

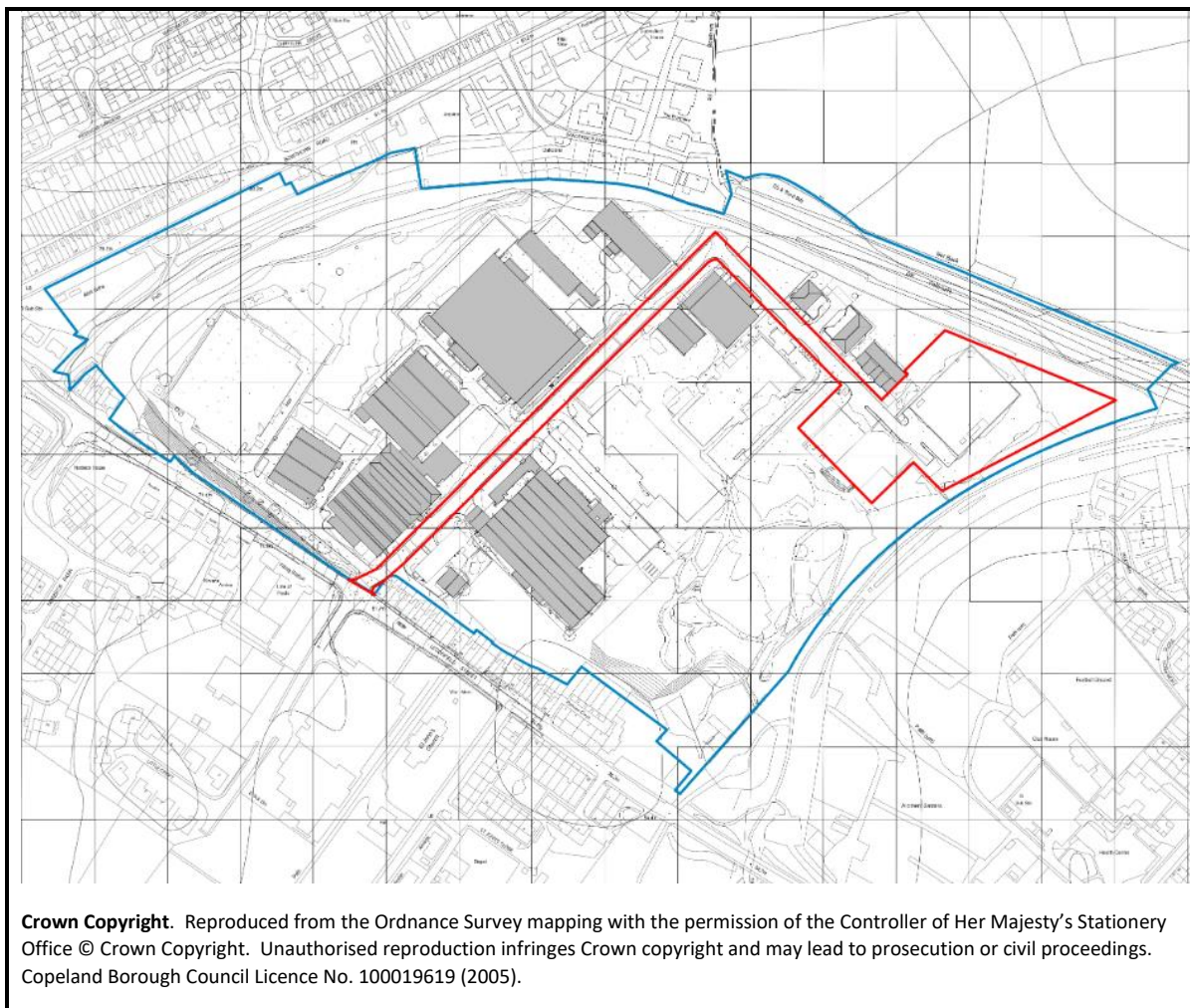


To: PLANNING PANEL

Development Management Section

Date of Meeting: 18/01/2023

Application Numbers:	4/22/2184/001
Application Type:	Outline
Applicant:	Copeland Borough Council
Application Address:	LAND TO THE NORTH EAST OF LECONFIELD INDUSTRIAL ESTATE, CLEATOR MOOR
Proposals	OUTLINE APPLICATION 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
Parish:	Cleator Moor
Recommendation Summary:	<p>Members authorise delegated authority to the Head of Planning and Place to approve outline planning permission for the development subject to:</p> <ul style="list-style-type: none">- The Applicant entering into a Section 106 Planning Obligation securing the delivery of financial contributions regarding off site works as follows:<ul style="list-style-type: none">• Provision of off-road cycle access to the NCN 71 from Leconfield Estate• Improved bus shelter on Leconfield Street- The planning conditions outlined at the end of this report; and- Any revisions deemed appropriate by the Head of Planning and Place



Reason for Determination by Planning Panel

This is a major application which is brought for consideration by Members of the Planning Panel as the proposal relates to land which is under the ownership of the Council. This is a requirement of both the Council's Constitution and also under Regulation 3 of the Town and Country Planning General Regulations 1992.

