

Copeland Borough Council

Hub Building

Leconfield Industrial Estate

Planning Statement and Statement of Community Involvement



April 2022

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For and on behalf of Avison Young (UK) Limited

1. Introduction

- 1.1 This Planning Statement has been prepared by Avison Young on behalf of Copeland Borough Council ('the Applicant') to assist Copeland Borough Council ('the Council' or 'CBC') in its consideration of the accompanying outline planning application for the erection of up to 4,000sqm GEA floorspace for research & development, light industrial, training and community uses at Leconfield Industrial Estate, Cleator Moor ('the Site').
- 1.2 This Statement examines the application against section 38(6) of the Planning and Compulsory Purchase Act (2004). It discusses how the development proposals conform to local and national planning policy requirements.

Application Documentation

- 1.3 This Statement should be read alongside the following supporting documentation:

Reports and Assessments

- Application Forms (Avison Young)
- Design and Access Statement (NORR)
- Ecological Appraisal (Tetra Tech)
- Flood Risk Assessment and Drainage Strategy (BGP)
- Phase 2 Ground Investigations (Solmek)
- Transport Assessment and Travel Plan (TetraTech)
- Tree Survey (Barnes Associates).

- 1.4 Drawings and 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-A-90004 - PARAMETER PLAN - VERTICAL LIMITATIONS_P04)
- Development Parameters – proposed uses plan (CMIQ-NOR-HUB-ZZ-DR-A-90005 - PARAMETER PLAN - PROPOSED USE_P04)

Statement Structure

- 1.5 This Statement is structured as follows:

- Chapter 2 'Site and Surroundings' – provides an overview of key features of the application site and its location.
- Chapter 3 'Development Proposals' – provides details of the development for which permission is sought.
- Chapter 4 'Statement of Community Involvement' – provides a summary of the pre application engagement.
- Chapter 5 'Planning Policy Context' – provides an overview of local and national planning policy that has informed the proposals.
- Chapter 6 'Planning Assessment' – provides discussion on the key planning matters and how the proposals accord with policy requirements.
- Chapter 7 'Conclusion' – provides a summary of the development proposals and the key material planning considerations.

2. Site and Surroundings

Application Site

- 2.1 Cleator Moor is situated in the north of the borough of Copeland in Cumbria. It lies to the west of the Lake District National Park and approximately 5km south-east of Whitehaven. The town is served by the B5295 which links to the A595 – one of the key primary routes in Cumbria- connecting Cleator Moor to the towns of Workington, Whitehaven and Maryport and beyond to Carlisle to the north and Barrow to the south.
- 2.2 The application site is located within Leconfield Industrial Estate, which is located centrally within Cleator Moor approximately 600m to the north-west of the town centre. The Estate is accessed via the B5295 ‘Leconfield Street’ which is at its southern boundary.
- 2.3 The application site extends to approximately 1.27Ha and is located in the north east part of the Estate. The site is of irregular shape and was formerly occupied by two industrial structures which were demolished in c.2015, leaving only the concrete slabs *in situ*. More recently the site has been part utilised by BOC Gases Ltd¹ as a compound for the storage and distribution of bottled gas products and part utilised by a scrap merchant.
- 2.4 Site boundaries comprise of:
- To the north, scrub/grass land and boundary vegetation beyond which lies a former railway now public footpath, and agricultural land;
 - To the east, boundary trees and vegetation delineating the C2C cycle route with residential properties and Cleator Moor town centre beyond (c.300metres as the crow flies); and
 - To the south and west by the wider Leconfield Industrial Estate.

Technical Considerations

- 2.5 With regards to technical considerations the application area:
- Does not contain any Listed buildings, scheduled ancient monuments, registered parks and gardens, registered battlefields or conservation areas although it is acknowledged that the Cleator Moor Town Centre Conservation Area lies c350m to the south east;

¹ In March 2022 a full planning application was submitted for the relocation of the BOC operations to an alternative site within Leconfield Industrial Estate, consequently there will be no loss of current employment as a result of the proposals.

