

**CUMBERLAND COUNCIL
UPDATE DELEGATED REPORT FOLLOWING PLANNING
PANEL ON 18/01/2023**

1.	Reference No:	4/22/2184/001
2.	Proposed Development:	OUTLINE APPLICATION FOR THE ERECTION OF A NEW BUILDING UP TO 4000 SQUARE METRES IN FLOORSPACE, FOR VARIOUS USES WITH ASSOCIATED ACCESS, CAR PARKING, LANDSCAPING AND ENGINEERING WORKS WITH FULL DETAILS OF SCALE AND ACCESS.
3.	Location:	LAND TO THE NORTH EAST OF LECONFIELD INDUSTRIAL ESTATE, CLEATOR MOOR
4.	Parish:	Cleator Moor
5.	Constraints:	N/A
6.	Publicity Representations & Policy	N/A
7.	Report: Location <p>The site the subject of this application is located within Leconfield, an established industrial estate in Cleator Moor, some 600m to the north-west of the town centre. Vehicular Access to which is via a mini roundabout off the B5295 /Leconfield Street and through the main estate spine road.</p> Site <p>The site extends to approximately 1.27Ha and is located in the north-eastern part of the Industrial Estate. It comprises two rectangular blocks of land and the access leading to it. It was formerly occupied by two industrial structures which were demolished in 2015 leaving only the concrete slabs. The northern part of the site has since been used as a compound for the storage and distribution of bottled gas products and to the east part of the site was formerly occupied by a scrap merchant.</p>	

To the north the site is bounded by scrub/grass land and boundary vegetation and beyond is a public footpath and agricultural land. The boundary to the east is flanked by trees and vegetation delineating the C2C cycle route with residential properties and Cleator Moor town centre some 300 metres away. To the south and west lies the wider Leconfield Industrial Estate.

Proposal

A major outline application for the erection of large building of up to 4,000sqm in floor area for a variety of uses including mixed research and development (Use Class E(g(ii)) and light industrial (Use Class E(g(iii)) use with ancillary food/beverage (Use Class E(b)), education and community facility uses (Class F1(a & e)) and associated access, car parking, landscaping, and engineering works. To be known as the `Hub` it will be situated in the northern section of the site.

It is envisaged that the Hub will take on the role of the new focal point of Leconfield Industrial Estate and will help form links between existing tenants, outside users, education/skills, the Cleator Moor community and the wider public. The indicative plans show that this development will assume the form of a single building accommodating a variety of uses including:

- skills development, training as well as innovation and incubation workshops
- Lecture theatre/conference use/exhibition space
- Café-bar

In terms of scale the proposal seeks to establish the maximum parameters of a single building on the site that will not exceed 4,000sqm in floorspace (GEA) and 12m in height.

A large car park is also proposed to the front of the building providing spaces for up to 100 cars.

The application is in outline only with full details for scale and access being sought and all other matters, i.e. design, layout and appearance being reserved for future approval.

The application is accompanied by the following documents:

- Design and Access Statement
- Ecological Appraisal
- Air Quality Assessment
- Transport Assessment
- Arboricultural Impact Assessment
- Travel Plan



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- Flood Risk Assessment
- SuDS Management Plan
- Design Code (NORR)
- Draft Phase 2 Site Investigations
- Tree Survey

Report

On the 18th January 2023 Members of the Planning Panel resolved to grant delegated authority to the Head of Planning and Place to approve the Outline Planning Application subject to the applicant, Copeland Borough Council, entering into a S106 Agreement with Cumbria County Council as Highway Authority to help finance the provision of off-road cycle access to the adjacent cycleway from Leconfield Estate and improvements to or a new bus shelter on nearby Leconfield Street. The level of contribution agreed with Cumbria County Council Highway Authority was £13,800 (to cover £8,300 – cycle access & £5,500 – bus shelter improvements).

On 1st April 2023, Copeland Borough Council, along with Allerdale Borough Council, Carlisle City Council and Cumbria County Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria. As a result, there is no longer a requirement for a S106 Agreement to secure contributions towards cycle access and bus shelter improvements as it will now only involve the transfer of funds between Departments of the same Council organisation as opposed to separate organisations.