Location

The site the subject of this 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.

Site

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.

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 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

A major outline application for the erection of large building of up to 4,000sqm in floor area for a variety of uses including mixed research and development (Use Class E(g(ii))) and light industrial (Use Class E(g(iii))) use with ancillary food/beverage (Use Class E(b)), education and community facility uses (Class F1(a & e)) and associated access, car parking, landscaping, and engineering works. To be known as the `Hub` it will be situated in the northern section of the site.

It is envisaged that the Hub will take on the role of the new focal point of Leconfield Industrial Estate and will help form links between existing tenants, outside users, education/skills, the Cleator Moor community and the wider public. The indicative plans show that this development will assume the form of a single building accommodating a variety of uses including:

- skills development, training as well as innovation and incubation workshops
- Lecture theatre/conference use/exhibition space
- Café-bar

In terms of scale the proposal seeks to establish the maximum parameters of a single building on the site that will not exceed 4,000sqm in floorspace (GEA) and 12m in height.

A large car park is also proposed to the front of the building providing spaces for up to 100 cars.

The application is in outline only with full details for scale and access being sought and all other matters, i.e. design, layout and appearance being reserved for future approval.

The application is accompanied by the following documents:

- Design and Access Statement
- Ecological Appraisal
- Air Quality Assessment
- Transport Assessment
- Arboricultural Impact Assessment
- Travel Plan
- Flood Risk Assessment

- SuDS Management Plan
- Design Code (NORR)
- Draft Phase 2 Site Investigations
- Tree Survey

The Design and Access Statement which accompanies the application sets out the design aspirations and key features for future development of the site. Details regarding scale are provided and confirm a maximum floor area of 4,000 sq. m. and maximum building height of 12m. An indicative design for illustrative purposes shows a tri winged 3 storey flat roofed new build situated on the northern section of the site with an accompanying 100 space surfaced car park in front.

In terms of access, it is proposed to use the main estate access road to serve the development leading off the mini roundabout on the B5295 Leconfield Street along with the accompanying pedestrian pathway.

Since this application was submitted there have been various minor revisions which have been subject to public re-consultation relating to application title wording which raised no objections and are considered of no consequence. The latest amendment to the application for a gravity fed drainage system however is more than a minor revision and required more formal re-consultation. This is discussed in more detail in the Assessment section of the report.

Background

The proposal is part of a wider regeneration initiative led by the Council and partners including Sellafield Ltd, Nuclear Decommissioning Authority and Cumbria Local Enterprise Partnership to develop a new `business cluster`. It will initially focus on regenerating Leconfield Industrial Estate, a central feature of which will be this new Industrial Solutions `Hub` building and will then develop further via two areas earmarked for extensions to the north and east at a later stage.

It is the intention that the Hub will be a focus for research, development and manufacturing and where business support will be offered. It's aim is to help the local economy diversify into new sectors, markets and industries utilising existing expertise to allow business activities to develop, grow and export.

Recent Relevant Planning History

Planning permission for the relocation of the BOC compound which currently forms part of the site to a location on the western edge of the Estate was approved in August this year (planning ref. 4/22/2161/0F1). Subsequently a S73 application to vary condition 5 of that permission has been approved which relates to tree protection measures and three conditions have been formally discharged (planning refs. 4/22/2394/OB1 and 4/22/2385/DOC).

An outline application for the development of the wider site, including two large areas identified as extensions, collectively referred to as the Cleator Moor Innovation Quarter (CMIQ), is currently pending (planning ref. 4/22/2308/O01).

Consultations

Cleator Moor Town Council

Raise no concerns to the original application and the subsequent amendments.

Cumbria County Council – Highways

Raise no objections in principle subject to appropriate conditions and a separate S106 Agreement requiring financial contributions towards the provision of off-road cycle access to the adjacent cycleway from Leconfield Estate and improvements to a bus shelter on nearby Leconfield Street. Consider that the existing access arrangement to the site via the mini roundabout off Leconfield Street is satisfactory and requires no improvement. However, would like to see improved access links to the adjacent cycleway from the Estate and the upgrading of a local bus shelter both of which can be governed by a S106 Agreement.