- According to the Environment Agency Flood Map, the site is wholly within Flood Zone 1 which indicates a low probability of flooding and is therefore suitable to accommodate the proposed uses from a flood risk perspective.
- There are no statutory or non-statutory ecologically designated sites within the site boundary there are however, two statutory designated sites within 2km:
 - SAC River Ehen, 1.3km distance from site
 - SSSI River Ehen, 1.3km distance from site
- The site is not within an Air Quality Management Area.
- The Site is not in a High Landscape Value Area or within an Area of Outstanding Natural Beauty.

3. Development Proposals

Background to the Proposals

- 3.1 Copeland has a challenging, and relatively unique, set of economic conditions. Whilst currently prosperous, Copeland is highly dependent on the nuclear sector and in particular employment at Sellafield. The sector is forecast to experience a large contraction in employment and poor GVA growth, worsening in line with progression of the Sellafield nuclear decommissioning mission, and compounded by relatively low skills and a declining working age population.
- 3.2 The Industrial Solutions Hub (ISH) Programme is a response to these challenges led by Copeland Borough Council with the support of key stakeholders including the Nuclear Decommissioning Authority (NDA), Sellafield Ltd, Cumbria Local Enterprise Partnership (CLEP) and private sector supply chain partners. It seeks to improve the town of Cleator Moor, the borough of Copeland and the region of West Cumbria through the creation of new employment opportunities, re-orienting the local economy to become more export-oriented and home to future centres of excellence.
- 3.3 The ISH programme's objective is to incentivise clean energy supply chain organisations to locate, grow, export, and diversify from West Cumbria. This is to be achieved through the development of a new business cluster - The 'Cleator Moor Innovation Quarter' (CMIQ). The appropriate location for the campus for this new nuclear and clean energy cluster has been identified as Leconfield Industrial Estate and adjacent land at Cleator Moor. CMIQ will host a new enterprise campus providing bespoke accommodation that will be a focus for collaboration, innovation and diversification across nuclear and engineering sectors. The CMIQ will facilitate the creation of a networked cluster of public, private and academic organisations, growing, diversifying and exporting products and services from Cumbria into new nuclear and non-nuclear markets. CMIQ will also provide the physical location for companies seeking to relocate or expand in the area.
- 3.4 Investment in CMIQ will remove barriers to local job creation, raise skills levels and aspiration, attract private sector investment through cluster development and connect local residents to opportunities. It will maximise the potential of the ISH, accelerate and enhance change on Leconfield Industrial Estate and expand investment potential.
- 3.5 A central feature of the CMIQ is the creation of an Industrial Solutions Hub building which will provide flexible accommodation that will be a focus for collaboration, innovation and training activities. Whilst forming a key element of the wider CMIQ proposals, The Hub building is to be delivered through the Town Deal Fund under the Enterprising Town element of the grant.

- 3.6 As such the Hub building is being brought forward under this separate stand-alone application to ensure its determination at the earliest opportunity to enable Town Deal Fund spend deadlines to be achieved and prompt delivery of the Hub building in the initial development phase.

Features of the Proposals

- 3.7 The application is submitted in outline with only scale and access sought for approval, all other matters are reserved for determination later. The key features of the proposals are as follows:

Use and Amount

- 3.8 The Hub is envisaged to be the focal point of the Leconfield Industrial Estate and so will help to form links between the tenants, outside users, education/skills, Cleator Moor community and the wider public.
- 3.9 This will therefore be a single building which serves a variety of needs including:
- Integrated community building providing skills development, training as well as innovation and incubation workshops
 - Lecture theatre/conference use/exhibition space
 - Café-bar
- 3.10 This combination of uses will ensure that the footfall for community use is high and will ensure the integration of the community and campus realms.
- 3.11 As such the proposals seek to secure permission for a mix of uses across research and development, light industrial, training and community floorspace.
- 3.12 The proposed description of development is:

"Erection of building of up to 4,000sqm (GEA) for 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."

Scale

- 3.13 The proposals seek to establish the maximum parameters of a single building on the site that will not exceed:
- 4,000sqm floorspace (GEA)
 - 12m build height

Access and Parking

- 3.14 Vehicular and pedestrian access to the site will be via the existing internal estate road network which discharges onto Leconfield Street.
- 3.15 A surface car park is proposed to serve the building providing spaces for up to 100no. cars.

