

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2300/0B1
2.	Proposed Development:	VARIATION OF CONDITION 3 TO AMEND PARAMETER PLAN AND CONDITION 23 TO ALLOW FOR OFFICE USE IN ADDITION TO THE APPROVED USES OF PLANNING APPROVAL 4/22/2184/001 OUTLINE APPLICATION FOR THE ERECTION OF A NEW BUILDING UP TO 4000 SQUARE METRES IN FLOORSPACE FOR VARIOUS USES, CAR PARKING, LANDSCAPING & ENGINEERING WORKS
3.	Location:	LAND TO THE NORTH EAST OF LECONFIELD INDUSTRIAL ESTATE, CLEATOR MOOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, PROWs - Public Right of Way
6.	Publicity Representations & Policy	See Report
7.	Report: Site and Location <p>The site the subject of this S73 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> <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> <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</p>	

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

Consent is sought to vary two conditions, 3 and 23, of the original outline planning permission for the Hub Building, reference no. 4/22/2184/001 which was approved in September 2023 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.”

As regards condition 3 comprising the list of approved plans and documents, the proposed variation would replace the current `Proposed Uses Plan` with an updated plan which includes office use in addition to the currently approved uses. The variation to condition 23 which spells out the approved uses for the development will be extended to include office use.

Reason for Application

It is considered that including office use for the Hub Building would provide additional flexibility and help in marketing the space and securing occupiers for the building. It is not envisaged that office use would comprise more than 20% of the total space and the office uses would likely be associated with the industrial and research and design operating within the building and wider Leconfield Industrial Estate.

Consultation Responses

Cleator Moor Town Council

No comments received.

Environment Agency

No objections. They comment as follows and request the imposition of two repeat conditions covering remediation and piling that were used in the original outline permission. However, the remediation condition has now been discharged following an application and follow up consultation with the EA.

ONR

No comments.

Resilience Unit

No objections to the proposed works. They provide advice which is covered as an informative.



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Highways Authority & LLFA

No Objection

It is considered that the change to include Office use presents no impact to the highway users, highway conditions nor represent an increase in flood risk either on or off the site.

Environmental Health

No Objection

There are no objections from Environmental Health to the amended uses as proposed and request that conditions imposed in the planning approval 4/22/2184/001 should still apply to this variation.

Consultant Arborist

No objection subject to two conditions requiring tree protection measures detailed in the Arboricultural Report to be implemented in full. Also, include a condition of any planning permission requiring the landscaping proposals detailed in the Design and Access Statement to be implemented in full.

Conservation and Design Officer

No comments to make.

Neighbours and Other Representations

The application has been advertised by way of neighbour notification letters. The only response received is as follows:-

Cleator Moor Celtic FC

Support the proposal

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):

Relevant Policies:

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 ER7 Principal Town Centre, Key Service Centres, Local Centres and other service areas: role and function

Policy ER11 Developing Enterprise and skills.

Policy T1 Improving Accessibility and Transport

Policy ENV1 Flood Risk and Risk Management

Policy ENV3 Biodiversity and Geodiversity

Policy ENV4 Heritage Assets

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

Policy DM26 Landscaping

Policy DM27 Built Heritage and Archaeology

Policy DM28 Protection of Trees

Emerging Copeland Local Plan (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

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

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

The appointed Planning 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 commenced on Wednesday 14th February 2024 and closed on the 28th March 2024.

As set out at 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.

The Report on the Examination of the ELP was received on the 23rd September 2024. Given the advanced stage of preparation and with adoption pending, full weight can be attached to the policies of the ELP.

The following policies are relevant to this proposal:

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS2PU: Reducing the impacts of development on Climate Change

Strategic Policy DS3PU Settlement Hierarchy

Strategic Policy DS4PU Settlement Boundaries

Strategic Policy DS6PU: Design and Development Standards

Strategic Policy DS7PU: Hard and Soft Landscaping

Strategic Policy DS8PU: Reducing Flood Risk

Strategic Policy DS9PU: Sustainable Drainage

Strategic Policy DS10PU Soils, Contamination and Land Stability

Strategic Policy DS11PU Protecting Air Quality

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3PU Biodiversity Net Gain

Strategic Policy N5PU Protection of Water Resources

Strategic Policy N13PU Woodlands, Trees and Hedgerows

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.

Strategic Policy BE1PU Heritage Assets

Strategic Policy BE2PU Designated Heritage Assets

Strategic Policy CO4PU Sustainable Travel

Strategic Policy CO5PU Transport Hierarchy

Strategic Policy CO7PU Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Considerations

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide

Cumbria Development Design Guide (CDDG).

Assessment

The key consideration this application raises is whether extending the proposed hub building uses to include offices is acceptable from a planning point of view and whether it raises any material planning issues of concern that cannot be adequately mitigated. In this respect the following are considered:

Principle of development

The principle of development is already established by virtue of the existing outline approval on the site. The proposal to extend the uses to include offices *is* considered acceptable and accords with the relevant CLP and ECLP Policies.