Since the application was considered there has been a minor change in circumstances to take account of. Cleator Moor Town Council no longer require a bus shelter to be erected on Leconfield Street and instead it has been agreed with the Assistant Director Thriving Place and Investment that, as the Council are undertaking funded works as part of the Connected Town project with funding from the Cleator Moor Town Deal, that the two sums allocated to the S106 requirements for a bus shelter (£5,500) and upgraded walking and cycling route (£8,300) are transferred to the Connected Town Project and ringfenced to expenditure associated with that project.

Minor alterations to the wording of condition 18 and the addition of an additional condition (Condition 19) to secure appropriate landscape maintenance are also proposed since the application was agreed by Members at the Planning Panel on 18th January 2023. These changes were covered and authorised by Members acceptance of the recommendation as set out above.

In the context of the above, the Outline Planning Application can now be approved subject to the defined planning conditions.

	<p>Conclusion</p> <p>Approve Outline Planning Application subject to defined planning conditions.</p>
8.	<p>Recommendation:</p> <p>Approve in Outline (Reg 3)</p>
9.	<p>Conditions</p> <p><u>Standard Outline Conditions</u></p> <ol style="list-style-type: none"> 1. The layout, appearance and landscaping shall be approved by the Local Planning Authority. <p>Reason</p> <p>To comply with Section 92 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. Detailed plans and drawings with respect to the matters reserved for subsequent approval shall be submitted to the Local Planning Authority within three years of the date of this permission and the development hereby permitted must be commenced not later than the later of the following dates: <ol style="list-style-type: none"> a) The expiration of THREE years from the date of this permission <p>Or</p> <ol style="list-style-type: none"> b) The expiration of TWO years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved. <p>Reason</p> <p>To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p> <ul style="list-style-type: none"> • 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: - <u>Documents</u> <p>Design & Access Statement, by NORR, ref. CMIQ-NOR-HUB-ZZ-RP-A-00001 revision</p>



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1, dated 25-03-2022

Ecological Appraisal, ref. B034367 CMIQ Proposed Hub Summary report V2_ISSUE, by Tetra Tech, dated March 2022

Air Quality Assessment on behalf of Copeland Borough Council for Leconfield Industrial Estate, report dated: 28th February 2022, report number: 102682-2, by Miller Goodall Ltd.

Transport Assessment by Tetra Tech, Project Number: 784-B030277, dated March 2022.

Arboricultural Impact Assessment by Barnes Associates, ref. BA11303Hub_P Rev scale 1:50, dated 20/03/2022.

Travel Plan, revision 1, by Tetra Tech, dated 11-03-2022

Drainage Philosophy, ref. CMIQ-BGP-05-XX-RP-C-DP005, Revision: 002, dated 03/10/2022.

Flood Risk Assessment, ref. CMIQ-BGP-05-XX-RP-C-FRA005, Revision: 002, dated 03/10/2022

SuDS Management Plan, ref. CMIQ-BGP-05-XX-RP-C-SMP005, Revision: 002, dated 03/10/2022

Design Code (NORR)

Draft Phase 2 Site Investigations by Solmek Ltd. ref. S220141, dated March 2022.

Tree Survey (Barnes Associates)

Plans

Location Plan CMIQ-NOR-HUB-ZZ-DR-A-90000 - SITE - LOCATION PLAN_P04

Site Plan – existing CMIQ-NOR-HUB-ZZ-DR-A-90001 - SITE - EXISTING PLAN_P04

Site Plan – proposed illustrative layout, CMIQ-NOR-HUB-ZZ-DR-A-90002 - SITE - PROPOSED PLAN_P04,

Development Parameters – vertical limitations plan, CMIQ-NOR-HUB-ZZ-DR-A90004 - PARAMETER PLAN - VERTICAL LIMITATIONS_P05, dated 25-03-2022

Development Parameters – proposed uses plan, CMIQ-NOR-HUB-ZZ-DR-A-90005 - PARAMETER PLAN - PROPOSED USE_P05, dated 25-03-2022

Site - Parameter Section, Ref. CMIQ-NOR-HUB-ZZ-DR-A-90201, Revision: P01, dated 02-12-2022.