Design, Appearance and Layout

- 3.16 The application is submitted in outline with the detail of the design, layout, and appearance to be addressed at subsequent Reserved Matters stage. However, a Design and Access Statement (DAS) accompanies the planning application which sets out design aspirations and key features for future development of the site. It is anticipated that the DAS will form approved documents within the planning permission when granted and referenced within a planning condition requiring reserved matters applications to be in accordance with its contents.
- 3.17 To help inform decision-making an indicative building design is provided for illustrative purposes. The illustrative building design provides an indication of how a future design may respond to the site, fit within the build parameters sought and incorporate the design aspirations set out in the DAS. It also provides an illustration of anticipated build quality and key design features that a final design will incorporate.

4. Statement of Community Involvement

National Policy Guidance and Legislation

- 4.1 Community participation is a key objective in the Government's reform of the planning system, provided for through the National Planning Policy Framework ('the NPPF', 2021) and Localism Act 2011.

National Planning Policy Framework (2021)

- 4.2 Section 4 of the NPPF sets out the requirements and expectations for pre-application engagement by Local Planning Authorities (LPAs) and applicants. The benefits of proactive engagement are outlined at Paragraph 39 which highlights that:

"Early engagement has significant potential to improve the efficiency and effectiveness of the planning application for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community."

- 4.3 LPAs are required to encourage applicants to engage with the local community before submitting their applications where it could be deemed to be beneficial (Paragraph 40). Paragraph 132 further states that applications which demonstrate early, proactive and effective engagement should be considered more favourably by LPAs than those that cannot.

Localism Act (2011)

- 4.4 The Localism Act (2011) introduced a statutory requirement for applicants in England to consult with local communities before submitting planning applications for certain types of development. Section 122 of the Act requires an applicant to:

- Publicise the proposed application locally and give a timetable for the consultation;
- Have regard to advice given by the local planning authority about local good practice in undertaking consultation; and
- Take account of the responses to the consultation when submitting the application.

- 4.5 This section of the Act confirms the Government's requirements regarding community engagement in the planning process.

Pre-Application Engagement with Officers

- 1.1 As outlined above, the development proposals comprise part of the wider Proposals for the creation of the CMIQ business cluster and enterprise campus. As part of this extensive pre-application

discussions have been held with Officers at Copeland Borough Council since January 2021. With key areas of discussion surrounding the principle of development, scope of technical assessments and validation requirements etc. Subsequently, several meetings have taken place specifically relating to the Hub proposals, namely around:

- **Principle of development:** confirming proposed mix of uses within the building
- **Application validation requirements:** the range of technical assessments required to enable the application to be determined

1.2 In addition, each of the technical consultants engaged on the scheme have undertaken engagement with their counterparts at Copeland Borough Council, Cumbria County Council or other relevant statutory bodies where necessary to seek agreement on survey methodologies and proposed strategies.

Community Engagement Exercises

4.6 Due to the evolving guidance surrounding the COVID-19 pandemic, it was determined that the public consultation exercises for the CMIQ proposals should be undertaken via a combination of in-person and online events; as it would not be responsible to hold only an in-person event given the present climate and associated health and safety issues. In this manner the applicant has sought to be as inclusive as possible both in the provision of consultation information and in obtaining feedback from the local community.

4.7 A dedicated CMIQ page was launched on the Copeland Borough Council website² to facilitate public consultation on the proposals. The webpage was live from 16 November 2021, and it is intended to remain live and be updated regularly as the CMIQ proposals progress. The website page provides an overview of the proposals, access to the consultation boards, other visuals, press releases and links to other websites where further information could be reached and a link to online surveys. Therefore, ensuring that all information presented at the exhibitions was available to all if they couldn't attend or preferred not to attend the exhibitions.

4.8 A drop-in exhibition was considered an appropriate format as it allows people to attend at a time that suits them, and to allow attendees to discuss the proposals and any specific questions with project team members. Two drop-in exhibitions were held, with the first in November 2021 providing an introduction to the CMIQ masterplan proposals. The second event, held in March 2022, is of particular

² <https://www.copeland.gov.uk/cmiq>

relevance to the current proposals as it focussed on the proposed CMIQ first development phase of which the proposed Hub building forms a central part.

