

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2304/0F1	
2.	Proposed Development:	CHANGE OF USE OF CAR SHOWROOM TO A GYM	
3.	Location:	CAR SHOWROOM AND PREMISES, 6 MARKET STREET, MILLOM	
4.	Parish:	Millom	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads	
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		
		The application site relates to an existing commercial property located on the corner of Market Street and Lancashire Road within the centre of Millom. The existing building on the site covers the entire site to the pavement, with a small concrete area to the frontage onto Market Street. Access is gained into the existing building via both Lancashire Road and Market Street. The site adjoins a residential dwelling to the eastern elevation.	
	Relevant Planning History		

No relevant planning history.

Proposal

This application seeks planning permission to change the use of the existing car showroom to a gym.

Internally, most of the building will be fitted with gym equipment, and the remaining area will be reconfigured to create an office, kitchen, changing rooms, a physio room, sunbeds and toilets.

No external alterations are proposed to the building to accommodate the change of use.

Proposed operations hours are 4am – 11pm Monday to Sunday (including bank holidays).

Consultation Responses

Millom Town Council

No objections in principle to this application.

Cumberland Council – Highway Authority & Lead Local Flood Authority

Highway Comments:

In terms of highway impact over the previous use as a car showroom, the only impact is the likely increase in customers, especially outside the 9-5pm opening hours of a car showroom. I accept that the location is town centre with good public transport options and is in walking distance of much of the town, but it is likely that people will still drive, especially at very early and late times the gym is proposed to be open.

I note that the car showroom had no staff of public parking so there is a precedence of operating here without dedicated parking, but there is likely to be an increase in parking demand with this use. I have looked at the parking options nearby and existing traffic/parking restrictions and note that the surrounding roads have double or single yellow lines to control parking.

There is on street parking available on residential streets such as Market Street (no restrictions) and also public parking at Market Square (3 min walk). It is even possible that users could use the supermarket car parks across the road as long as they comply with the conditions of use, or if the restrictions are relaxed when the shop is closed.

It would be impossible to provide parking at this location and it is also very difficult to know how many users will drive rather than walk or cycle. I am of the view that gym users arriving by car would park in many different locations (probably as close as possible) which will be dictated by time of day, availability of parking spaces and whether the waiting restrictions are active. So there may be some inconvenience and added pressure on nearby residential streets, but since there are waiting restrictions in place on the roads that are more critical or



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are narrow, the consequences are likely to be impact on amenity, noise and inconvenience for nearby residents, rather than any material road safety, highway operation or congestion impact.

To encourage cycle use the applicant should include secure cycle parking within the curtilage, if not inside the building then outside in an overlooked, well-lit area that does not obstruct footways. It appears that the area of wide footway to the north of the unit would be a suitable place for Sheffield stands for example. It is suggested that at least 4 stands are included, providing 8 spaces. Please note that the appropriate streetworks permit and/or licence is required to erect cycle stands in this location.

LLFA Comments:

As there is no changes to the building nor any new impermeable surfaces, there is no need for a surface water drainage strategy. There will be no increase in flood risk.

I note that the site is in Flood Zone 2 from a Main River. It is therefore the responsibility of the Environment Agency to assess the risk and determine whether a FRA is required.

Conclusion

I can confirm that the LHA and LLFA have 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. However, I recommend that the following condition is included in any consent: provision of cycle stands.

Environment Agency

No comments received.

Cumberland Council – Environmental Health

7th October 2024

Environmental Health have concerns with potential noise disturbance from this proposed development unfortunately.

Noise from gyms can occur from amplified music / speech, people and vehicles arriving and leaving, impact noise from weights and machines inside the gym and plant noise if heating / ventilation units are required.

Whilst the location of the premises can be said to be town centre, it does sit closely adjacent to residential housing.

As was noted in the response from Highways, parking and noise disturbance from gym patrons in vehicles is likely and could be especially problematic in the early morning and later evening periods when the general background noise of the area is much reduced.

