

## Oliver Hoban

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**From:** Sarah Papaleo  
**Sent:** 11 December 2023 14:47  
**To:** Development Control  
**Subject:** FW: PLANNING APP 4/23/2331/0F1 - CHANGE OF USE FROM CLASS F1 TO CLASS E (D), OLD PROSPECT WORKS, MAIN STREET, DISTINGTON

Hi,

Can I have this on the website and MIS as a consultation response please?

Please note that the advice in this email is given in good faith on the basis of the information available at the present time. The advice may be subject to revision following further examination or consultation, or where additional information comes to light, and is therefore not binding on any future recommendation which may be made to the Council or any formal decision by the Council.

Kind regards,

**Sarah Papaleo MRTPI**  
Senior Planning Officer  
Development Management  
Cumberland Council

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**From:** Kevan Buck  
**Sent:** Monday, December 11, 2023 2:46 PM  
**To:** Sarah Papaleo  
**Subject:** PLANNING APP 4/23/2331/0F1 - CHANGE OF USE FROM CLASS F1 TO CLASS E (D), OLD PROSPECT WORKS, MAIN STREET, DISTINGTON

Afternoon Sarah

There is no objection to this proposal from Environmental Health.

This site does have a history associated with past use as a garage and haulage depot, and does consequently show on Council records as being potentially contaminated land.

During this period, the rear of the site was also built up and extended with unknown base materials as made ground.

It was common practice that inert industrial waste materials that often contained clinker and slag were used as a sub-base aggregate and such sites as this are also shown on Council records as being historical landfill sites.

However, a site walk over and inspection has shown no indication of current contamination and the site is overlaid with hard tarmac / concrete surfaces to prevent any potential pollutant pathway. Given that this application will entail no or very little groundworks, I am satisfied that a contaminated land report is not required.

The site's end use will not cause a greater risk to users.

Any construction-related works should be carried out during routine working hours.

If the development is approved, the hours of use are seen as acceptable, though the possible issue of disturbance to residents from amplified music associated with the sports use should also be considered as it was in the original approval 4/22/2285/0F1.

As such, Environmental Health, would request that the following conditions are applied to any approval –

- **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 to the Local Planning Authority. An investigation and risk assessment must be undertaken, and a remediation report provided where necessary, to be submitted to and approved in writing by 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.

- **Hours of Construction**

All works and ancillary operations that are audible at the site boundary, shall be carried out only between the following hours: 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 Saturday, and at no time on Sunday or Bank Holidays.

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

- **Hours Open to Customers**

No customers shall remain on the premises outside of the hours of 16.00 – 21.00 Monday to Friday, 09.00 – 19.00 Saturday, and 09.00 – 19.00 Sunday and Bank Holiday.

Reason: To safeguard the residential amenity of nearby occupiers.

- **There must be no amplified music played outside of the following hours:**

Monday to Friday 18.00 – 20.00

Saturday, Sunday & Bank Holidays 10.00 – 11.00 and 13.00 – 17.00

Reason: To ensure the amenity of the neighbouring dwellings.

Regards

**Kevan Buck**

Environmental Health Officer - Environmental Health

Public Health & Protection | Cumberland Council

Whitehaven Commercial Park, Moresby Parks, Whitehaven, Cumbria, CA28 8YD

[cumberland.gov.uk](http://cumberland.gov.uk)