4.9 The second exhibition was held at the Civic Hall, Cleator Moor on:

- Tuesday 15 March 2022, 12:00-20:00
- Wednesday 16 March 2022, 10:00-17:00

4.10 The dates and times of the exhibition were chosen to maximise attendance allowing for people to attend during and after work hours and outside of weekends and school holiday periods. The venues were chosen as they are in the centre of Cleator Moor so would be easily located but were still in proximity to the application site and residential areas of the town. Both venues are also fully accessible.

4.11 At the March exhibition event, nine colour boards (at size A0) were presented, providing the following information (available at Appendix VI):

- Board 1: Welcome and introduction to Enterprising Town Deal funding, Industrial Solutions Hub and phase 1 proposals plan
- Board 2: Introduction to Hub building
- Board 3: Introduction to Hub building concept and use
- Board 4: Introduction to Hub building illustrative images of external
- Board 5: CMIQ proposed development parameters
- Board 6: Development timeline and key outputs
- Board 7: CMIQ Masterplan
- Boards 8 and 9: Responses to key questions and topics from the first round including rendered visualisations of the CMIQ masterplan.

Community Feedback

4.12 Approximately 100 people in total attended the two-day exhibition held in March 2022 and a total of 61 survey responses were received.

4.13 Following analysis of the survey responses and verbal feedback received during the exhibition the following key topics have been identified as being of relevance to the current development proposals:

- *Support for redevelopment of Leconfield Industrial Estate:* - overall support was shown by survey respondents and attendees to the exhibitions towards the redevelopment and improvement of the existing Leconfield Industrial Estate. Many commented on its current poor state of repair, its unattractiveness and antisocial activities on the site (graffiti, fly tipping etc.). Its development was generally seen as a positive intervention for the town.
- *Support for indicative Hub building design:* overall, attendees to the March exhibition and survey respondents were supportive of the indicative Hub design and proposed material palette. With it generally seen as a quality and contemporary design response.
- *Impact on existing businesses* – Questions were raised over potential impact the Hub building could have on existing business of the town centre, in particular the inclusion of food/beverage use.
- *Traffic and Road Safety* – whilst specifically directed at the scale of the CMIQ proposals overall rather than specifically resulting from the Hub building, traffic was a key area of concern. Bowthorn Road, the existing roundabout access junction at Leconfield Street and Birks Road were identified as key areas of concern and potential accident hotspots.

Response from the Applicant

4.14 Wherever possible, comments and suggestions received have fed into the final application submission. It is however important to note that some concerns cannot be overcome through the consultation process and that sometimes people have contradictory opinions.

Redevelopment of Leconfield Industrial Estate

4.15 The Applicant welcomes the general level of support shown to the wider proposals for the redevelopment of the existing Leconfield Industrial Estate of which the current Proposals form a key part of the first phase works. The Hub will be the focal point for the CMIQ Campus providing a physical connection between businesses on the campus and the wider Cleator Moor community. The building and its surroundings will set the benchmark for the redevelopment of Leconfield Industrial Estate with regards to design quality, landscape strategy and building materials and finishes to ensure the Estate is a highly attractive and welcoming place to work and thereby helping to lift the build quality of the town more generally.

Hub building Design Principles

- 1.3 The Applicant welcomes the general level of support shown to the indicative Hub building illustrations shown at the exhibition. Whilst it is acknowledged that the final building design is to be established through future Reserved Matters applications the support shown to the design principles and aspirations set out in the DAS is noted.

Existing Businesses

- 1.4 The Hub building includes a mix of uses, principally comprising of research and development (Class E(g(ii))), light industrial (Class E(g(iii))) and community/exhibition space (*Class F1(a & e)*). A small element of food and beverage floorspace is proposed in the form of a café-bar (*Class E(b)*). This café space is intended as ancillary to the main operations of the building and will be of a limited scale.