The proposed operating hours are extensive, from 04.00 – 23.00 hours each day.

The construction design of the premises may also allow for poor noise attenuation from use as a gym – it has a single glazed façade on two sides, lightweight steel roof sheets, and has

an adjoining party wall with a residential dwelling on Market Street.

As a secondary concern, the glazed façades could also allow for artificial light spill from the gym during periods of darkness in the morning and evening that could affect local residential amenity.

Given the above, therefore, Environmental Health would object to this development at present.

In order to overcome this objection, a comprehensive noise assessment and artificial light assessment would be required.

Environmental Health would request that the following conditions are applied: noise from development, artificial lighting (external), and noise from construction works.

4th February 2025

Thank you for the Noise Impact Report and Lighting (internal and external) Reports submitted in January 2025.

These respective reports demonstrate that the change of use to a gym can be achieved without unacceptable loss of amenity to residents and, as such, Environmental Health have no objections to the proposed development provided that their recommendations are implemented and maintained (including the Noise Management Plan).

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to 11 properties. No responses have been received to this statutory notification period.

One letter of objection has been received to this application raising the following concerns:

- We have no objection to changing the business but we do have real concerns about parking arrangements for anybody visiting the gym.
- We already struggle to get parked in the street at the moment, as parking is only allowed on one side of the street and many households in the street have more than one car.
- Parking restrictions were supposed to have been introduced on Albert Street but have not been enforced yet. We, more often than not, have to park in the recreation centre across the road from W Milligan's as there is never any parking spaces in our street. This is at the recreation centre's discretion.
- We feel that if cars are coming to the gym then this is going to cause even more parking problems.
- Although in principle I would like to encourage new business to the town, the parking problems need to be addressed first.

One letter of neutral response was also received raising the following comments:

- Although I am in favour of the proposed gym I am concerned about the very early and

late opening hours with regards to car and human noise as well as noise from gym machinery/ kit (treadmills and users dropping weights) in such close proximity to residential houses.

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 2021 - 2039 (LP):

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Strategic Policy R1: Vitality and Viability of Town Centres and Villages within the Hierarchy
Strategic

Strategic Policy R4: The Key Service Centres

Policy SC5: Community and Cultural Facilities

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Policy N3: Biodiversity Net Gain

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

Other Material Planning Considerations

National Planning Policy Framework (2024)

Planning (Listed Building and Conservation Areas) Act 1990

Conservation Area Design Guide SPD (Adopted December 2017)

Cumbria Development Design Guide

The Conservation of Habitats and Species Regulations 2017 (CHSR)

Assessment

The key issues raised by this application relate to the principle of the development; impact on community facilities; impact of the development; highway safety; flood risk and drainage, and impact on biodiversity and ecology.

Principle of Development

Millom is identified in Strategic Policy DS1 as a Key Service Centre due to it providing a wide range of services, including convenience and comparison stores, employment opportunities, schools and healthcare. They also act as service hubs for nearby villages. It is stated that the focus for development in Key Service Centres will be for town centre developments, employment development and medium scale housing extensions, windfall and infill development.

The settlement boundary for Millom is defined in Strategic Policy DS2. The application site is located within the Millom settlement boundary. It is stated that development within the defined settlement boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise.

Strategic Policy R1 of the Copeland Local Plan seeks to enhance the vitality and viability of town centres and villages identified in the settlement hierarchy by working with partners and applicants to support a network of healthy, vibrant and resilient town centres, comprised of a diverse range of retail, residential, leisure and other main town centre uses, that can effectively respond to change. This policy also seeks to support regeneration projects, refurbishment of buildings and public realm improvements within the retail hierarchy.

Strategic Policy R4 of the Copeland Local Plan states that development that supports the roles of Cleator Moor, Egremont, and Millom as the Key Service Centres, strengthens and diversifies their offer and improves vitality and viability will be encouraged, particularly where



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it: provides improvements to public realm and signage, including through the provision of public greenspace and landscaping where appropriate; and protects and enhance the special character and appearance of Conservation Areas within town centres designated for their special architectural or historic interest.

