

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2009/DOC
2.	<b>Proposed Development:</b>	DISCHARGE OF CONDITIONS 4, 6 AND 7 OF PLANNING APPROVAL 4/22/2184/001
3.	<b>Location:</b>	LAND TO THE NORTH EAST OF LECONFIELD INDUSTRIAL ESTATE, CLEATOR MOOR
4.	<b>Parish:</b>	Cleator Moor
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	See Report
7.	<b>Report:</b>  <b>Proposal</b>  <p>Outline planning permission for the erection of a new `hub` building (up to 4,000sq.m. in floorspace) for various uses with associated access, parking, landscaping and engineering works with full details of scale and access on the Leconfield Industrial Estate in Cleator Moor was approved on 22 September 2023. (planning reference 4/22/2184/001). It was subject to 23 conditions.</p> <p>This application seeks to discharge three pre-commencement conditions; condition 4 relating to highway works and 6 and 7 regarding contamination.</p> <b>Assessment</b>  <b>Condition 4</b>  <p>This states:</p> <p>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</p>	

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

In their consultation response the Highway Authority and LLFA as highway experts expressed concerns regarding the inconsistent width of the proposed footways serving the new development – requiring that all should be a minimum of 2m wide unless there are valid reasons not to achieve this. For example, the 1.5m footway between the car parking bays is too narrow needs to be increased to 2m. Have advised that footway provision be reviewed to provide compliant widths before this condition is discharged.

It transpires that the applicants are not in a position to progress with this and accept that this condition cannot yet be discharged.

Discharge of Condition 4 is therefore to be withheld at the request of the applicant /agent.

**Condition 6**

**6 states:**

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 states:**

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:

1. 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.
2. 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 are complete and identifying any



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	<p>requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</p> <p>Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.</p> <p>Reason</p> <p>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.</p> <p>The Environment Agency (EA) and Environmental Health were consulted in relation to these two conditions. The EA objected on the grounds that the development of soakaway drainage on made ground poses an unacceptable risk to water quality.</p> <p>To move forward they advised all previous ground investigations be submitted for review along with a gap analysis of data and a reasoned explanation of the sample strategy and interpretation of results. Information was provided but this failed to satisfy the EA. A revised Phase 2 Site Investigation report was ultimately provided which supplemented and supported the findings of the investigation and risk assessment.</p> <p>Although no additional ground investigations were undertaken, the revised report provided an enhanced and necessary level of detail sufficient to address the EA concerns and get them to withdraw their objection. They are now satisfied that the development would not cause unacceptable risk to water quality.</p> <p>Environmental Health considered that the Site Investigation Report submitted adequately deals with potential contamination to human health, site users (construction workers and visitors), local ecology and property (construction / infrastructure materials). However advised that the conditions not be discharged until the EA's concerns had been addressed.</p> <p>In view of the above conditions 6 and 7 can now be discharged.</p>	
8.	<p><b>Recommendation:</b></p> <p>Approve discharge of conditions 6 and 7 only</p>	
<b>Case Officer: H.S. Morrison</b>		<b>Date : 22/04/2024</b>
<b>Authorising Officer: N.J. Hayhurst</b>		<b>Date : 22/04/2024</b>
<b>Dedicated responses to:- N/A</b>		