Traffic Impact

- 1.5 It is noted that concerns relating to traffic were specifically made in reference to the increase in vehicle movements resulting from the CMIQ development as a whole rather than as a result of the Hub. Nevertheless, a Transport Assessment (TA) has been undertaken to understand the impact of the Hub building on the surrounding road network. The TA (discussed further in this report) shows that the proposed use will have no significant impact on the safe or efficient operation of the local road network and that no mitigation is required to any existing junction arrangements resulting from the proposals. The proposals are therefore acceptable in highways terms.

5. Planning Policy Context

Legislative Context

- 5.1 The Town and Country Planning Act (1990), Planning and Compulsory Purchase Act (2004) is relevant to the consideration of this application.
- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that applications for planning permission must be determined in accordance with the statutory development plan unless material considerations indicate otherwise.

National Planning Policy

- 5.3 The National Planning Policy Framework (NPPF) (July 2021) sets out the Government's planning policies for England and how these should be applied and is a material consideration in the determination of the accompanying planning application. The most pertinent policies relating to the principle of development at the site are set out below.

The Presumption in Favour of Sustainable Development

- 5.4 The NPPF outlines that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three objectives which are interdependent and need to be pursued in mutually supportive ways:
- Economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity;
 - Social objective – to support strong, vibrant and healthy communities, by providing a range of homes and by fostering well-designed, beautiful and safe places, with accessible services and open spaces; and
 - Environmental objective – to protect and enhance the natural, built and historic environment, improving biodiversity, minimising waste and adapting to climate change.
- 5.5 Paragraph 9 confirms that these objectives should be delivered through the implementation of Plans and the application of policies in the NPPF; however, they are not criteria against which every decision can or should be judged.
- 5.6 Paragraph 10 states that “at the heart of the Framework is a presumption in favour of sustainable development”. For decision-taking this means:

- "c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

Building a Strong Competitive Economy

5.7 Paragraph 81 states that planning policies and decisions should help create conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

5.8 Planning policies should:

- "a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;*
- b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;*
- c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and*
- d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances."* (Paragraph 82)

5.9 Paragraph 83 requires planning policies and decisions to recognise and address the specific locational requirements of different sectors. Including making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.

Promoting Sustainable Transport

5.10 Paragraph 110 states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

"a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users;

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and

d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."

- 5.11 The NPPF requires all developments which generate significant amounts of movement to provide a Travel Plan, and Transport Statement or Transport Assessment so that the likely impacts of the proposal can be assessed (paragraph 113).

Making Effective use of Land

- 5.12 Paragraph 119 sets out that "planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land."

- 5.13 Paragraph 120 highlights that planning policies and decisions should "[...] give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land..."

Achieving Well Designed Places

- 5.14 Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

- 5.15 Paragraph 130 requires planning policies and decisions to ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 5.16 Paragraph 131 highlights the importance of trees to the character and quality of urban environments, and how they can also help mitigate and adapt to climate change. It sets out that planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.

Planning and Flood Risk

- 5.17 Paragraph 159 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Conserving and Enhancing the Natural Environment

- 5.18 NPPF Paragraph 174 notes that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity value whilst minimising impacts on and providing net gains for biodiversity. The intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland should also be recognised.

Ground Conditions and Pollution

- 5.19 Paragraph 183 of the NPPF states that planning decisions should ensure that the site is suitable for its proposed use taking account of ground conditions and risks arising from land instability and contamination and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation).
- 5.20 Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health,

living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*

5.21 Development will need to adhere to relevant limit values of national objectives for pollutants taking into account Air Quality Management Areas and Clean Air Zones (Paragraph 186).

National Planning Practice Guidance

5.22 The NPPG complements the NPPF in terms of how the NPPF should be implemented in practice. The NPPG can be a material consideration in the decision-making process. The following categories of the NPPG are considered relevant in the consideration of this proposal:

- Design: Process & Tools
- Determining a Planning Application
- Effective Use of Land
- Flood Risk and Coastal Change
- Land Affected by Contamination
- Natural Environment
- Travel Plans, Transport Assessments & Statements

Local Plan - Adopted

5.23 The statutory development plan for the application comprises the policies of the Copeland Local Plan 2013-28 Core Strategy and Development Management Policies (adopted 2015) ('the Core Strategy') and remaining policies 'saved' from the preceding Copeland Local Plan 2001-2016 (adopted 2006) ('the 2006 Plan').

