

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2007/0F1
2.	Proposed Development:	PARTIAL DEMOLITION OF UNIT 1 BRANNANS, LECONFIELD INDUSTRIAL ESTATE
3.	Location:	UNIT 1 (BRANNANS), LECONFIELD INDUSTRIAL ESTATE, CLEATOR MOOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change
6.	Publicity Representations &Policy	See Report
7.	Report: Site and Location The application site relates to a unit that is located near to the entrance to Leconfield, an established industrial estate in Cleator Moor. Vehicular Access to which is via a mini roundabout off the B5295 /Leconfield Street and through the main estate spine road. Proposal This application relates to Unit 1 on the industrial estate. It is proposed to demolish the front section of the building which is currently vacant. The method of demolition is set out in a Demolition Statement which accompanies the application. Full plans have also been provided which show the demolition of the building down to the existing slab level. Following demolition, the remaining exposed side wall of the building is to be finished externally with a textured K Rend material to make a new gable wall. .	

An upstanding course of brickwork is to be retained around the perimeter of the slab to prevent run off flowing from the site. Gullies are also to be provided to deal with surface water that pools on the surface.

Consultee Responses

Town Council

No response received

Highway Authority/LLFA

03 February 2025

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows :

1. I note that there are measures in place to clean the wheels of construction vehicles to prevent mud contaminating the highway and that the contractor is responsible for ensuring that the surface to adjoining roads remain clean at all times during the Contract.
2. The LLFA and LHA has had discussions with the applicant prior to submission of the proposal to ensure that the necessary surface water drainage measures are included in the plan to prevent uncontrolled run-off from the site. I note on the Demolition Plan that the "slab is to be retained'.....and 'walls to be removed to appropriate level determined by rainwater strategy (TBD)'. Without knowing how the rainwater will be collected / controlled from the slab there is a danger that it can run off onto the highway causing a localised flood risk and nuisance.

In order to provide a full response I will need clarification on the rainwater strategy. Details could be secured by way of a pre-start condition but I imagine the developer would wish to expedite the process and deal with it at this stage.

25th September 2025

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the revised 'Proposed Drainage Plan' - LUF-BGP-01-XX-D-C-01130 Rev4.

I note that my previous concern with potential uncontrolled run-off from the site has been addressed in the proposals by leaving an upstanding course of existing brickwork around the perimeter to prevent run-off flowing from the site and providing gullies to drain down the surface water run off. I am satisfied that these measures will protect the highway from

any increased risk of flooding.

I can therefore confirm that we have no objection to the proposal.

Environmental Health

This site (and the entire industrial estate) is potentially contaminated land due to its historical use as an iron and steel works.

There have been several recent environmental appraisals on the ground conditions carried out elsewhere on the industrial estate to support other planning applications. These have revealed that topsoil across the entire industrial estate is likely to be underlain by deposits of slag, fused slag and made ground to a depth of several metres. Some patches of natural ground was seen, and this was typically of a mixed granular clay deposition. Some perched groundwater was also seen in places.

These ground conditions could potentially affect this development.

Whilst most of the proposed works are above ground and will leave the concrete floor slab in place, it is proposed to cut the slab back and lay a French drain across a limited area, with a new gable wall and foundations also to be constructed. The ground conditions are likely to require the use of sulphate-resistant concrete when in contact with made ground, whilst services using polyethylene and copper piping for instance should be avoided.

Environmental Health would caution against using a perforated French drain due to the possible ingress of contaminated leachate / groundwater off made ground being mobilised into the drainage system.

Ground conditions may also not be favourable for a soakaway for surface water drainage. Environmental Health would prefer, if possible, for surface water drainage off the development to connect to existing site drainage, although the advice of the Environment Agency and LLFA would be helpful.

The confirmation of surface water drainage arrangements on the development is required however.

Environmental Health do not propose to formally request further ground contamination testing, given the limited scale of the ground works, though a condition for unexpected contamination is advised in case of visual / olfactory evidence of contamination during excavation being made. Construction workers should be protected against dust ingestion and inhalation and dermal contact with made ground.

Waste soil material from made ground will certainly need WAC testing if it is to be disposed of away from site.

Environmental Health are satisfied with the supporting submitted documents on the proposed demolition and feel that nuisance to neighbours from excessive noise and vibration can be

avoided provided that works are undertaken during standard construction working hours (pending health and safety concerns).

As such, Environmental Health would not object to this development and suggest the following conditions –

- Land affected by contamination – Reporting of unexpected contamination 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 and be submitted and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved 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 off site receptors

- Noise from Construction Works 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 and Saturday 08.00 – 13.00 and at no time on Sunday or Bank Holiday. Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above unless otherwise agreed with the Local Planning Authority.

Reason:

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

Natural England

No response received

Ecologist

No response received.

