

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2236/0B1
2.	Proposed Development:	VARIATION OF CONDITION 2 (TIME PERIOD OF TEMPORARY PERMISSION) OF PLANNING APPROVAL 4/22/2256/0F1 - TEMPORARY CONSTRUCTION, TESTING AND DEMOLITION OF A MOCK CHIMNEY STRUCTURE, ERECTION OF A DEMOLITION PLATFORM AND ASSOCIATED WORKS
3.	Location:	19 LECONFIELD INDUSTRIAL ESTATE, CLEATOR MOOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	See Report
7.	Report: Site and Location <p>The application site is centrally located within Leconfield, an established industrial estate in Cleator Moor, some 600m to the north-west of the town centre. Main vehicular access is via a mini roundabout off the B5295 /Leconfield Street which forms the main part of the southern boundary, with the C2C cycle route forming the boundary to the North. To the west and east the estate is flanked by predominantly residential areas and community uses.</p> <p>The estate currently accommodates some 20 industrial and warehouse units of varying sizes, a number of which are vacant. There are also vacant / cleared plots. This established industrial estate has been in use since the 1940`s and more recently suffered from a period of decline.</p> <p>The site, the subject of this application, is large and relatively level measuring some 0.7ha. There are two vehicular accesses off the central estate spine road serving the plot. To the northwest it is bounded by existing tenanted industrial workshops with vacant plots to the southeast and west. A children`s nursery and offices are sited opposite (to the northeast)</p>	

facing the plot across the estate access road.

It currently accommodates a `mock up chimney` structure, granted consent in 2022 for a temporary period of two years (4/22/2256/0F1 refers). This involves using the site for trialling the erection and use of a specialist prototype hydraulic access platform to assist in the decommissioning work on the Sellafield site and specifically in the demolition of the Pile 1 Chimney. The work is currently ongoing.

Proposal

Permission is sought via a S73 application to vary condition 1 of the original consent, 4/22/2256/0F1, which permitted a temporary permission for a two-year period from the date of approval for the project. This expires shortly on 2 September 2024. A further temporary period until 9 February 2026 is now sought as the project has gone beyond the initial timescale and this is now the outside estimated completion date.

Consultation Responses

Cleator Moor Town Council

Raise no concerns regarding the application.

Coal Authority

No objection to the variation of Condition for the temporary permission subsequently issued to enable the retention of the development for a further two years, as specified in the application.

Property and Estates

No objections as the Landlord to the principle of an extension of time. Although not a planning matter they wish to point out from a landowner perspective that the site is subject of a wider Council delivered Government funded construction project. Should it overrun to the suggested planning consent extension application date of February 2026, may cause significant issues and potential delays if the current programme is adhered to.

As Landowner and Landlord, the Council is aware it has the necessary control to address this matter out with the planning legislation. It will need to separately grant the SPIDA project a new occupation agreement, with the current agreement expiring at the same time as the current temporary planning consent. This is now being negotiated and it is likely that the expiry of this new agreement will be set at the end of May 2025 unless programme timescales overrun.

From a Landowner perspective the applicant will be encouraged to adopt every time mitigation measure possible which will include weekend working wherever possible amongst other potential measures to reach a shorter timescale for the project.



Cumberland Council

Flood and Development Management (Highways and LLFA)

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.

Environmental Health

No objection. Following the approval of planning application 4/22/2256/0F1, no complaints relating to any aspect of these works were subsequently received by the Environmental Health team. On this basis, therefore, Environmental Health has no objection to the variation of condition 1 to grant an extension of the time period of works at the site as requested.

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 policies:

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 2013-2028 (adopted December 2013) (CLP):

- Policy ST1 Strategic Development Principles – sets out the fundamental principles to guide development in the Borough.
- Policy ST2 Spatial Development Strategy - directs development to the most sustainable locations – the main settlements including Cleator Moor which is a key service centre
- Policy ST3 Strategic Development Priorities
- Policy ER4 Land and Premises for Economic Development
- Policy ER5 Improving the Quality of Employment Space
- Policy ER6 Location of Employment – supports employment development in the main settlements

- Policy ENV1 Flood Risk and Risk Management
- Policy ENV3 Biodiversity and Geodiversity
- Policy DM10 Achieving Quality of Place
- Policy DM11 Sustainable Development Standard
- Policy DM22 Accessible Developments
- Policy DM24 Development Proposals and Flood Risk
- Policy DM25 Protecting Nature Conservation Sites, Habitats and Species

Copeland Local Plan (2001-2016)

Saved Policy EMP1 of the Copeland Local Plan (2001-2016) designates Leconfield Industrial Estate as an employment site where development for employment and industry uses (Class B1 Office and Business, B2 General Industrial and B8 Storage and Distribution Uses) will be permitted.

