

SCHEDULE A: Applications with Recommendation

21/0979

Item No: 07

Date of Committee: 03/12/2021

Appn Ref No:
21/0979

Applicant:
Supp Shack Limited

Parish:
Carlisle

Agent:
Exeter Architectural
Services

Ward:
Cathedral & Castle

Location: Unit 1 Site 18, Willowholme Road, Willowholme Industrial Estate,
Carlisle, CA2 5RT

Proposal: Variation Of Condition 4 (Opening Hours) Of Previously Approved
Permission 21/0198 (Change Of Use From Car Showroom To Gym) To
Amend Opening Hours To 24 Hours Per Day

Date of Receipt:
18/10/2021

Statutory Expiry Date
13/12/2021

26 Week Determination

REPORT

Case Officer: Richard Maunsell

1. Recommendation

1.1 It is recommended that this application is refused.

2. Main Issues

- 2.1 Impact On The Amenity Of Occupiers Of Residential Properties
- 2.2 Potential Impact On Crime And Disorder
- 2.3 Highway Issues
- 2.4 Other Matters

3. Application Details

The Site

3.1 The application site relates to Unit 1, Site 18 Willowholme Road, Willowhome Industrial Estate, Carlisle. It is a large commercial building constructed from facing brick and cladding to the elevations and the roof. The building is located at the southern periphery of the estate, attached to a building of

similar scale and appearance.

- 3.2 The buildings are enclosed with palisade fencing. A pair of double gates serves the existing vehicular access into the site where there is a large area of hardstanding that is used for parking provision.
- 3.3 The site is within a designated Primary Employment Area. Adjacent to the site to the west is a plant hire business and to the south is Stagecoach bus depot. The attached building is occupied by a safety consultant and further to the south-east is Millers Showmans Quarters.

Background

- 3.4 Members will note from the planning history that planning permission was granted for the change of use earlier this year from a car showroom to a gym. This permission was subject to condition 4 which reads:

“The premises shall not be open for trading except between 0600 hours and 2200 hours.

Reason: *To prevent disturbance to nearby residential occupiers and in accord with Policy CM5 of the Carlisle District Local Plan 2015-2030.”*

The Proposal

- 3.5 This application seeks permission to vary the condition to allow the gym to operate 24 hours each day.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of 20 neighbouring premises. In response, 26 representations have been received supporting the application and the main issues raised are summarised as follows:
1. the site is well suited to the use;
 2. 24 hour access to the gym is of great benefit to patrons who have busy schedules or work shifts and can't attend gyms with more conventional hours;
 3. the Covid-19 pandemic forced gyms to close which had a negative effect on both mental and physical health. Being able to access the gym 24 hours a day will address these issues;
 4. music isn't an issue as many people train with headphones and the location on a loud industrial estate is distanced from residential premises;
 5. the building which the premises previously operated from had 24 hour access and this was great, music was turned off at 10pm and patrons listened to music via headphones instead so the noise was kept to a minimum. The new site has more parking so there isn't any issue blocking access to anyone else in Willowholme and noise late at night shouldn't be

- an issue;
6. to stop people accessing this facility on an industrial estate in the later hours would be idiotic. Much in the same way stopping factories operating 24/7 would be. The facility promotes healthy living and provides the perfect place for people who are that way inclined to train and improve;
 7. to stop this would likely cause much frustration to those who were using the previous facility 24/7 which never caused any significant issues with the neighbouring units;
 8. surely the question should be why not 24 hours? This is a 24 hour gym operated by local people on an industrial estate not a residential area;
 9. the 24 hour use will spread the reasonable and not excessive member head count over 24 hours reducing congestion of people;
 10. the gym offers food, hair cut, other gym related services so in turn support and collaborate with other local businesses;
 11. gym members are very respectful of the facility and the neighbourhood.
- 4.2 In addition, one representation has been received commenting on the application but no additional issues are raised other than those outlined above.

5. Summary of Consultation Responses

Local Environment - Environmental Protection: - no response received;

Cumbria Constabulary - North Area Community Safety Unit: - no objections to this application and in fact the proposal is supported. Extending the trading hours of the premises will generate legitimate activity around the building and approach roads, which will enhance casual supervision of an area that would otherwise be deserted overnight.