5.24 The following policies of the Core Strategy have been identified as relevant:

- *Policy ST1: Strategic Development Principles* sets out the fundamental principles that will guide development management in the Borough. Principles include (inter alia):
 - focus development on sites at least risk from flooding,
 - reuse existing buildings and previously developed land wherever possible,

- support the reclamation and redevelopment or restoration of the Borough's vacant or derelict sites, whilst taking account of landscape, biodiversity and historic environment objectives,
 - prioritise development in the main towns where there is previously developed land and infrastructure capacity.
 - accommodate traffic and access arrangements in ways that make it safe and convenient for pedestrians and cyclists to move around; and
 - ensure new development addresses land contamination with appropriate remediation measures
-
- *Policy ST2: Spatial Development Strategy* seeks to direct development to the most sustainable locations – the main settlements. Employment development should respect this hierarchy. The Policy Identifies Cleator Moor within the second-tier settlements as a Key Service Centre.
 - *Policy ER4: Land and Premises for Economic Development* sets out that the Council will maintain an adequate supply of land and floorspace for economic development to be achieved by safeguarding existing and allocated employment sites against nonemployment uses.
 - *Policy ER6: Location of Employment* identifies that employment development will be supported in Whitehaven and Key Service Centres (i.e., Cleator Moor).
 - *Policy DM22: Accessible Developments* requires development proposals to be accessible to all users prioritising pedestrian and cycle needs, encouraging public transport and manages traffic access and speeds without resorting to engineering measures and incorporates appropriate parking standards.
 - *Policy DM24: Development Proposals and Flood Risk* requires a Flood Risk Assessment (FRA) to be submitted as part of the planning application where a proposed development is likely to be at risk from flooding or increases risk of flooding elsewhere.
 - *Policy DM26: Landscaping* sets out that all development proposals will be assessed in terms of their potential impact on the landscape.
 - *Policy DM28: Protection of Trees* requires an arboricultural assessment as to whether any trees are worthy of retention and protection and stipulates that any trees removed are replaced at a minimum ratio of 2:1.

5.25 The following 'saved' policies of the Copeland Local Plan 2001-2016 have been identified as relevant:

- *EMP1: Employment Land Allocations* designates Leconfield Industrial Estate as an employment site where development for employment and industry uses (Class B1 Office and Business, B2 General

Industrial and B8 Storage and Distribution Uses³) will be permitted provided that other Plan policies are met.

Local Plan – Emerging

- 5.26 Copeland Borough Council are in the process of producing a new Local Plan which once adopted will replace the Core Strategy and saved policies.
- 5.27 The final draft, the Publication Draft of the *Copeland Local Plan 2021-2038* was consulted on between January-March 2022. It is anticipated that the Publication Draft of the Local Plan will be submitted to the Secretary of State for Examination mid-2022 with its adoption late 2023.
- 5.28 In accordance with the requirements of NPPF Paragraph 48, given the relatively advanced stage of its preparation the draft policies of the *Copeland Local Plan 2021-2038* publication Draft Plan can be attributed significant weight in the determination of planning applications.
- 5.29 The following key Publication Draft policies have been highlighted as being of relevance to the proposals:
- *Strategic Policy DS1PU: Presumption in favour of Sustainable Development* states that the Council will take a positive approach to sustainable development by approving applications without delay where they accord with the Development Plan (and where relevant, any neighbourhood plan), unless material considerations indicate otherwise.
 - Strategic Policy DS3PU: Settlement Hierarchy directs development to the four towns of Whitehaven, Cleator Moor, Egremont and Millom as the most sustainable parts of the borough as they contain a high number and a broad range of services, as well as greater infrastructure to support further development. Cleator Moor is identified as a second-tier settlement, a 'Key Service Centre', which is to be the focus for town centre developments, employment development and medium scale housing extensions, windfall and infill development.
 - Strategic Policy DS4PU: Settlement Boundaries identifies the development limits of settlements in the Borough within which development is acceptable subject to other material considerations.

