

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2020/DOC	
2.	<b>Proposed Development:</b>	DISCHARGE OF CONDITION 3 OF PLANNING APPLICATION 4/22/2437/0F1	
3.	<b>Location:</b>	FOUNDRY ROAD GARAGE, KING STREET, MILLOM	
4.	<b>Parish:</b>	Millom	
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Off Coalfield - Data Subject To Change, Key Species - Known Sites for Natterjack Toads, Key Species - Potential areas for Natterjack Toads, PROWs - Public Right of Way	
6.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter	No
		Site Notice	No
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	<b>Report:</b> <b>Site and Location</b>	<p>This application site relates to an existing commercial property, known as Foundry Road Garage, which fronts Millom Road within the north east of Millom. The site is currently operated as a car repair garage, with one main building, car parking, and vacant land to the east of the site. The current business has operated on the site for 56 years.</p>	

### **Relevant Planning History**

4/22/2437/0F1 – Proposed new build vehicle body repair workshop for use by existing business & creation of new vehicle access – Approved.

### **Proposed**

In April 2024, planning permission (ref: 4/22/2437/0F1) was granted for a new build vehicle body repair workshop for use by existing business & creation of new vehicle access. This current application seeks to discharge condition 3 attached to planning permission 4/22/2437/0F1. This condition states:

#### **Pre Commencement Conditions:**

3. 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 preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptor
    - potentially unacceptable risks arising from contamination at the site
  2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
  3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. 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 in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason



## Cumberland Council

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 in line with paragraph 174 of the National Planning Policy Framework.

The information submitted to support this application comprises of the following:

- Application form, received by the Local Planning Authority on the 21<sup>st</sup> January 2025.
- Factual Remediation Validation Report – V2, Prepared by GEO Environmental Engineering October 2024, received by the Local Planning Authority on the 21<sup>st</sup> January 2025.

### Consultation Responses

#### Environment Agency

We have reviewed the following supporting document to discharge condition 3 (contaminated land):-

- Report titled 'Factual Remediation Validation Report – v2', prepared by GEO Environmental Engineering Ltd (referenced: GEO2024-6535; dated: 25.10.24)

Environment Agency response:

We have no objections to the discharge of condition 3 of planning application 4/22/2437/0F1 and we offer the following comments:-

The report, referenced above, confirms remediation has been carried and we are satisfied that the development should no longer pose an unacceptable risk to Controlled Waters. We are therefore satisfied that this condition can be discharged.

### 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 (LP):

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

The LP was adopted by Cumberland Council on the 5<sup>th</sup> of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

Planning approval 4/22/2437/0F1 was determined under the previous Local Plan, however this current discharge of conditions application is being considered under the Copeland Local Plan 2021-2016 as this now forms the development plan.

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

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 E1: Economic Growth

Strategic Policy E2: Location of Employment

Strategic Policy R1: Vitality and Viability of Town Centres and Villages within the Hierarchy  
Strategic

Strategic Policy R4: The Key Service Centres

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Policy N3: Biodiversity Net Gain

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

**Other Material Planning Considerations**

National Planning Policy Framework (2024)

Cumbria Development Design Guide



## Cumberland Council

	The Conservation of Habitats and Species Regulations 2017 (CHSR)	
	<b>Assessment</b>  The application seeks to discharge the requirements for the development to provide a remediation strategy to deal with the risks associated with contamination of the site. The Environment Agency have reviewed this application and have confirmed that the proposed remediation strategy has been carried and that the development should no longer pose an unacceptable risk to Controlled Waters.  Based on this, the Local Planning Authority are satisfied with the information provided and confirm that the proposed details are considered acceptable for the site. It is therefore confirmed that condition 3 can be discharged.	
8.	<b>Recommendation:</b> Approve discharge of condition 3.	
<b>Case Officer:</b> C. Burns		<b>Date :</b> 04.02.2025
<b>Authorising Officer:</b> N.J. Hayhurst		<b>Date :</b> 06.02.2025
<b>Dedicated responses to:-</b> N/A		