6. Officer's Report

Assessment

- 6.1 Section 70 (2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) together with Policies SP6, SP9, EC2, EC9, IP2, IP3, CM4 and CM5 of the Carlisle District Local Plan (CDLP) 2015-2030. The proposal raises the following planning issues.

1. Impact Upon The Amenity Of Occupiers Of Residential Properties

- 6.3 Local plan Policy CM5 is relevant to the proposal, in that it seeks to ensure that developments would be acceptable in terms of their relationship with existing uses. The policy refers specifically to making sure development is not prejudicial to existing uses.

- 6.4 The application site is located on Willowhome Industrial Estate adjacent to commercial and industrial uses including (but not exclusively) the Stagecoach Bus Depot, a consultancy business and plant hire business as well as premises occupied as part of the Millers Showman's Quarters. The issue is the relationship with the neighbouring properties and the potential impact on the amenity of the occupants.
- 6.5 There is no objection to the unfettered use of leisure facilities and examples can be found elsewhere in the city; however, in this location, the proposal would result in an intensification of the use of the gymnasium throughout the night on weekdays, weekends and bank holidays when occupants of neighbouring residential properties would expect a reasonable amount of peace and quiet. Although located in an industrial estate, the levels of vehicle movements and ambient noise levels in the evening and night would be considerably less than the daytime. The proposed use would significantly increase the amount of noise, activity and disturbance emanating from the premises and within the surrounding area from patrons and staff at anti-social hours when low ambient noise levels are to be expected. This level of disturbance (from general chatter between patrons, vehicle engines stopping and starting, car doors closing etc.) would be significantly compounded due to the application site's position adjacent to residential properties with no other late-night commercial uses present thereby resulting in the additional coming and goings from the gymnasium. In such circumstances it is considered that the proposal would significantly intensify noise, activity and disturbance within the area to the detriment of the residential amenity of the surrounding area and neighbouring residential units.

2. Potential For Crime, Disorder And Anti-Social Behaviour

- 6.6 Planning policies require that *“new development should make a positive contribution to creating safe and secure environments by integrating measures for security and designing out opportunities for crime. Proposals should be designed with the following principles in mind in order to create secure environments which deter crime...”*
- 6.7 The increased use of the building through the variation of the planning condition is, in itself, unlikely to result in increased levels of crime or disorder.
- 6.8 Members will note that Cumbria Constabulary has raised no objection and, in fact, support the application. It is acknowledged that their response and the issue raised are entirely relevant to this application and the use will result in an increased presence on the site; however, as previously mentioned, the site is not located in the heart of the industrial estate but instead located towards the southern periphery. A balanced assessment is therefore necessary weighing up the benefits of an increased presence in the locality against the impact on the occupiers of the neighbouring premises. There is no vehicular access or egress to the industrial estate other than from Bridge Lane. Whilst there is a footpath to the south of the site which passes under the railway and leads towards the Sheepmout Athletics Stadium and a footpath from Stephenson Industrial Estate, parallel with the River Eden and

again leading to the stadium, it isn't considered that patrons are likely to use these routes to access the gymnasium, particularly during the hours of darkness. Consequently, any perceived increased presence in the estate would be limited to the access from Bridge Lane to the site and the amount of natural surveillance within the wider industrial estate wouldn't be significantly different to the current situation. Accordingly, it's considered that limited weight can be attached to this matter.

3. Highway Issues

- 6.9 The site is served by an existing vehicular access and the development would retain parking provision and turning facilities within the site. The site is well-related to the city and is accessible by alternative means of transport including cycling, walking and public transport. It is also well-related to Paddy's Market Car Park which is approximately 500 metres to the south.
- 6.10 The proposed variation of the condition wouldn't impact on highway or parking issues and as such, the proposal does not raise any highway issues.

