

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2328/0F1
2.	<b>Proposed Development:</b>	INSTALLATION OF DRAINAGE ASSOCIATED WITH ADJACENT NEW BUILD CMIQ HUB OFFICE, RESEARCH AND DEVELOPMENT SCHEME APPROVED UNDER REFERENCE 4/22/2184/001. RESTORATION OF SITE TO PREVIOUS STATE UPON COMPLETION OF THE DEVELOPMENT.
3.	<b>Location:</b>	UNITS 20A & 20B 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, PROWs - Public Right of Way
6.	<b>Publicity Representations &amp;Policy</b>	See Report
7.	<b>Report:</b>  <b>Site and Location</b>  <p>The site is situated within Leconfield Industrial Estate, which is located centrally within Cleator Moor approximately 600m to the north-west of the town centre. Vehicular access is via the B5295 (Leconfield Street) which is at its southern boundary. It lies to the east, close to the boundary and adjacent to the proposed `Hub` site boundary which occupies the north easterly corner of the estate.</p> <p>Comprising an area of grassland amounting to some 1250 square metres in area the site for the most part takes the form of a linear continuous trench running south-east to north-west which then turns 90 degrees to run north-east.</p> <b>Relevant Planning History</b>  <p>The original outline planning permission for the erection of a new `hub` building (up to</p>	

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.

An application to discharge three of the pre-commencement conditions; condition 4 relating to highway works and 6 and 7 regarding contamination was submitted (4/24/2009/DOC). Discharge was granted for two of the conditions – 6 and 7.

Subsequently, the original outline planning permission was varied via a S73 application reference 4/24/2300/0B1. This permitted the variation of condition 3 of the original outline to amend parameter plan and condition 23 to allow for office use in addition to the approved uses. This was granted on 30 October 2024.

A condition discharge has recently been granted for conditions 4,5,17 & 18 of the S73 outline permission 4/24/2300/0B1.

### **Proposal/ Background**

This application relates to the latest outline approval for The Hub – S73 reference 4/24/2300/0B1 and the reserved matters approval recently granted, reference 4/24/2400/0R1.

As the design for the main Hub development has progressed, it has become apparent that some of the drainage works required to service it would have to be outside of the approved red line site boundary. This application seeks consent for those drainage works as explained below.

In terms of foul water, the proposed flows from the new hub development are to be drained via a pump to an existing foul water sewer within the Leconfield site. This ultimately discharges to a United Utilities combined sewer to the wider extent of site. A connection outside the hub application site boundary is required to ensure the outfall to public sewers from the point of connection is via gravity.

As regards surface water, it is not feasible to drain the sites surface water flows to existing drains within the site boundary due to them being both too shallow and with a diameter that is too small to use. To enable a surface water gravity solution a connection has been determined outside of the site boundary that permits both the design flows and gravity solution.

It is estimated that construction will take some 10 weeks to undertake.

### **Consultations**

Cleator Moor Town Council

No concerns raised.



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### Natural England

No objection.

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

### United Utilities

No comments to make.

### Environmental Health

No objections subject to conditions governing contamination should any be found and hours of working.

### Highways/LLFA

No objections

Having reviewed the proposed drainage connection it is noted that it is on a different alignment and connects into the existing SW system at a different location than proposed in the outline application.

They are satisfied that the proposed drainage outfall route is a compromise in this constrained brownfield location and that the design complies with best practice and the NSTS and as such the LLFA has no objections to 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**

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 2021 - 2039 (CLP)**

Cumberland Council continued the preparation of the CLP as commenced by Copeland

Borough Council. The new CLP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

The following policies of the new CLP are considered relevant to this application:

Strategic Policy DS1: Settlement Hierarchy

Policy DS4 Design and Development Standards

Policy DS5 Hard and Soft Landscaping

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Policy DS8: Soils, Contamination and Land Stability

Strategic Policy E4 Cleator Moor Innovation Quarter at Leconfield

Strategic Policy N1 Conserving and Enhancing Biodiversity and Geodiversity Strategic Policy N3: Biodiversity Net Gain

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

### **Assessment**

The application raises a number of planning issues that need to be considered. These include principle of development, foul and surface water drainage, contamination, construction impacts/noise and air pollution and BNG.

#### Principle of Development

This is a minor application for a new drainage route and connection outside the application site boundary on what is an existing industrial estate and essentially a brownfield site. There is no issue in terms of the principle of development as this development is required as essential service infrastructure for the main Hub building, the outline and reserved matters of which have already been approved.

#### Foul and Surface Water Drainage and Flood Risk

This application is for the minor variation in alignment and route of the discharge connecting drain. The discharge rate, attenuation, treatment and catchment area remain the same as already approved.

There are several constraints on the site which affect the layout and design of the drainage. These include buildings / development on the preferred straighter alignment originally planned and the foul sewer being very close to the SW drain meaning that a chamber cannot



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be installed at the connecting point with the existing drain so a satellite flow control chamber is located as close as possible to the saddle connection.

Taking into account the constraints, the proposed the indicative exceedance flow route from the flow control chamber for flows >100 yr storm and that this will run down the road network and eventually into Nor Beck where it will not increase flood risk to other parts of the site.

The LLFA are satisfied that the proposed drainage outfall route is an acceptable compromise in this constrained brownfield location and that the design complies with best practice and the NSTS.

