

Our Ref: 15C100104  
Your Ref: 4/22/2161/0F1



26 September 2022

Development Management  
Copeland Borough Council  
The Copeland Centre  
Catherine Street  
Whitehaven  
Cumbria  
CA28 7SJ

Dear Sir/Madam,

**APPLICATION TO VARY CONDITION 5 OF PERMISSION 4/22/2161/0F1**

**RELOCATION OF BOC YARD, LAND AT LECONFIELD INDUSTRIAL ESTATE, CLEATOR MOOR**

We write to you on behalf of our client Copeland Borough Council in submitting the attached application to vary condition 5 of application reference 4/22/2161/0F1.

Permission was granted on 3 August for the use of land as storage and distribution centre (class B8) for gas bottles, together with the siting of two single storey prefabricated cabins for administrative use on land at Leconfield Industrial Estate. This development is already present but is being relocated within the industrial estate as part of the wider Cleator Moor Innovation Quarter development.

Condition 5 relates to tree protection measures, and is worded as follows:

*Before development commences all of the tree protection measures detailed in the following report and plans shall be implemented in full and shall remain for the duration of construction until the development is complete:*

- *Arboricultural Impact Assessment Report, by Barnes Associates Ltd, dated 14/03/2022, ref. BA11303/1-AIA, & ref. BA11303\_R CMIQ\_BOC Yard Leconfield industrial estate C*
- *Arboricultural Impact Assessment Plan, by Barnes Associates Ltd, drawing no. BA11303BY\_P CMIQ\_BOC Yard Leconfield Industrial Estate BOC Yard C-TPP, dated 14/03/22*
- *Arboricultural Impact Assessment Plan, by Barnes Associates Ltd. drawing no. BA11303\_P CMIQ\_BOC Yard Leconfield Industrial Estate C-AIA, dated 14/03/2022.*
- *Tree Protection Plan, BA11303\_P CMIQ\_BOC Yard Leconfield Industrial Estate BOC Yard\_C-TPP, scale 1:50, dated 14/03/2022.*

An application to discharge 3, 4 and 10 has been submitted separately to this application. 3 and 4 are pre-commencement conditions, while condition 10 is a pre-occupation condition. Condition 5 is the only other pre-commencement condition. Applications to discharge the remaining conditions will be submitted separately in due course as and when this information is available.

It has emerged that it would not be possible to implement the development in accordance with the tree protection measures as set out in the approved plans due to space needed around the red line in constructing the concrete slab and access road for the development. It is therefore required that approved drawings and report are amended to account for this minor change. Please see the supporting information, prepared and updated by Barnes Associates, for further information.

### **Application Documentation**

In addition to this covering letter and application form, please find enclosed the following documentation to aid in your consideration of this enquiry.

#### Condition 5: Tree Protection Measures

- BA11303\_R CMIQ\_BOC Yard Leconfield industrial estate\_D - Arboricultural Impact Assessment Report, prepared by Barnes Associated Ltd. 26/09/2022
- BA11303BY\_P CMIQ\_BOC Yard Leconfield Industrial Estate BOC Yard\_AIA\_G - Arboricultural Impact Assessment, prepared by Barnes Associated Ltd. 06/09/2022
- BA11303BY\_P CMIQ\_BOC Yard Leconfield Industrial Estate BOC Yard\_TPP\_G - Tree Protection Plan, prepared by Barnes Associated Ltd. 06/09/2022

### **Summary and Next Steps**

We trust this information is sufficient to validate this application, however, should there be any issues or questions please do not hesitate to get in touch. We understand the payment of the £234 application fee will be made via internal transfer by Copeland Borough Council.

We look forward to receiving confirmation of receipt from the Council. In the meantime, if anything else is required to aid in your consideration of this application then please get in touch using the contact details below.

Yours sincerely

**Chris Johnson MRTPI**  
**Senior Planner**

**For and on behalf of Avison Young Planning and Regeneration Limited**