4. Other Matters

- 6.11 Reference is made in the representations that have been received to the applicant's business at its previous location being operated 24 hours a day which raised no issues. Members should note that gym operated from a premises on Durranshill Industrial Estate which likewise was adjacent to commercial uses but there were no residential properties adjacent to it. Additionally, the gym operated without the benefit of planning permission and there were complaints in relation to highway and parking issues.
- 6.12 In the support to the application, reference is also made to the gym providing additional facilities such as food and a barbers. Whilst planning permission exists for the use of the building as a gymnasium, other such uses are not consented. Discussions are being held with Officers and the applicant to determine and whether a further planning application is required for these uses

Conclusion

- 6.13 In overall terms, the proposal relates to the variation of a planning condition to allow the unfettered use of the gymnasium 24 hours a day. The NPPF together with local plan policies aims to build a strong, competitive economy and generating employment opportunities. The principle of the use remains acceptable and the use of leisure facilities on a 24 basis can, in certain circumstances, be acceptable and examples can be found elsewhere in the city; however, based on the foregoing assessment, it is evident that the proposal would be detrimental to the living conditions of the occupiers of neighbouring properties which wouldn't be outweighed by any perceived enhancement of reduction of crime and disorder through increased movements in the locality. As such, the proposal is contrary to the objectives of the relevant local plan policies and is recommended for refusal.

7. Planning History

- 7.1 In 1988, advertisement consent was granted for the erection of illuminated signs, double-sided post mounted box sign and a single-sided fascia box sign.
- 7.2 Planning permission was granted in 1993 for the installation of a satellite dish aerial 1.2m diameter.
- 7.3 In 2014, planning permission was granted for a change of use from a warehouse/ workshop with trade counter and office to auction house.
- 7.4 Planning permission was granted in 2018 for a change of use of industrial unit to cars sales.
- 7.5 Later in 2018, an application was approved to discharge of condition 4 (emergency flood warning and evacuation plan) of the previously approved application 18/0354.
- 7.6 Planning permission was granted earlier this year for the change of use from a car showroom to a gym.

8. Recommendation: Refuse Permission

1. **Reason:** The proposed variation of condition number 4 would permit the gymnasium to operate 24 hours each day. The adjacent site is occupied by travelling show persons. Although the building is located within a Primary Employment Area it's sited towards the southern periphery of the industrial estate. The railway line to the east on the opposite side of the River Caldwel would generate some level of noise, albeit this would be infrequent and short term. Not all the premises on the industrial estate are occupied and there aren't considered to be significant levels of noise during the evening and at night when ambient noise levels are low. The proposed unfettered use of the premises would result in the gymnasium operating throughout the day and night during weekdays, weekends and Bank Holidays when occupants of neighbouring properties would expect a reasonable amount of peace and quiet. As such, the proposed use would significantly increase the amount of noise, activity and disturbance emanating from the premises and within the surrounding area from patrons entering and leaving the premises on foot or within vehicles at anti-social hours when low ambient noise levels are low. This level of disturbance (from general chatter between patrons, vehicle engines stopping and starting, car doors closing etc.) would be significantly compounded due to the application site's position where there are no other late-night commercial uses present thereby resulting in the additional coming and goings from the

gymnasium being particularly noticeable to surrounding residents. In such circumstances it is considered that the proposed use as a gymnasium 24 hours each day would significantly intensify noise, activity and disturbance within the area to the detriment of the occupants of neighbouring premises. The proposal is therefore contrary to criterion 7 of Policy SP6 (Securing Good Design); and the objectives of Policy CM5 (Environmental and Amenity Protection) of the Carlisle District Local Plan 2015-2030.



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Notes

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Job Project Name Scale @ A3 : 1:250
 Date : Issue Date Revision :

Drawing Title
 Location Plan
 As Proposed

Client Supp Shack Ltd
 Project Unit 1, Site 18,
 Willowholme Industrial Estate
 Carlisle CA2 5RT

Drawn By George
 Version Planning
 Drawing no: BO11

Unit 1 Site 18, Willowholme Industrial Estate, Willowholme Road, Carlisle, Cumbria, CA2 5RT



1 3 Location Plan
 1 : 1250

0m 25m 50m 75m 100m 125m

VISUAL SCALE 1 : 1250 @ A3