<sup>th</sup> April 2024;  
Site Location Plan, scale 1:1250, received 14th November 2023;  
Proposed Floor Plans and Elevations, scale 1:100, drawing number 2023/100.02A, 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 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 will remain on the premises outside of the hours of

09.00 – 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 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.

### **Informative**

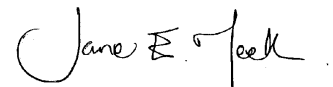
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

### **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 a variation of condition in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Please read the accompanying notice



Jane Meek

Assistant Director

Thriving Place and Investment

28<sup>th</sup> May 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.