Cumbria County Council – Local Lead Flood Authority

No objection to the recent amended plan showing a proposed gravity fed drainage solution for the site which is the preferred solution as opposed to a pumped system which was originally proposed.

Environment Agency

No objection subject to appropriate conditions. Acknowledge that the site poses a medium risk of contamination and accept that the site investigation report demonstrates it will be possible to manage the risks. Informs though that further analysis and more detailed information is required before development is undertaken and requests a pre-commencement condition to this effect.

United Utilities

No objection – informs the proposals are acceptable in principle subject to a suitable condition governing implementation of the drainage strategy. Also require a condition to ensure provision of a sustainable drainage management and maintenance Plan.

Flood and Coastal Defence Engineer

No objections, considers that the proposed development should not increase flood risk off site and drainage design to meet this requirement is included in the Drainage Philosophy.

Natural England

No objection. Consider that the proposed development will not have significant adverse impacts on statutorily protected nature conservation site or landscapes subject to appropriate mitigation implemented via conditions. As regards the subsequent amendments are of the view that these do not significantly impact on the natural environment.

Also inform that a Construction Environmental Management Plan is likely to be required along with a finalised Surface Water Drainage Plan. Also recommend that the proposals seek to achieve biodiversity net gain – all of which can be governed via conditions.

Cumbria County Council Public Rights of Way Officer

No objection. As Bridleway 403019 runs along the northern boundary of the Leconfield Industrial Estate and links Bowthorn Road to the National Cycle Route 71 (see attached plan) advises that:

- The right of way as shown on the definitive map and statement 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 applicant the right to block or obstruct the right of way shown on the attached plan.

This will be included on any decision notice issued as an Informative.

Cumbria County Council- Resilience

Raise no objections from an emergency planning viewpoint to the proposed work.

Office for Nuclear Regulation

No comments.

Strategic Planning Policy Team

Supports the redevelopment of Leconfield Industrial Estate and the associated Hub Building in principle, and consider that on the whole, the development accords with both the adopted Copeland Core Strategy and the emerging Copeland Local Plan. However, they initially raised issue of development coming forward separate from the masterplan which has now been satisfactorily addressed by the submission of the wider Masterplan application which is currently pending, and the proliferation of non-employment uses outside the town centre. It is important to ensure that the ancillary development on the site does not have a negative impact on footfall in Cleator Moor Town Centre, and that traffic impacts in the area will not be further exacerbated by additional activity on site. Also recognises that there are areas which need greater clarity primarily related to how developer contributions will come forward and ensuring that a co-ordinated approach is taken when considering these.

Environmental Health

No objections from an environmental health perspective. The Air Quality Assessment makes a number of recommendations for the mitigation of dust emission during any construction works on site and it would be expected that site specific planning applications would contain a Construction Environmental Management Plan that build upon this advice and would incorporate best practice for avoidance / mitigation of dust, as well as any noise and vibration caused by such works. Also requests a land contamination condition.

Conservation Officer

No objection and is supportive of the indicative design including scale and height. Whilst it is a tall building the conservation area in the centre of Cleator Moor is all inward-looking and bounded, and there's a substantial tree belt between the site and the area, so its unlikely that there will be any intervisibility that may be harmful.

Arborist

No objection, subject to conditions requiring the implementation of tree protection measures and the implementation of the proposed landscaping scheme.

Public Representations

Extensive neighbour notifications have been carried out in relation to this application and the subsequent amendments and to date no comments/ objections have been received. The application has also been advertised by way of site notices and a press notice.

No responses have been received from the public in response to this consultation process.

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:

Copeland Local Plan 2013-2028 (Adopted December 2013):

The policies in this plan that are relevant to the determination of this application are:

Core Strategy (CS):

Policy ST1 Strategic Development Principles

Policy ST2 Spatial Development Strategy

Policy ER4 Land and Premises for Economic Development

Policy ER5 Improving the Quality of Employment Space

Policy ER6 Location of Employment

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

Development Management Policies (DMP)

Policy DM10 Achieving Quality of Place

Policy DM11 Sustainable Development Standards

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 Local Plan (ECLP)

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been submitted for examination by the Planning Inspector. 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. Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the NPPF.

However, it should be noted that the CLP currently carries the primary weight in relation to decision making.