³ The Town and Country Planning (Use Classes) Order 1987 (as amended) essentially categorises different types of property and land into classes. A significant reform of the Use Classes Order came into force on 21st April 2021, with Class B1 replaced by new Class E(g) Uses which can be carried out in a residential area without detriment to its amenity: E(g)(i) Offices to carry out any operational or administrative functions,

- E(g)(ii) Research and development of products or processes
- E(g)(iii) Industrial processes
- E(g)(i) Offices to carry out any operational or administrative functions,
- E(g)(ii) Research and development of products or processes
- E(g)(iii) Industrial processes

- *Strategic Policy E4PU: Cleator Moor Innovation Quarter at Leconfield* 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. Community infrastructure, community facilities and ancillary uses to support to the primary uses on the development will be supported within a single building or small cluster of buildings within the development to act as a focal point for the development and local community. This could include uses such as café/restaurant, meeting spaces and education/training spaces (i.e., Use Classes E(b), E(d), E(f), F1(a) and F1(e)).

6. Assessment of the Proposals

6.1 From the planning policy review the following policy considerations have been established as pertinent to the determination of the planning application proposals:

- The Principle of Development
- Other Material Considerations
 - Access and Transport
 - Flood Risk and Drainage
 - Ecology
 - Trees
 - Ground Conditions
 - Design and Impact on the Character of the Area
 - Residential Amenity

6.2 Each of these matters will be discussed in turn.

Principle of Development

6.3 The starting point for assessment of planning applications as set out by S38 (6) of the Planning and Compulsory Purchase Act 2004 is the adopted Development Plan unless material considerations indicate otherwise.

6.4 The adopted Development Plan comprises the Copeland Local Plan 2013-28 Core Strategy and Development Management Policies (2015) and remaining 'saved' policies of the Copeland Local Plan 2001-2016. The adopted proposals map shows the Site is:

- Located within the development limits of Cleator Moor, a Key Service Centre towards which development is considered acceptable subject to other considerations (Policies ST1 and ST2).
- Located within Leconfield Industrial Estate, an allocated employment site within which employment development is considered acceptable subject to other considerations (Policies EMP1, ER4 and ER6)

6.5 With regards to the emerging planning policy position the Council are in the process of preparing a new Local Plan. At the time of writing, submission of the final version the *Copeland Local Plan 2021-2038*, the 'Publication Draft' to the Secretary of State for Examination is anticipated to take place

imminently. Given its relatively advanced stage of preparation, in accordance with NPPF Paragraph 48, due weight can be afforded to its policies in the determination of planning applications.

6.6 The Publication Draft of the Copeland Local Plan planning proposal map shows the Site is:

- Located within the settlement boundary of Cleator Moor, a 'Key Service Centre' where development, in particular employment development, is acceptable in principle subject to other considerations (Policies DS3PU and DS4PU).
- Located within Cleator Moor Innovation Quarter Area 1, within which development of Class B2, B8, E(g) and an element of café, community and education uses (Class E(b), E(d), E(f), F1(a) and F1(e)) is considered acceptable in principle, subject to other considerations (Policy E4PU).

6.7 The Proposals seek outline planning permission for a single building which will provide flexible and adaptable space to be used for business incubation, product research and development, collaborative working and training spaces. The aim of the building is to provide facilities that will support the expansion and diversification of existing businesses, encourage new business start-ups, and provide training opportunities for residents ensuring they have the necessary skills to enter and succeed in the workplace. The building will support the diversification and strengthening of the Copeland economy and help generate new and improved employment opportunities for the Borough's residents.

6.8 The Proposals therefore wholly accord with adopted Local Plan Policies EMP1, ST1, ST2, ER4 and ER6 and emerging policies DS3PU, DS4PU and E4PU in being in an appropriate, sustainable, and preferred location for employment development.

6.9 In addition, the Site comprises of previously developed land, which has been vacant and underused for several years. By redeveloping the Site to accommodate new employment uses the Proposals accord with NPPF Paragraphs 119 and 120, and Core Strategy Policies ST1 and ST2 which prioritise the reuse of brownfield land to encourage prosperous economic growth.

6.10 As such the principle of development of the site is considered acceptable in terms of its location and proposed use. The remainder of this Statement will discuss how the proposals are acceptable with regards to other technical material considerations.