Emerging Local Plan (ECLP)

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued the post hearing letter in June 2023, which identified the next steps for the examination.

The Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six-week public consultation seeking views on the proposed modifications to the ELP closed on the 28th March 2024 and the Inspectors final report is now awaited.

As set out in Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

The following ECLP policies are relevant to this proposal:

- Strategic Policy DS1PU: Presumption in favour of Sustainable Development



Cumberland Council

- Strategic Policy DS2PU: Reducing the impacts of development on Climate Change
- Strategic Policy DS6PU: Design and Development Standards
- Strategic Policy DS8PU: Reducing Flood Risk
- Strategic Policy DS9PU: Sustainable Drainage
- Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity
- Strategic Policy E1PU Economic Growth
- Strategic Policy E2PU Location of Employment
- Strategic Policy E4PU allocates Leconfield Industrial Estate and adjacent land to accommodate the Cleator Moor Innovation Quarter business cluster. The primary uses on the Cleator Moor Innovation Quarter development will be limited to Use Class B2, Use Class B8 and Use Class E(g) only.

Other Material Considerations

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide

Cumbria Development Design Guide (CDDG).

Assessment

The key is whether an extension of the temporary time period until February 2026 is acceptable from a planning point of view and raises no material planning issues of concern that cannot be adequately mitigated.

The application raises some issues which are considered below:

Principle of development

The principle of development is already established by virtue of the existing approved use on the site. The proposal to extend the temporary time limit for the development by a further 17 months is considered acceptable and accords with the relevant CLP and ECLP Policies.

Noise and Disturbance

It is considered unlikely that a further extension of time for the development for the period requested will cause any undue noise or disturbance. Construction and demolition activities are sensitively controlled on the site with restrictive hours of working which will continue. Its presence on site to date has not raised any issues or complaints which is supported by our

Environmental Health Officer.

Ecology

The original application was supported by an Ecological Appraisal. This identified that the margins/ periphery of the site may support a variety of species and habitats including invertebrates, bats, reptiles and nesting birds and require protection from any possible disturbance including materials storage etc. In view of this the condition requiring mitigation measures to ensure this protection is undertaken will be replicated for the proposal.

This will ensure the continued protection of these areas and enhance the site`s ecological interests in line with Policy ENV3 and DM25 of the CLP and N1PU of the ECLP.

Drainage

The application proposes no changes to the existing approved drainage scheme which was accepted for the original development by our Coastal and Flood Defence Engineer, EA and LLFA. In this respect the proposal is in compliance with CLP Policies ENV1 and DM24 and ECLP Policies DS8PU and DS9PU.

Transport

It is anticipated that the proposed extended temporary time period will have minimal impact on the existing highway network. The site is within a current industrial estate which by its nature already receives regular visits by commercial vehicles and the increase in transport for the extension is considered to be minimal and will not have a material impact on highway safety to which the Highway Authority raise no objection. As such the proposal is considered to accord with the requirements of CLP and ECLP Policies.

Conclusion

Taking account of the above, it has been satisfactorily demonstrated in the application that the proposal is acceptable from a planning point of view and raises no adverse material issues that cannot be adequately mitigated and accords with the relevant policies of the development plans.

In terms of process this is an application under Section 73 of the Town and Country Planning Act 1990 seeking to vary condition 1 associated with permission 4/22/2256/0F1 to extend the temporary time limit for a further temporary period until 9 February 2026. This enables the issuing of a new permission which will sit alongside the original.

Decision notices are required to repeat the relevant conditions from the original permission unless they have already been discharged. The condition relating to the timing of implementation however cannot be changed.

In terms of the conditions attached to the previous decision notice 4/22/2256/0F1 conditions 4, 5 and 6 have been discharged so only 2 (updated to include documents relevant to this