The following ECLP policies are relevant to this proposal:

Policy DS1PU: Presumption in favour of Sustainable Development

Policy DS2PU: Reducing the impacts of development on Climate Change

Policy DS3PU Settlement Hierarchy

Policy DS4PU Settlement Boundaries

Policy DS5PU Planning Obligations

Policy DS6PU: Design and Development Standards

Policy DS7PU: Hard and Soft Landscaping

Policy DS8PU: Reducing Flood Risk

Policy DS9PU: Sustainable Drainage

Policy DS10PU Soils, Contamination and Land Stability

Policy DS11PU Protecting Air Quality

Policy E1PU Economic Growth

Policy E2PU Location of Employment

Policy E4PU of the emerging Copeland Local Plan (2021-2038) 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.

Policy SC1PU Health and Well Being

Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Policy N3PU Biodiversity Net Gain

Policy N5PU Protection of Water Resources

Policy N13PU Woodlands, Trees and Hedgerows

Policy BE1PU Heritage Assets

Policy BE2PU Designated Heritage Assets

Policy CO4PU Sustainable Travel

Policy CO5PU Transport Hierarchy

Policy CO7PU Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Considerations

Conservation Area Design Guide 2017

National Planning Policy Framework (2021)

National Planning Policy Guidance

The Conservation of Habitats and Species Regulations 2017 (CHSR)

Cumbria Development Design Guide

Assessment

The material planning issues which need to be taken into account in assessing this application include:-

- Principle of development
- Access and transport
- Ecology
- drainage
- Trees and landscaping
- Residential amenity
- Design
- Heritage
- Contamination
- Air quality.

These are considered below.

Principle of Development

The site forms part of an existing large industrial estate situated within the settlement boundary of Cleator Moor and adjacent to the town centre. It comprises an approved plot on a long-established industrial estate, the principle of industrial development on which is already established. Part of the site to the south is vacant and laid to concrete slab. It qualifies as previously developed 'brownfield' land having previously accommodated multiple industrial buildings/ uses. The remainder is currently occupied by a storage and distribution yard which is soon to be relocated. In this respect the proposal to redevelop an existing industrial and part brown field plot within an industrial estate in the centre of Cleator Moor, a designated key service centre in the adopted Copeland Local Plan (CLP), is considered to accord with the ACLP.

Policies ST1 Strategic Development Principles, ST2 Spatial Development Strategy and ST3 Strategic Development Priorities are particularly relevant which seek to ensure development is directed to the most sustainable locations. It also complies with Employment Policies ER5 and ER6 which support such employment development in key service centres. The proposal in outline also accords with all the relevant policies of the emerging Copeland Local Plan (ECLP) including the new specific Policy E4PU Cleator Moor Innovation Quarter at Leconfield of which the industrial estate (Area 1) forms a significant part. It highlights support for the proposed Industrial Solutions 'Hub' to help to diversify the nuclear and engineering sectors. It also requires the existing connections and linkages to the site, the adjacent cycleway and to Cleator Moor be retained and enhanced which are to be secured by condition.

It should be noted that the Council's Strategic Policy Team support the proposal and confirm it's adherence in principle to the CLP and the ACLP.

Access and Transport

The site is situated within the existing industrial estate to which vehicular and pedestrian access will be via the existing internal estate road network which is served by a single point of access from the mini roundabout off the adjacent B5295 Leconfield Street. A surface car park also forms part of the proposal providing spaces for up to 100 cars.

The application is accompanied by a Transport Assessment which shows that the site is in an accessible location for pedestrians, cyclists and public transport users. Facilities at Cleator Moor are within a reasonable walking distance and the nearby settlements of Whitehaven, Moor Row, Frizington and Egremont are within a reasonable cycling distance. In terms of public transport buses are available which provide regular services to Whitehaven, Workington, Maryport and Egremont.

The Transport Assessment (TA) assessed the impact of the proposal on the surrounding road network. The results inform that the Hub building will have no significant impact on the safe and efficient operation of the local road network and that no improvements or mitigation is required to any existing junction arrangements, including the mini roundabout on Leconfield Street, as a result of the proposals.

In terms of potential construction traffic, whilst there may be some inevitable highway impacts but this will depend on the detailed design for the development and will therefore need to be assessed at the Reserved Matters stage. In anticipation however, it is considered that this can be effectively controlled and secured by a condition requiring the approval and implementation of a Construction Management Plan. This should set out the details of how heavy traffic will be managed to/ from site to minimise disruption to local residents and include the following:

- Anticipated daily construction movements.
- Specify routing of larger vehicles to reduce impacts on local residents.
- Site management to control mud, dust, vehicle emissions and waste removal.
- Constructors compound to provide parking of construction vehicles within the site

The application is also accompanied by a Travel Plan which proposes a number of methods to encourage workers to access the site via non-car modes, with an initial 5% reduction in car trips over the first 5 years of operation targeted.