Drainage Plan, Ref. CMIQ-BGP-05-XX-DR-C-52-05130, Revision: P04, dated 03/10/2022

Manhole Schedule, Ref. CMIQ-BGP-05-XX-DR-C-52-05131, Revision: P04, dated 03/10/2022.

Impermeable Areas Plan, Ref CMIQ-BGP-05-XX-DR-C-52-05101, Revision: P04,

dated 03/10/2022

Flood Exceedance Plan, Ref. CMIQ-BGP-05-XX-DR-C-52-05102, Revision: P04,
Dated 03/10/2022

Swept Path Analysis – FTA 10m RIGID HGV & 7.5T BOX VAN, Ref: 784-B030277-
TTE-00-XX-DR-O-0010-P01, Revision: P01, dated 03-08-2022

Swept Path Analysis – Dennis Sabre Fire Tender (LWB) & 11.2m Refuse Vehicle, Ref:
784-B030277-TTE-00-XX-DR-O-0011-P01, Revision: P01, dated 03-08-2022.

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.

Pre-Commencement Conditions

- 4 The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. Any works so approved shall be constructed before the development is complete.

Reason

To ensure a minimum standard of construction in the interests of highway safety

5. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The drainage scheme submitted for approval shall also be in accordance with the principles set out in the Drainage Philosophy dated 03/10/2022 proposing surface water discharging indirectly to the culverted Nor Beck.

The development shall be completed, maintained and managed in accordance with the approved details.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

6. Before development commences a revised Phase 2 Contaminated Land Investigation and Report shall be submitted to and approved in writing by the Local Planning Authority, this shall include a full sampling and testing regime for a suitable range of contaminants, and an assessment made of their potential risk to health and an appraisal of any remediation measures required.

Reason

To ensure that risks from land contamination are understood prior to works commencing on site, both during the construction phase and to the future users of the land and neighbouring land, and that any such risks are minimised. Also, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

7. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

- A detailed risk assessment and an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution.

8. Before development commences all of the tree protection measures detailed in the

Arboricultural Impact Assessment by Barnes Associates ref. BA11303Hub B_P Rev B, scale 1:50, dated 20/03/2022 shall be implemented in full and shall remain for the duration of construction until the development is complete:

Reason.

To ensure all the remaining trees are adequately protected during construction

9. No development shall commence until a Construction Environmental Management (CEMP) Plan has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide for: loading and unloading of plant and materials, machinery and materials storage, the parking of vehicles of site operatives and visitors, biosecurity, and the control and management of noise, working hours, heavy vehicle routing and timing etc. plus measures to control the emission of dust and dirt, surface water runoff and waste to protect any surface water drains and the SAC from sediment, and pollutants such as fuel and cement. The approved CEMP shall be adhered to during the construction period.

There must be a 10m buffer strip to the river, and a bund across the track that leads down to the river to prevent any sediment and pollution in surface water run-off from reaching the SAC. All materials and equipment must be stored outside the buffer strip, and there should be a designated concrete mixing / refuelling site outside the buffer strip, with spill kits on site and drip trays used for refuelling.

Reason

To safeguard the ecological and environmental interests of the site and the amenity of neighbouring occupiers.

10. The site shall provide for a minimum of 10% Biodiversity Net Gain, details of how this is to be achieved shall be submitted to and approved in writing by the Local Planning Authority before any development commences. The development shall be carried out in accordance with the approved scheme before the Hub building is occupied and maintained in perpetuity thereafter.

Reason.

To ensure that a minimum of 10% Biodiversity Net Gain is achieved for the site.

11. No development shall commence until full details of the proposed pedestrian access

linkages identified in the approved Design and Access Statement by NORR (reference CMIQ-NOR-HUB-ZZ-RP-A-00001 revision 1) and dated 25-03-2022, have been submitted and approved in writing by the Local Planning Authority. The pedestrian access links shall be implemented as approved before the development is occupied and so maintained thereafter in perpetuity.

Reason.

To ensure the development incorporates the proposed improvements to the site`s connectivity with Cleator Moor and the adjacent cycleway.

Pre- Occupation Conditions

12. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Drainage Philosophy documents (ref CMIQ-BGP-05-XX-RPC-DP005, Issue 001, dated 23/03/2022). For the avoidance of doubt no surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason:

To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

13. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer shall be submitted to and approved by the Local Planning Authority in writing, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:
 - 1) As built drawings for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc);
 - 2) Construction details (component drawings, materials, vegetation);
 - 3) Health and Safety file:
 - 4) Details of ownership organisation/adoption details.