Planning Policy

Planning law requires that applications for planning permission 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 (LP)

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP 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 are relevant to this proposal:

Strategic Policy DS1 Settlement Hierarchy

Strategic Policy DS2 Settlement Boundaries

Strategic Policy DS4 Design and Development Standards

Strategic Policy DS5: Hard and Soft Landscaping

Strategic Policy DS6: Reducing Flood Risk

Strategic Policy DS7: Sustainable Drainage

Strategic Policy DS9 Protecting Air Quality

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy E4 allocates Leconfield Industrial Estate and adjacent land to accommodate the Cleator Moor Innovation Quarter business cluster.

Strategic Policy CO4 Sustainable Travel

Strategic Policy CO5 Transport Hierarchy

Other Material Considerations

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide Cumbria Development Design Guide (CDDG).

Assessment

Principle of Development

The principle of development is already established with existing employment use rights on the application site which is located within the settlement boundary for Cleator Moor on an active industrial estate.

The proposal comprising the demolition of a section of an existing building. The principle of the removal of this vacant section of building is considered to be acceptable in principle. .

Scale & Design

The proposed works are relatively minor in scale. The exposed wall that will be created as a result of the proposed demolition is to be clad externally with a textured render and this will produce a satisfactory appearance and would be appropriate for the existing industrial estate complex. This would comply with the requirements of Policy DS4 of the Copeland Local Plan which seeks to ensure that all new developments should meet high quality standards.

Flood Risk and Drainage

Strategic Policy DS6 of the Copeland Local Plan looks to ensure flood risk is reduced and mitigated through appropriate measures within development.

The Application Site lies within Flood Zones 2 and 3.

Following discussions with both the Highway Authority and the Local Lead Flood Authority revisions to the proposal have been secured. An upstanding course of brickwork is to be retained around the perimeter of the slab to prevent run off flowing from the site. Gullies are also to be provided to deal with surface water that pools on the surface.

Based on these revisions the Highway Authority/LLFA has indicated that these measures will protect the highway from any increased risk of flooding.

Ecology

The building has been the subject of a Bat Survey and a Bird Survey.

The Bat Survey roosting bats have been confirmed as being likely absent from Unit 1 and the development can proceed without further survey or licensing.

The building was also considered suitable for urban bird nesting.

A scheme of mitigation is outlined including the timing of the works, precautionary working methodology, oversight by a qualified ecologist.

	It is confirmed that subject to the mitigation, a European Protected Species Licence would not be required. A planning condition is proposed to secure completion in accordance with the mitigation measures detailed. There are no pre-development biodiversity units on the Application Site and there will be no impacts to habitats or linear features that contribute to biodiversity units. The development is therefore eligible for a De Minimis exemption. <u>Planning Balance and Conclusion</u> This application seeks planning permission for the demolition of part of a vacant building within an existing industrial estate It has been demonstrated that the proposed development will not raise any adverse material planning issues. These are relatively small scale, minor works within the existing factory site. As such the proposed development is considered to be compliant with the adopted Local Plan and the overarching objective of the NPPF to deliver sustainable development.
8.	Recommendation: Approve (commence within 3 years)
9.	<u>Standard Conditions</u> - The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. Reason To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004. - This permission relates to the following plans and documents received on the respective dates and development must be carried out in accordance with them: LUF-ONE-01-XX-D-L-0003 Rev P01, Site Location Plan LUF-ONE-01-XX-D-L-0001 Rev P01, Existing Site Plan LUF-NOR-01-00-D-A-00001 Rev P01, Existing Floor Plan LUF-NOR-01-ZZ-D-A-27001 Rev P02, Existing Roof Plan LUF-NOR-01-ZZ-D-A-00101 Rev P01, Existing Elevations 1 of 2 LUF-NOR-01-ZZ-D-A-00102 Rev P01, Existing Elevations 2 of 2 LUF-NOR-01-ZZ-D-A-00201 Rev P01, Existing Sections 1 of 2 LUF-NOR-01-ZZ-D-A-00202 Rev P01, Existing Sections 2 of 2 LUF-ONE-01-XX-D-L-0002 Rev P09, Proposed Site Plan