The Highway Authority raise no objection on highway safety grounds to the proposal subject to a S106 Agreement and appropriate highway safety conditions. They concur with the TA that there is no requirement for junction/ access improvements. As regards cycle and access routes they welcome the proposal to improve links from the development to the adjacent cycleway network (NCN71). They also raise the issue of the need for upgrading some of the local bus stops to make them more attractive to use and support the modal shift to sustainable transport. In order to ensure provision of the improvements to the cycleway accesses and the bus stops identified they seek financial contributions from the developer to be secured by way of a separate legal agreement - S106 Agreement. In this respect an intention of this commitment (Heads of Terms) has been submitted to accompany the application.

Taking the above into account the proposed development is considered to be acceptable in highway terms and complies with Transport Policies T1 and DM22 of the ACLP plus CO4PU and CO5PU of the ECLP which set out the strategic principles for improving transport and requires development to be accessible to all users.

Ecology

The application is accompanied by an Ecological Appraisal. A Habitat Regulations Assessment (HRA) has also been submitted which covers the wider CMIQ site.

The site is within close proximity to sensitive ecological designations. It is hydrologically connected to the River Ehen SAC and River Ehen (Ennerdale Water to Keekle Confluence) SSSI via Nor Beck. As a result, there may be potential for adverse effects arising from pollution from surface water run-off, construction de-watering discharges, increases in sewage effluent, accidental spillages, alterations in hydrological characteristics etc. Mitigation in the form of suitable environmental protection measures will therefore be required during construction and site preparation works to ensure no pollution enters Nor Beck. These should include materials and machinery storage, biosecurity, and the control and management of noise, fugitive dust, surface water runoff and waste to protect any surface water drains and the SAC from sediment, and pollutants such as fuel and cement.

A 10m buffer strip must also be provided 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 to be stored outside the buffer strip, and there should be a designated concrete mixing / refuelling site outside this with spill kits on site and drip trays used for refuelling.

Natural England in their consultation response, are satisfied that the potential for such pollution to arise can be effectively controlled via the approval and implementation of a construction environmental management plan (CEMP) for the site. This will take the form of a pre-commencement condition.

As regards Biodiversity Net Gain Natural England advise that this should be sought and consider it is achievable given the scale of the development and the opportunity it presents for green infrastructure. Again, this can be addressed through the use of an appropriate condition.

There is evidence that the proposed development is likely to impact on reptiles.

A reptile survey conducted in 2021 (Tetra Tech, 2021) indicates that breeding populations of common lizard are present within the entire CMIQ site and likely use the site for foraging and commuting. However, given the wider landscape of suitable habitat, and the small amount of grassland being removed, the impact on reptiles can be mitigated through the implementation of a Reasonable Avoidance Measures (RAMS) to include restrictions on timing of site clearance to avoid the sensitive hibernation period.

Three other amphibian species: a medium population of palmate newt, a small population of smooth newt, a small population of common frog and common toad were observed on

the site. Reasonable Avoidance Measures (RAMS) are recommended to protect notable species onsite

With regards to bats the proposals will retain the majority of woodland and habitats corridors. Foraging and commuting bats are therefore, unlikely to be significantly affected by the proposal. However, commuting and foraging bats are highly sensitive to light spill and light pollution so it is recommended that that adjacent woodlands on or adjacent to the sites, as well as tree lines and adjacent residential gardens are protected from light disturbance through implementation of a wildlife sensitive lighting scheme for both the construction and operational phases of the development.

No badger setts or other signs of badger were recorded within the site (or within a 50m radius). Therefore, it is considered unlikely that badger setts occur within the site boundaries however, it is recommended that a pre-works badger survey of the proposed development area is undertaken at least three months prior to work.

Not aware of any breeding birds recorded on site but acknowledge that the adjacent woodland offers suitable resources.

In view of the above and the range of measures advised to protect these habitats and species identified in the Ecological Appraisal, it is recommended that all of the mitigation measures set out in the appraisal are complied with which can adequately be controlled by an appropriate condition. These measures will ensure the protection and enhancement of the site's ecological interests and are considered acceptable in line with Policy ENV3 and DM25 of the ACLP and Policies N1PU and N3PU of the ECLP regarding conserving and enhancing biodiversity and geodiversity and the delivery of Biodiversity Net Gain.

Drainage

The application is supported by a Flood Risk Assessment (FRA), Drainage Philosophy and a SuDS Management Plan.