The application seeks to change the use of an existing commercial property (due to cease use) to a new gym facility within the centre of Millom. The proposal will diversify and enhance the offer within the Key Service Centre and will reuse an existing commercial building within a prominent location within the town.

The principle of this development is therefore considered acceptable in accordance with Policy DS1, DS2, R1, and R4 of the Copeland Local Plan, and the provisions of the NPPF.

Impact on Community Facilities

Policy SC5 of the Copeland Local Plan states that proposals for new community facilities will be supported in principle and developments must be located within a settlement boundary identified within the hierarchy unless the proposal is for a specific activity that required a location that cannot be accommodated within a settlement, be accessible by sustainable transport modes where possible, be of a scale appropriate to its surroundings, ensure adequate parking is provided, ensure the development does not cause unacceptable harm on residential amenity, and ensure that biodiversity conservation interests would not be harmed as a result. This policy also states that the loss of existing community facilities through change of use or new development requiring planning permission will only be permitted where it can be clearly demonstrated, to the satisfaction of the Council, that its continued use as a community or cultural facility is no longer feasible, having had regard to appropriate marketing, there is sufficient provision of such facilities in the area, and/or sufficient alternative provision has been, or will be made elsewhere which is equally accessible and of the same quality or better than the facility being lost.

The proposal seeks to create a new gym facility within the centre of Millom to serve the local community. The development therefore complies with Policy SC5 of the Copeland Local Plan and the provisions of the NPPF.

Impact of the Development

Policy DS4 of the Copeland Local Plan requires all new development to meet high-quality standards of design. This includes creating and enhancing locally distinctive places, the use of good quality materials that reflect the local character, including high quality and useful open spaces, providing high levels of residential amenity, adopting active travel principles, creating opportunities for social interaction, and effective use of land whilst maintaining amenity and maximising solar gain.

The proposed change of use will be within the existing footprint of the building with no external alterations. The proposal is therefore not considered to have an impact on the overall streetscene.

One letter of neutral response has been received from a local resident with regard to the impact of this development upon residential amenity through noise. Concerns were also initially raised from Environmental Health with regard to the potential impacts of the development due to proximity to residential properties, noise, extensive operation hours, and light spill. The Environmental Health Officer confirmed that to overcome this objection, a comprehensive noise assessment and artificial light assessment would be required.

The agent for this application subsequently submitted a lighting assessment, and details of external and internal lighting. A noise assessment has also been submitted which provides the following conclusion and recommendations:

- Based on gym internal activity and vehicle movement, noise from the proposed gym will have a low impact on amenity providing the mitigation measures are implemented;
- Upgrade of party wall;
- Upgrade of roof;
- Music only for background purposes;
- Specialist gym flooring sought;
- Implementation of a noise management plan.

Based on these additional documents, Environmental Health have no objections to the development subject to the recommendations of the report being implemented and maintained.

Conditions will be attached to this permission to secure the development is completed in accordance with the proposed details and mitigation measures set out within these reports. Operation hours and construction hours will also be restricted by planning condition to limit the impact of the development on residential amenity.

Based on the inclusion of conditions outlined above, the proposal is considered to comply with Policies DS4 of the Copeland Local Plan, and the provisions of the NPPF.

Highway Safety

Strategic Policy CO4 requires that proposals must include safe and direct connections to routes that promote active travel, such as cycling and walking routes where appropriate. Support in principle is outlined for developments which encourage the use of sustainable modes of transport, in particular: proposals that have safe and direct connections to cycling and walking routes where appropriate and those that provide access to regular public transport services; proposals that make provision for electric vehicles; and proposals for the integration of electric vehicle charging infrastructure into new developments. It is required that developments that are likely to generate a large amount of movement secure an appropriate Travel Plan and be supported by a Transport Assessment.