| LUF-NOR-01-00-D-A-00002 Rev P06, Proposed Plan
 LUF-NOR-01-ZZ-D-A-27002 Rev P04, Proposed Roof Plan
 LUF-NOR-01-00-D-A-00013 Rev P06, Demolition Plan
 LUF-NOR-01-ZZ-D-A-27003 Rev P04, Demolished Roof
 LUF-NOR-01-ZZ-D-A-00103 Rev P03, Demolished Elevations 1 of 2
 LUF-NOR-01-ZZ-D-A-00104 Rev P02, Demolished Elevations 2 of 2
 LUF-NOR-01-ZZ-D-A-00203 Rev P02, Demolished Sections 1 of 2
 LUF-NOR-01-ZZ-D-A-00204 Rev P02, Demolished Sections 2 of 2
 LUF-CUR-XX-R1-D-S-26001 Rev P01, Zone B Roof GA - Demolition
 LUF-CUR-XX-ZZ-D-S-26100 Rev P01, Zone B Building sections - Demolition Sheet 1
 LUF-CUR-XX-ZZ-D-S-26500 Rev P01, Zone B 3D Views - Unit 1 Demolition
 LUF-CUR-XX-00-D-S-26000 Rev P01, All Zones Level 00 General Arrangement - Demolition
 LUF-NOR-01-ZZ-D-A-21202 Rev P06, Work to Form New Gable Wall
 LUF-NOR-01-ZZ-D-A-21204 Rev P09, Works to Form a New Entrance Wall
 LUF-CUR-XX-XX-T-S-00001 Rev P01, Pre-Demolition Inspection Survey
 LUF-CUR-XX-XX-T-S-00002 Rev P01, Unit 1 Leconfield - Demolition Specification
 LUF-NOR-01-ZZ-D-A-68001 Rev P07 Fire Strategy
 LUF-CUR-XX-XX-T-S-00003 P Rev P01, Photograph Log
 LUF-CUR-XX-XX-T-S-00004 Rev P01, Photograph Log Report
 LUF-TTE-XX-XX-T-Z-7844 Breeding Bird Survey Report
 LUF-TTE-XX-XX-T-Z-7843 Bat Roost Survey Report (Unit 1 Refurbishment)
 LUF-NOR-01-ZZ-D-A-21202 Rev P06, Works to form new gable wall
 LUF-BGP-01-XX-D-C-01130 Rev P04 Drainage Plan
 LUF-BGP-01-XX-D-C-01135 Rev P01 Drainage Details

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.

Drainage

3. The development shall be carried out in full accordance with the Drainage Details reference LUF-BGP-01-XX-D-C-01135 Rev P01 and the Drainage Plan reference LUF-BGP-01-XX-D-C-01130 Rev P04. Development shall be carried out in accordance with the approved details at all times thereafter.

Reason

To promote prevent uncontrolled run off from the site and to manage the risk of flooding and pollution in accordance with policy DS6 and DS7 of the Copeland Local Plan 2021-2039.

Land affected by contamination – Reporting of unexpected contamination

4. 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 shall be undertaken and, where remediation is necessary, a remediation scheme must be prepared and be submitted to and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved 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 off site receptors.

Noise from Construction Works

5. 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 and Saturday 08.00 – 13.00 and at no time on Sundays 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.

Reason

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

External Finish to exposed Wall

6. The new gable wall shall be finished with a K rend, colour Cinnamon. In accordance with the details set out on the plan, drawing number LUF-NOR-01-ZZ-D-A-21202 Rev P06, Works to form new gable wall

Reason

To ensure a satisfactory external appearance in accordance with Policy DS4 of the Copeland Local Plan 2021-2039

Breeding Birds

7. Development shall Implement all of the recommendations and mitigation measures contained in the Breeding Birds Survey prepared by Tetra Tech, reference 784-B065555, dated August 2024 Works shall be carried out between the months of September and March to avoid breeding birds.

The development shall be carried out in accordance with the approved document thereafter

Reason

To protect the ecological interests of the site and surrounding area in accordance with Policy N1 of the Copeland Local Plan 2021-2039.

Bats

8. Development shall be carried out in accordance with the details set out in the Bat Roost Survey Report prepared by Tetra Tech, reference 784-B065555, dated August 2024. All enhancement and mitigation measures including the specification and siting of bat boxes shall be submitted to and approved in writing prior to their installation on the site.

Reason

To protect the ecological interests of the site and surrounding area in accordance with Policy N1 of the Copeland Local Plan 2021-2039.

Informative Notes

Highways

It is understood that measures are to be put in place to clean the wheels of construction vehicles to prevent mud contaminating the highway. Please note the contractor is responsible for ensuring that the surfaces to adjoining roads remains clean at all times during the Contract.

Biodiversity Net Gain – Exemption Applicable

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and
- (b) the local planning authority has approved the plan.

The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council. Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

Applicable exemption: De Minimis

Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against, primarily, the development plan policies, any duties applicable and also all material considerations, including Local Plan policy, the National Planning Policy Framework and any stakeholder representations that may have been received. In this context, having identified matters of concern with the application as originally submitted and, if applicable, following negotiations with the applicant, acceptable amendments and solutions to the proposal have been received. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

Please read the accompanying notice

Case Officer: H.S. Morrison

Date : 26/09/2025

Authorising Officer: N.J. Hayhurst

Date : 26/09/2025

Dedicated responses to:- N/A