The site is located in Flood Zone 1. The FRA informs that there is a low risk of surface water flooding and that the proposed development should not increase flood risk off site and drainage design to meet this requirement is included in the Drainage Philosophy.

The Drainage Philosophy is based on ground conditions, and it is anticipated that infiltration rates would be poor so that it would not be feasible to discharge surface water to ground. The nearest watercourse is Nor Beck, which is in an open section 50m to the north of the development site and is then culverted through the existing estate and it is proposed to discharge to Nor Beck via an existing connection. Our Flood and Coastal Defence Engineer advises that a finalised Surface Water Drainage Plan should be requested. SUDS measures should be incorporated to restrict run-off to pre-construction greenfield run-off rates and ensure that any discharge is uncontaminated when it leaves the site during the operational phase. The LLFA however has requested that confirmation is required to confirm that the ground is not suitable for soakaways and to demonstrate that the NPPF Drainage Hierarchy has been followed. They have advised on conditions requesting that infiltration testing is carried out to provide further evidence to support the favoured strategy.

In terms of drainage strategy, a pumped solution was originally proposed, however following an initial objection from Cumbria County Council as the Local Lead Flood Authority (LLFA) a gravity fed solution is now proposed. This is with an indirect outfall to the culverted Nor Beck which runs through the site. This is preferred and the LLFA are now satisfied with the proposed brownfield equivalent controlled discharge rate of 42.2 l/s. The LLFA support the use of permeable paving for the car parking areas in all parts of the site as attenuation storage and treatment.

The use of geo-cellular crates for attenuation storage is also proposed. Whilst these are acceptable, the LLFA considers that open / surface SUDS features such as swales, basins and the like are preferable as they offer the added benefits of passive treatment, bio-diversity and amenity.

United Utilities also raise no objection to the proposed drainage strategy subject to a condition governing its implementation and the provision of a sustainable drainage management and maintenance plan.

In summary, as a gravity fed drainage solution is now proposed for the development along with attenuation and treatment, it is considered to satisfactorily comply with ACLP Policies DM24, ENV1 and ECLP Policies DS8PU, DS9PU and NP5PU regarding reducing flood risk, provision of sustainable drainage and protecting water resources.

Trees/ Landscaping

The application is accompanied by an Arboricultural Impact Assessment.

This includes an assessment of the impacts of the proposed development, a tree protection plan and details of types of tree protection barrier.

The proposed site layout shows the selective removal of trees in two groups (G31 & G70) to create two pedestrian access routes. These groups contain a variety of broadleaved tree species.

It is likely that the proposal will affect retained trees, both on and off-site if appropriate protective measures are not taken and put in place. If adequate precautions to protect the retained trees are implemented, there should be no significant impacts on the contribution of retained trees to the local amenity or character of the wider setting.

The trees proposed to be retained will also require protection from alterations in ground levels and compaction of soils during the build phase and subsequent landscaping which can be secured by appropriate conditions

The consultant Arborist advises that a condition requiring the tree protection measures detailed in the Arboricultural Report and landscaping proposals detailed in the Design and Access Statement be implemented in full. This aligns with tree protection policies DM28 of the ACLP and N13PU of the ECLP.

Residential Amenity

The site is visually contained, it being situated within the confines of an existing industrial estate and flanked by a substantial tree belt to the north and east and the existing built

form of the estate boundaries to the south and west. Taking this into account with the nature of proposed operations, being a mixture of uses including research and development, light industry within small incubation workshops, exhibition and conference space, business support, community uses and ancillary café facilities and the physical distance from residential properties - the nearest dwelling of which is circa 100m distant to the east, it is considered that there will be negligible impact on the levels of amenity currently enjoyed by neighbouring residential properties. It is also considered there will be minimal adverse environmental impacts resulting from noise, light, ground contamination, air quality and general visual impact. In this respect the proposals are considered to accord with ACLP Policies ST1, DM10 and corresponding ECLP Policy DS6PU in protecting residential amenity, health and wellbeing and environmental and visual effects by advocating high quality design and development standards.

Design

The Design and Access Statement presents the indicative design proposals for the Hub building particularly the design aspirations and key features of the development. As the application is in outline only, the design information, with the exception of scale for which full approval is sought, is indicative only and serves to illustrate the aspirations and design vision for the development.

It is the intention that the proposed Hub building will play a key role in helping to knit the Leconfield site and the rest of Cleator Moor together; building on the focus to create a community.

It will act as the principal building on the estate, an integrated community building and the centre of the proposed business cluster by providing:

- spaces for innovation and incubation,
- workshop areas,
- skills and employment development,
- conference / lecture theatre facilities,
- shared reception,
- café.