Reason

To ensure that all sustainable drainage systems are designed to the DEFRA non-

statutory technical standards in accordance with the NPPF

14. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning Authority and approved in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a resident's management company; and
 - b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason

To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Other Conditions

15. 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 immediately to the Local Planning Authority and a suitable investigation and risk assessment to be undertaken agreed. Where remediation is necessary a remediation scheme must be prepared and submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure unexpected contamination that may arise is carefully controlled to minimise the potential risk of pollution.

16. Piling using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the proposed piling operations do not harm groundwater resources.

17. The proposed car park shall be surfaced in permeable paving, details of which shall be submitted to and approved in writing by the Local Planning Authority before works on the car park commence. The car park shall be surfaced as approved and maintained as such thereafter.

Reason

To ensure the car park provides sufficient attenuation and storage of surface water as part of the drainage scheme for the development in order to minimise the risk of flooding.

18. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The soft landscaping shall include planting plans and written specifications of plants, species, sizes and densities. Landscaping shall be carried out in accordance with the approved details before the development is occupied.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme.

19. A Landscape Management Plan including management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.

Reason

To ensure a satisfactory landscaping scheme.

20. The development shall implement all of the recommendations and mitigation measures set out in the approved Ecological Appraisal, ref. B034367 (CMIQ Proposed Hub Summary report V2_Issue) by Tetra Tech, dated March 2022. The development

shall be carried out in accordance with the approved document thereafter.

Reason

To protect the ecological interests evident on the site.

21. No superstructure shall be erected until samples and details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and retained for the lifetime of the development.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

22. The external gross floor area of the Hub building shall not exceed 4000 square metres and the maximum height shall not exceed 12 metres.

Reason

For the avoidance of doubt and to verify the proposed scale parameters of the Hub building.

23. This permission authorises the use of the building hereby approved for the following uses; mixed research and development (use class E(g(ii))), light industrial (use class E(g(iii))) use and education and community facility uses (class F1(a & e) only. Any ancillary use to the main use of the building should be limited to ancillary food/beverage (use class E(b)).

Reason

To protect the viability and vitality of neighbouring Cleator Moor Town Centre and to ensure non-conforming uses are not introduced into the area.



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Informative Notes

Management of Waste

Excavated waste arising from earthworks will need to be tested for appropriate disposal in accordance with Waste Regulations

1. Waste on-site

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

1. excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
2. treated materials can be transferred between sites as part of a hub and cluster project
3. some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to:

- the [position statement](#) on the Definition of Waste: Development Industry Code of Practice
- The [waste management](#) page on GOV.UK

2. Waste to be taken off-site

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is

clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the [hazardous waste](#) pages on GOV.UK for more information.

Contamination

All fuel and chemical storage tanks must have adequate bund walls without outlets. The bund must be capable of holding more than the largest tank within it. Discharges from yard storage areas, vehicle washing areas, loading and unloading areas and any other areas likely to be contaminated by spillage should be connected to the foul sewer and may be regarded as trade effluent.

If this proposal results in a trade effluent discharge to the public sewer, the applicant will need Trade Effluent Consent. The applicant should discuss this with their chosen retailer of wastewater services. The applicant can discuss any of the above with the Developer Engineer, by email at wastewaterdeveloperservices@uuplc.co.uk.

Public Right of Way

The right of way as shown on the definitive map and statement must be kept open and unaltered for public use until an order made to divert or to temporarily close it has been confirmed.

The granting of planning permission would not give the developer the right to block or obstruct the right of way.

Highways

Prior to any work commencing on the watercourse the applicant should contact the Lead Local Flood Authority by telephoning: 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 currently a fee of £50 will be required and that it can take up to two months to determine.

Artificial Lighting

Artificial lighting used within the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations contained within the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting Page 40 GN01 dated 2005.



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	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: H.S. Morrison	Date : 21/09/2023
Authorising Officer: N.J Hayhurst	Date : 22/09/2023
Dedicated responses to:- N/A	