Cumberland Council

	application) 3 and 7 will be repeated.
8.	Recommendation: Approve
9.	<p>Conditions</p> <p><u>Temporary Permission</u></p> <p>1. The use hereby permitted shall be for a limited period expiring on 9 February 2026. At the end of this period the use shall cease, all materials and equipment brought onto the land in connection with the use shall be removed and the land restored in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason</p> <p>The use hereby approved is not considered suitable as a permanent form of development in order to safeguard the amenities of the locality.</p> <p>2. 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:</p> <p><u>Documents</u></p> <p>Planning Statement by Adapt, ref. PP-11217456, dated 25 May 2022. Ecological Appraisal, by Tetra Tech Ltd, ref. 784-B038542, dated 6 May 2022. Geo-Environmental Desk Study, by Tetra Tech Ltd, ref. B038542, Version 1, May 2022. Transport Form, by Paul Terry, Adapt, ref. PP-11217456, dated 24.05.2022. Leconfield Noise Assessment Note for the Record, by Adapt, ref. DDP00571-LOT1-ADAPTCTM13540-4510446080-PILE 1 BARREL SPIDA MANUFACTURE, dated 23.05.2022.</p> <ul style="list-style-type: none"> - Environmental Management Plan, Revision A, reference: 5164448-ADT-ZZ-ZZ-TPLN-HS-000001 - RP-B6-SAFE-00100-A by ADAPT, for Spida Mock-Up Project, Leconfield, Cleator Moor, dated 18/08/2022. <p>Time Extension Request Letter from Dayne Dormand, Altrad Babcock Ltd/ ADAPT, dated 19 June 2024.</p> <p><u>Plans</u></p> <p>Site Location Plan, ref. Figure1_SiteLoc_Planning_20220226_A, dated 26 May 2022.</p>

Site Location Plan, ref. Figure1_SiteLoc_Planning_20220226_B, dated 26 May 2022.
 Site/Block Plan, ref. 5164448-ADT-XX-XX-DDRW-C-000001 -Rev A, scale 1:500.
 Plan and Elevation, ref. 5164448-ADT-XX-XX-DDRW-C-000002 – Mod P1.
 Topographical Survey, scale 1:200, WYG_007_A - Sheet 7 of 9.
 Manhole Record Card, by Environmental Drainage Solutions Ltd, ref. JS7959
 LECONFIELD SW MH CARDS, dated 26.10.2021.
 Manhole Record Card, by Environmental Drainage Solutions Ltd, ref. JS7959
 LECONFIELD FOUL MH CARDS, dated 26.10.2021.
 Site Location Plan, drwg no. 20220226, Rev A, scales 1:12,500 & 1:1250, dated 27
 June 2024.
 Site Location Plan (wider site), drwg no. 20220226, Rev A, scales 1:12,500 & 1:1250,
 dated 27 June 2024.
 Site/ Block Plan, drwg no. 5164448-ADT-XX-XX-DDRW-C-000001 Mod B.scale
 1:500.

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.

Highways

3. Access gates, if provided, shall be hung to open inwards only away from the highway.

Reason

In the interests of highway safety.

4. The development hereby approved shall be carried out in accordance with the
 measures to prevent surface and construction water run-off affecting the highway as
 detailed in the Environmental Management Plan, Revision A, reference: 5164448-
 ADT-ZZ-ZZ-TPLN-HS-000001 - RP-B6-SAFE-00100-A by ADAPT, dated 18/08/2022
 and approved under application reference 4/22/2368/DOC. The measures shall be
 maintained operational for the lifetime of the development.

Reason

In the interests of highway safety and environmental management

5. The development hereby approved shall be carried out in accordance with the



Cumberland Council

measures to protect the highway drain at all access points within the site as detailed in the Environmental Management Plan, Revision A, reference: 5164448-ADT-ZZ-ZZ-TPLN-HS-000001 - RP-B6-SAFE-00100-A by ADAPT, dated 18/08/2022, and approved under reference 4/22/2368/DOC. The protection measures shall remain in place and operational for the lifetime of the development.

Reason

In the interests of highway safety and environmental protection.

Environmental Impacts

6. The development hereby approved shall be carried out in accordance with the Environmental Management Plan, Revision A, reference: 5164448-ADT-ZZ-ZZ-TPLN-HS-000001 - RP-B6-SAFE-00100-A by ADAPT, for the Spida Mock-Up Project, Leconfield, Cleator Moor, dated 18/08/2022 approved under reference 4/22/2368/DOC as regards the details and scope for reducing the effects of noise, vibration, dust and site lighting. These shall be implemented and maintained for the lifetime of the project.

Reason

In the interests of the amenities of surrounding occupiers during the operation of the development

Ecology

7. The development shall implement all of the recommendations and mitigation measures set out in the Ecological Appraisal reference 784-B038542, prepared by Tetra Tech, dated 6 May 2022, and submitted as part of planning application reference 4/22/2256/0F1.

Reason

To protect the ecological interests evident on the site.

Informative – Coal

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

	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 t	
Case Officer: H.S. Morrison		Date : 29/09/2024
Authorising Officer: N.J. Hayhurst		Date : 02/09/2024
Dedicated responses to:- N/A		