The site layout is split between the 100 space car park situated at the end of the existing estate access road to the south-west of the site and the main building to the north east of the site. The position of the building will be such that existing habitats are not adversely affected.

The main building may be orientated around pedestrian access from the existing public paths with connections through to the Coast-to-Coast route and Cleator Moor.

An indicative design has been presented for the Hub as a three storey building with three independent wings radiating from a central core. Each of which would be used for different functions with the potential for future expansion.

The three main areas are:

1. Skills Development & Employability space
2. Training, Conference & Community Wing
3. Innovation and Incubation Space

The central core would contain the reception, collaboration area and café space.

It is the aspiration that the external appearance of the Hub will assume that of an iconic building clad in high quality industrial type materials such as metal cladding. Glazing and translucent panels would be provided where possible to allow for visual connectivity and the processes inside to be show cased.

Scale

In terms of scale however the building footprint will not exceed 4000sq.m. allowing for teaching, community, and development spaces within. The site will use landscaping to create pedestrian routes through existing habitats, allowing for a significant proportion of the site to remain as existing landscape or soft landscaping.

The vertical scale of the building will not exceed 12m in height, allowing for a three-storey building plus roof plant accommodation. It is proposed that the scale (maximum footprint and height) will be secured via a planning condition to ensure these parameters are not exceeded.

A wireframe image of a 12m building is provided within the accompanying Planning Statement. This shows a building of the proposed 12m in height on the site looking from Cleator Moor Celtic football ground from the east, the nearest boundary to Cleator Moor, towards the site. The image demonstrates that even at the maximum proposed 12m height, a building on the site is not visible from adjacent areas, being completely screened by existing trees which are to be retained and intervening buildings and would thus have minimal visual impact from outside the site.

The design aspirations for the development accord with ACLP Policies ER5, DM10 and ECLP Policy DS6PU which seek to ensure the provision of new high quality employment development including a high standard of design and quality places.

Heritage

There are no heritage assets within the application site or the wider industrial estate that would be directly or indirectly affected by the proposal. The nearest being Cleator Moor Conservation Area situated some 350m to the east. This encompasses the core area of the town centre and contains a number of listed grade II buildings in the vicinity of the Town Square. Whilst at 12m high (maximum) the proposed Hub would be a fairly tall building it is unlikely to have any significant impact on the town's Conservation Area. The Conservation Officer is of the view that as the Conservation Area is all inward looking and the fact there's a substantial tree belt between the site and the area it is unlikely there will be any significant or harmful inter-visibility and thus impact.

In terms of the Local Plan heritage policies the proposal is compliant with ACLP Policies ST1, ENV4, DM27 and ECLP Policies BE1PU and BE2PU which seek to overall protect and enhance the Borough's heritage assets, their features and setting.

Ground Conditions

The application is accompanied by a Phase 2 Site Investigation Report into ground conditions:

As the proposed development would be sited on made ground and slag it presents a medium risk of contamination that could be mobilised during construction causing pollution to underlying groundwater resources. The site's complicated historical industrial use also makes possible that unseen ground contamination may be encountered when ground works are underway.

The Environment Agency (EA) are of the view that the site investigation report demonstrates that it will be possible to manage the risks posed to controlled waters by this development but that further analysis and re-assessment of the 13 samples from across the site will be required before any development is undertaken.

The EA advise that proposed development would be acceptable subject to a condition requiring the submission of a remediation strategy. Without this condition the development could pose an unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution. Our Environmental Health Officer also advises that a condition is imposed requiring a revised Phase 2 Investigation Report be undertaken, as the submitted one is yet to be finalised, that includes a full sampling and testing regime for a suitable range of contaminants, and an assessment made of their potential risk to health and an appraisal of any remediation measures required as well as a further condition covering unexpected contamination.

The EA also advise that any proposed piling using penetrative methods could result in risk of contamination caused by drilling through different aquifers and creating preferential pathways. Groundwater is particularly sensitive in this location because the proposed development site is sited upon a secondary aquifer.

As result the proposed development will only be acceptable if a planning condition controlling disturbance of the aquifer is imposed. Without this condition the EA would object because it cannot be guaranteed that the development will not present unacceptable risks to groundwater resources.

Subject to the proposed conditions being implemented, it is considered that the development will not pose an undue threat to any existing ground conditions that prevail and on this basis accords with ACLP Policy ST1 and ECLP Policy DS1OPU.