Policy CO7 of the Copeland Local Plan states that proposals for new development will be required to provide adequate parking provision, including cycle parking and accessible parking bays, in accordance with the Cumbria Development Design Guide (or any document that replaces it) where appropriate.



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The application site currently has no off-street parking, this will not be altered as part of this application. The site is however located within the town centre which benefits from existing on-street parking, nearby car parks, and other sustainable transport links.

One objection has been raised regarding parking from a member of the public. Whilst the Highway Authority have reviewed the application and have confirmed that they have no objections to the development as it is not considered to have a material effect on existing highway conditions, they have raised concerns with regard to the availability of parking for the proposed use. To ensure cycle use the Highway Authority have requested that the applicant provide secure cycle parking within the curtilage of the building. This will be secured by an appropriately worded planning condition.

Based on the inclusion of this condition, the proposal is considered to be compliant with the Policy CO4 of the Copeland Local Plan, and provisions of the NPPF.

Flood Risk & Drainage

Policy DS6 seeks that development will not be permitted where: there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.

Policy DS7 requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate.

The application site is located within Flood Zone 2. The application is not supported by a Flood Risk Assessment as the development will not increase the vulnerability classification of the building which will remain as less vulnerable.

As the change of use will be accommodated within the footprint of the existing building, the development is not considered to increase surface water run off or flood risk.

The LLFA have confirmed no objections to the application as the development will not increase flood risk at the site or elsewhere.

No comments have been received from the Environment Agency.

On the basis the proposal is therefore considered to achieve the requirement of Policies DS6 and DS7 of the Copeland Local Plan, and the NPPF.

Impact on Biodiversity and Ecology

Policy N1 of the ELP seeks to ensure that new development will protect and enhance biodiversity and geodiversity and defines a mitigation hierarchy.

Policy N3 requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1. This is in addition to any compensatory habitat provided under Policy N1. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.

In England, BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Applications must now deliver a Biodiversity Net Gain of 10%, resulting in more or better-quality natural habitat than there was before the development. Some developments are however exempt from these BNG requirements. In this instance the development is considered exempt from BNG as the development is for a change of use so there will be no or only a de minimis impact on onsite habitat.

The application site is identified as a potential area for natterjack toads. As the application site is not located within 200m of a watercourse (as indicated within the ALGE trigger list), and is within an existing built up area on a previously developed site, the development is not considered to disturb any habitats. On the basis of the above it is considered that this is not a habitat that is likely to contain natterjack toads.

On this basis, it is considered that the development complies with the requirements of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 and Policies N1 and N3 of the Copeland Local Plan and the provisions of the NPPF.

Planning Balance and Conclusions

The application site is located within the defined settlement boundary for Millom, which is identified as a Key Service Centre under Policy DS1 of the Local Plan.

The application site relates to an existing commercial premises located within the centre of Millom. The proposal seeks to create a new gym facility to serve the local community. The proposal will diversify and enhance the offer within the Key Service Centre and will utilise an existing building within a central location within the town.

The development will not result in the external appearance of the building and will therefore not have an impact on the overall streetscene. A noise and lighting assessment has been submitted to ensure the development does not impact on residential amenity. Conditions will be utilised to secure the development is carried out in accordance with the mitigation measures and approved details. Conditions will also be utilised to secure operation and construction hours. No objections have now been received from Environmental Health.

Whilst concerns have been raised with regard to parking, no objections have been received from the Highway Authority subject to conditions.

No objections have been received in relation to drainage, or impact on ecology.

On balance the positive benefits that would result from this proposal, including the reuse of an existing commercial property, outweigh any potential harm and the proposal represents a sustainable form of development which complies with the Policies set out in the Copeland Local Plan and the guidance within the NPPF.