### Contamination

The whole industrial estate, including the site, has been the subject of previous ground investigation studies due to its historical industrial legacy and there is known contamination in some areas.

Cognisance of this Environmental Health in their consultation response inform that reference should be made to the Solmek study and the advice on laying all services in clean trenches, using sulphate resistant sub-surface concrete when in contact with slag and avoiding use of polyethylene piping in made ground.

Solmek further advised that "if any zones of odorous, brightly coloured or suspected contaminated ground or groundwater are encountered, then work should cease within that area until the material has been investigated".

As an added protection measure Environmental Health request that two conditions are applied covering land that may be affected by contamination and noise and air pollution that may arise from construction works.

### Construction Impacts/ Noise and Air Pollution

There is the potential for noise and air pollution to arise from construction works. To mitigate any such impact adversely affecting occupiers of neighbouring buildings and general amenity, measures governing the working hours where noise is audible beyond the site boundary, deliveries / removal of machinery and waste are proposed. It is also advised that measures for the control of dust and other airborne pollutants from the site during the construction phase be implemented. Conditions are requested by Environmental Health to ensure such measures are implemented.

### Ecology and BNG

The application is accompanied by an ecological appraisal and a BNG Exemption certificate.

In ecological terms the habitat area affected by the works comprises the drainage footprint and area either side (excavated trench) for construction and access and it is this area that has been assessed/ surveyed. The site is identified as comprising 'other neutral grassland' in 'poor condition'. The proposed works will cause the temporary loss of this habitat.

	<p>In respect of BNG, the application exceeds 25sqm in area and is therefore subject to the Environment Act requirement for 10% mandatory biodiversity net gain. However, the applicant's ecologist advises that certain habitats are exempt from BNG regulations provided that are fully restored to the previous condition within 2 years. This includes other neutral grassland in poor condition which the site is assessed as being. It is also considered that the site is of a composition that can be readily restored and the proposed works are not considered to cause loss or degradation to the habitat.</p> <p>The site will be reinstated to the same or better condition following completion.</p> <p>As such this it has been demonstrated that the proposal is exempt from any biodiversity planning conditions, in line with the Exemptions Regulation 2024.</p> <p><u>Planning Balance and Conclusion</u></p> <p>Taking into account the above, it has been satisfactorily demonstrated that the proposal, for minor works to enable the provision of an offsite drainage connection to service the proposed Hub building on Leconfield Estate, raises no contentious planning issues.</p> <p>Where there are potential impacts, such as contamination, and construction noise, these can be acceptably mitigated and controlled by appropriate conditions.</p> <p>On balance, the proposal is considered to be acceptable from a planning point of view and accords with the aforementioned planning policies of the Copeland Local Plan, NPPF and other relevant planning guidance.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</li> </ol> <p>Reason</p> <p>To comply with Section 91 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"> <li>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: -</li> </ol> <p>Site Location Plan, by Norr, dwg no. CMIQ-NOR-NOR-ZZ-DR-90006</p>



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Proposed Site Plan, by BGP, dwg no. CMIQ-BGP-05-XX-DR-C-52-05145\_P01  
Covering Letter by Chris Johnson, MRTPI of Avison Young, dated 24 September 2024.  
Ecological Appraisal, prepared by Tetra Tech Ltd, ref. 784-B029886 Rev 2, dated November 2021.  
Further Drainage Information Letter by Chris Johnson, MRTPI of Avison Young, dated 6 December 2024.  
Biodiversity Net Gain: Statement of Exemption Cleator Moor Innovation Quarter, by Tetra Tech Ltd, ref. 784-B029668, dated December 2024.  
Hub – Official Drainage Connections, by BGP, dwg. CMIQ-BGP-05-XX-DR-C-52-05145, dated 24.09.24.  
Site – Proposed Plan, by Norr, dwg. CMIQ-NOR-HUB-ZZ-DR-A-90006-RevP1, dated 19.09.24.

### 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.

### Contamination

3. 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. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which should be submitted to and approved in writing by the Local Planning Authority.

Following completion of measures identified in the remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

### Noise & Air Pollution

4. Following approval of the development, construction activities that are audible at the site boundary shall be carried out only between the following hours:

Monday to Friday 08.00 – 18.00

Saturday 08.00 – 13.00

At no time on Sunday or Bank Holidays.

Deliveries to and removal of plant, equipment, machinery and waste from the site shall only take place within the permitted hours detailed above unless otherwise agreed in writing with the Local Planning Authority.

Measures for the control of dust and other airborne pollutants from the site during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented as approved.

Reason

In the interests of the amenities of surrounding occupiers during the construction of the development.

Reinstatement

5. Following installation of the approved drainage works the land shall be re-instated in accordance with the details contained in the approved BNG: Statement of Exemption.

Reason

In order to protect the ecological habitat on the site.

### **Informative - Waste**

Waste on site – the CL:AIRE Definition of Waste : Development Code of Practice (version 2) provides a framework for determining if excavated material arising from site development works is waste or has ceased to be waste. Developers should ensure that all contaminated materials are adequately characterised. Further advice may be sought from the Environment Agency





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	<b>Statement</b>  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.
<b>Case Officer: H.S. Morrison</b>	<b>Date : 07/03/2025</b>
<b>Authorising Officer: N.J. Hayhurst</b>	<b>Date : 10/03/2025</b>
<b>Dedicated responses to:- N/A</b>	