Contamination

The proposed development, as identified with the original outline permission, would be sited on made ground and slag presents a medium risk of contamination that could be mobilised during construction to pollute underlying groundwater resources. The EA in their consultation response note that the accompanying Phase 2 site investigation report demonstrates that it will be possible to manage the risks posed to controlled waters by this development. The pre commencement condition of the original outline has now been discharged following



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	<p>consultation with the EA and as a result there is no longer a requirement for a pre-commencement condition covering this. Instead, implementation will be conditional on the development being in accordance with the approved remediation documentation.</p> <p>There are also concerns regarding any proposed piling. Piling using penetrative methods can result in risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Ground water is particularly sensitive in this location because the proposed development site is sited upon a secondary aquifer. In light of this the EA inform that the proposed development will only be acceptable if a planning condition controlling any such form of disturbance of the aquifer is imposed.</p> <p><u>Other Impacts</u></p> <p>It should be noted that no issues are raised in relation to access and transport, drainage, ecology, noise and disturbance, trees and landscaping and residential amenity. These were considered holistically at the outline stage for the development and are not affected by the addition of office use to the range of uses offered. Relevant conditions will be transferred to any S73 consent granted.</p> <p>Planning Balance and Conclusion</p> <p>It has been satisfactorily demonstrated that the addition of office use to the range of uses proposed for the new Hub development is unlikely to raise any material planning concerns. Whilst contamination remains an issue generally for development on site it can be acceptably mitigated by repeat conditions.</p> <p>Taking the above into account it is considered that the proposal is compliant with local plan policies and national guidance and the overarching objective of the NPPF to deliver sustainable development.</p> <p>In terms of process, Issuing a new S73 permission for the development will require imposition of new and amended conditions unless they have been completely discharged. And this permission will in effect be a new permission for the Hub building which will sit alongside the original outline. Condition 23 is amended to reflect the change in uses proposed. Conditions 6 and 7 are also amended to reflect the details approved under a previous Discharge of Condition application (ref 4/24/2009/DOC).</p>
8.	<p>Recommendation:</p> <p>Approve amendment of condition</p>
9.	<p>Conditions:</p> <p><u>Standard Outline Conditions</u></p>

	<p>1. The layout, appearance and landscaping shall be as may be approved by the Local Planning Authority.</p> <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> <p>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 shall be commenced not later than the later of the following dates:</p> <p>a) The expiration of THREE years from the date of this permission</p> <p>Or</p> <p>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> <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> <p><u>List of Approved Plans and Documents</u></p> <p>3. 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>Design & Access Statement, by NORR, ref. CMIQ-NOR-HUB-ZZ-RP-A-00001 revision 1, dated 25-03-2022</p> <p>Ecological Appraisal, ref. B034367 CMIQ Proposed Hub Summary report V2_ISSUE, by Tetra Tech, dated March 2022</p> <p>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.</p> <p>Transport Assessment by Tetra Tech, Project Number: 784-B030277, dated March</p>
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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

Parameter Plan – Proposed Use, by Norr Architects Drawing Reference: CMIQ-NOR-HUB-ZZ-DR-A-90005 Revision: P5 Date: 15/08/2024.

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.



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6. The development shall be implemented in accordance with the Revised Phase 2 Contaminated Land Investigation and Report approved on 22 April 2024 (including the Supporting Statement by Solmek), planning reference 4/24/2009/DOC.

Reason

To ensure that risks from land contamination are understood 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.

7. The development shall be implemented in accordance with the:
- i. Final Phase 2 Site Investigation Site A Leconfield Industrial Estate
 - ii. Supporting Statement provided by Solmek on Planning Conditions 6 & 7
 - iii. Additional Information: 'Phase 2: Site Investigation - Site A, Leconfield Industrial Estate, Cleator Moor', prepared by Solmek Ltd ,reference: S230810, Rev/1; dated: March 2024.
- All of which were approved on 22 April 2024 planning reference 4/24/2009/DOC.

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.



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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;
- b. 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.

	<p>Reason</p> <p>To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme.</p>
19.	<p>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.</p> <p>Reason</p> <p>To ensure a satisfactory landscaping scheme</p>
20.	<p>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.</p> <p>Reason</p> <p>To protect the ecological interests evident on the site</p>
21.	<p>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.</p> <p>Reason</p> <p>To ensure a satisfactory appearance of the development in the interests of visual amenity.</p>
22.	<p>The external gross floor area of the Hub building shall not exceed 4000 square metres and the maximum height shall not exceed 12 metres.</p> <p>Reason</p> <p>For the avoidance of doubt and to verify the proposed scale parameters of the Hub</p>

building.

23. This permission authorises the use of the building hereby approved for the following uses; offices (use class E (g)(i), mixed research and development (use class E(g(ii)), light industrial use (use class E(g(iii)) 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.

Informative Note - 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:

- 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
- treated materials can be transferred between sites as part of a hub and cluster project
- 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



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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.

Informative - 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.

Informative - 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.

Informative - 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.

Informative - 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.

Informative – Emergency Planning

The location of the land is situated outside of an area referred to as the Detailed Emergency Planning Zone (DEPZ), therefore no direct liaison with the applicant is required in relation to warning and informing information. However, it is advised that the applicant visits the Cumbria County Council Emergency Planning webpage which will assist with general information about the Sellafield Site, please see link:

	<p>https://www.cumbria.gov.uk/emergencyplanning/supportingpages/industrialsites.asp **</p> <p>If planning permission is granted, it is likely that those involved in the construction may pass through the Sellafield Detailed Emergency Planning Zone (DEPZ), hence the rationale behind visiting the Cumbria County Council website for information.</p> <p>Statement</p> <p>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.</p>
Case Officer: H.S. Morrison	Date : 29/10/2024
Authorising Officer: N.J Hayhurst	Date : 30/10/2024
Dedicated responses to:- N/A	