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8.	Recommendation: Approve (commence within 3 years)
9.	Conditions: <u>Standard Conditions</u> 1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission. 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 must relate 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">- Application Form, received by the Local Planning Authority on the 9th September 2024.- Site Location Plan, Scale 1:500, received by the Local Planning Authority on the 9th September 2024.- Existing Floor Plan and Site Location Plan, Scale 1:50 & 1:1250, Drg No: MSM.P.001, received by the Local Planning Authority on the 9th September 2024.- Proposed Floor Plan, Scale 1:50, Drg No: MSM.P.002, received by the Local Planning Authority on the 9th September 2024.- Planning Statement, Prepared by PFK Rural – Planning and Development Consultancy, received by the Local Planning Authority on the 9th September 2024.- Biodiversity Net Gain Information, Prepared by PFK Rural – Planning and Development Consultancy, received by the Local Planning Authority on the 9th September 2024.- Noise Impact Report, Prepared by Spratt+Hamer December 2024, received by the Local Planning Authority on the 20th January 2025.- Lighting Report, Prepared by Tam-lite Lighting October 2024, received by the Local Planning Authority on the 20th January 2025.- Internal Lighting – Tam-lite Lighting Data Sheet, received by the Local Planning Authority on the 20th January 2025.- External Lighting - Tam-lite Lighting Data Sheet, received by the Local Planning

Authority on the 20th January 2025.

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 First Use Conditions:

3. Prior to the first use of the building hereby approved, the applicant must provide details, including the specification and location, of the proposed cycle stands (or equivalent cycle parking provision) to be agreed in writing by the Local Planning Authority. The approved scheme must be installed prior to the first use of the building and must be retained for the lifetime of the development.

Reason

In the interest of highway safety in accordance with Policies CO4 and CO7 of the Copeland Local Plan 2021 – 2039.

4. The development hereby approved must implement all of the mitigation and compensation measures set out in the approved document:
 - Noise Impact Report, Prepared by Spratt+Hamer December 2024, received by the Local Planning Authority on the 20th January 2025.

These measures must be implemented prior to the first use of the development and must be retained for the lifetime of the development.

Reason

To minimise potential disturbance to nearby residences and to safeguard the amenities of the locality in accordance with Policy DS4 of the Copeland Local Plan 2021 – 2039.

Other Conditions:

5. The internal and external lighting for the development hereby approved must be installed in accordance with the following approved documents:
 - Lighting Report, Prepared by Tamlite Lighting October 2024, received by the Local Planning Authority on the 20th January 2025.



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- Internal Lighting – TamLite Lighting Data Sheet, received by the Local Planning Authority on the 20th January 2025.
- External Lighting - TamLite Lighting Data Sheet, received by the Local Planning Authority on the 20th January 2025.

The development must be retained in accordance with these approved details for the lifetime of the development.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity in accordance with Policy DS4 of the Copeland Local Plan.

6. Following approval of the development, construction activities that are audible at the site boundary must be carried out only between the following hours:

- Monday to Friday 08.00 – 18.00 and
- Saturday 08.00 – 13.00

There should be no construction activities on the site at any time on Sunday or Bank Holidays.

Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above unless otherwise agreed with the Local Planning Authority.

Reason

In the interests of the amenities of neighbouring occupiers during the construction of the development in accordance with Policy DS4 of the Copeland Local Plan 2021 – 2039.

7. The use of the building hereby approved must only be permitted to the public/customers between:

- 4am – 11pm Monday to Sundays (including bank holidays)

Reason

To minimise potential disturbance to nearby residences and to safeguard the

amenities of the locality in accordance with Policy DS4 of the Copeland Local Plan 2021 – 2039.

Informative(s):

Any works within or near the Highway must be authorised by the Council and no works shall be permitted or carried out on any part of the Highway including Verges, until you are in receipt of an appropriate permit from the LHA Streetworks team.

<https://www.cumberland.gov.uk/parking-roads-and-transport/streets-roads-and-pavements/street-licences-and-permits/street-permit-and-licence-fees-and-charges>

Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.

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: C. Burns

Date : 12.02.2025

Authorising Officer: N.J. Hayhurst

Date : 14.02.2025

Dedicated responses to:-