Air Quality

An Air Quality Assessment accompanies the application. This makes a number of recommendations for the mitigation of dust emission during any construction works on site and it would be expected that the required Construction Environmental Management Plan for the development would incorporate best practice for avoidance / mitigation of dust, as well as any noise and vibration caused by such works. The Environmental Health Officer

raises no objection to the Assessment. This accords with ACLP Policy ST1 and ECLP Policy DS11PU which seek to protect air quality.

Planning Balance and Conclusion

The development of a business cluster 'Hub' building as a focal point for Leconfield Industrial Estate and the adjacent community provides a much welcomed opportunity to enhance and regenerate Cleator Moor which, it is anticipated, will have significant economic and social benefits for both the town and the Borough. It is being funded through the Towns Fund under the Enterprising Towns theme.

The principle of development is accepted on the site as it forms part of an existing industrial estate with proven established industrial use rights. It has been demonstrated that the development will have minimal impact on the existing road network and that a S106 Agreement will be required seeking financial contributions to the provision of cycleway access to and from the site and bus stop improvements.

There are now no issues relating to drainage as a preferred gravity fed solution is proposed and there is minimal risk from flooding.

Whilst there are potential impacts on ecology from site works given the proximity to locally sensitive sites this can be made acceptable by the mitigation proposed by a potential Construction Environmental Management Plan.

As regards contamination there is a medium risk that can however be effectively controlled by conditions requiring a remediation strategy and a finalised Site Investigation Report.

There are also no significant issues raised in relation to residential amenity, trees, design, heritage and air quality and where mitigation is proposed can be adequately addressed by conditions.

Taking this and the above into account, it is considered that the proposed development is compliant with both Local Plans and national guidance, and the overarching objective of the NPPF to deliver sustainable development. On balance the proposed development will not raise any adverse material planning issues that will cause any demonstrable harm which outweigh the benefits of the proposal. It is hoped that this innovative regeneration project will act as a catalyst to facilitate the wider redevelopment of Leconfield Industrial Estate and ultimately the delivery of the Cleator Moor Innovation Quarter (CMIQ) and the regeneration of Cleator Moor.

Recommendation:

Members authorise delegated authority to the Head of Planning and Place to approve outline planning permission for the development subject to:

- The Applicant entering into a Section 106 Planning Obligation securing the delivery of financial contributions regarding off site works as follows:
 - Provision of off-road cycle access to the NCN 71 from Leconfield Estate

- Improved bus shelter on Leconfield Street
- The planning conditions outlined at the end of this report; and
- Any revisions deemed appropriate by the Head of Planning and Place

Conditions

Standard Outline Conditions

1. The layout, appearance and landscaping shall be approved by the Local Planning Authority.

Reason

To comply with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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 must be commenced not later than the later of the following dates:
 - a) The expiration of THREE years from the date of this permission
 - Or
 - 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.

Reason

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.

Approved Plans and Documents

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: -

Documents

Design & Access Statement, by NORR, ref. CMIQ-NOR-HUB-ZZ-RP-A-00001 revision 1, dated 25-03-2022

Ecological Appraisal, ref. B034367 CMIQ Proposed Hub Summary report V2_ISSUE, by Tetra Tech, dated March 2022

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.

Transport Assessment by Tetra Tech, Project Number: 784-B030277, dated March 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

Development Parameters – proposed uses plan, CMIQ-NOR-HUB-ZZ-DR-A-90005 - PARAMETER PLAN - PROPOSED USE_P05, dated 25-03-2022

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.

6. Before development commences a revised Phase 2 Contaminated Land Investigation and Report shall be submitted to and approved in writing by the Local Planning Authority, this shall include a full sampling and testing regime for a suitable range of contaminants, and an assessment made of their potential risk to health and an appraisal of any remediation measures required.

Reason

To ensure that risks from land contamination are understood prior to works commencing on site, both during the construction phase and to the future users of the land and neighbouring land, 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 receptors.

7. 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 detailed risk assessment and an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 2. 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

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. 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; 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. The landscaping proposals, as set out on page 27 of the Design and Access Statement by NORR, ref. CMIQ-NOR-HUB-ZZ-RP-A-00001 revision 1, dated 25-03-2022, shall be incorporated in full into any proposed detailed landscaping scheme for the development

Reason

To ensure the implementation of a satisfactory landscaping scheme

19. 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.

Reason

To protect the ecological interests evident on the site.

20. 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.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

21. The external gross floor area of the Hub building shall not exceed 4000 square metres and the maximum height shall not exceed 12 metres.

Reason

For the avoidance of doubt and to verify the proposed scale parameters of the Hub building.

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

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.

Statement

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