Access and Transport

6.11 The application is accompanied by a Transport Assessment (TA) prepared by Tetra Tech. The TA illustrates 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 with nearby settlements of

Whitehaven, Moor Row, Frizington and Egremont within a reasonable cycling distance. Buses are available which provide regular and frequent services to Whitehaven, Workington, Maryport and Egremont.

- 6.12 The traffic impacts of the proposed development have been assessed at the estate access/ Leconfield Street mini roundabout and are found to be small. The roundabout will continue to operate with minimal queues and delays in the future year with the Hub development in place.
- 6.13 The results of a highway safety assessment show the existing estate access operates safely. There was only one accident reported in the assessment period which was attributed to driver error and poor weather rather than inadequate junction design. Mitigation measures for highway safety are not required.
- 6.14 The proposed development meets the sustainability objectives of the National Planning Policy Framework (NPPF) and its traffic impacts are not severe. On those bases there is no justifiable transportation reason why planning consent should be withheld.
- 6.15 In addition, the application is also accompanied by a Travel Plan prepared by Tetra Tech for the development. The Travel Plan proposes a number of methods by which 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.
- 6.16 Overall, it is considered that the proposals accord with NPPF paragraph 110 and Local Plan Policies ST1 and DM22 with regards to ensuring safe and efficient access by all users and encouraging sustainable modes of travel.

Flood Risk and Drainage

- 6.17 The application is accompanied by a Flood Risk Assessment (FRA) and Drainage strategy prepared by BGP.
- 6.18 The FRA confirms that the site is wholly in Flood Zone 1. Flood Zone 1 is land that is assessed as having less than a 1 in 1000 (0.1%) chance of flooding each year. Consequently, risk of flooding from fluvial sources is categorised as low.
- 6.19 Similarly the Surface Water Flooding map for Planning shows that the site is at Very low (<0.1%) risk to surface water flooding. As such the risk of flooding from overland sources is categorised as low.
- 6.20 With regards to the proposed drainage strategy, due to existing ground conditions which comprises of made ground underlain by slag and fused slag, infiltration would not be a feasible option. As such,

in accordance with the drainage hierarchy it is proposed that surface water from the development will discharge into the adjacent Nor Beck.

- 6.21 Subject to agreement it is proposed that discharge into Norr Beck is to be restricted to a brownfield rate of 42.4l/s Due to the lack of available open space within the site it is proposed that attenuation is accommodated via a sub-surface attenuation tank with volume to retain the 1 in 100 years + 40% climate change.
- 6.22 Foul drainage will remain private within the site. The foul sewers are to drain via gravity to the foul pumping station adjacent the car park before ultimately discharging into existing combined sewer.
- 6.23 As the site is at low risk of flooding and the proposed drainage strategy will not increase risk of flooding on or off-site the proposals are in full accordance with NPPF Paragraph 159 and Local planning policies ST1 and DM24 in respect of minimising flood risk.

Ecology

- 6.24 The application is accompanied by an Ecology Appraisal (EA) prepared by Tetra Tech (March 2022).
- 6.25 With regards to designated sites the EA identifies that the River Ehen SAC is located 1.2 km south, as the crow flies. The site is directly adjacent to Nor Beck which runs from the northeast of the site and flows via the River Keekle into the River Ehen SAC. Potential adverse effects may therefore result from pollution from surface water run-off, construction de-watering discharges, increases in sewage effluent, accidental spillages, alterations in hydrological characteristics etc. Suitable environmental protection measures should be actioned during construction and site preparation activities to ensure no pollution enters the Nor Beck. With mitigation, an LSE both alone and in combination, could be ruled out for all pathways of effect.
- 6.26 There are seven county wildlife sites (CWS) within 2km radius of the site. The closest CWS site is the River Keekle at 0.6 km to the west. However, given the distance from the site to the CWS, no adverse effects are considered likely and no further assessment required.
- 6.27 With regards to habitats present, the proposals require neutral and marshy grassland, and the edge of the broadleaved woodland to be removed. The habitats are considered low value, widespread habitat as well as being a part of a larger mosaic of habitats within the larger CMIQ site, therefore the loss of this habitat is likely not significant in the perspective of a wider landscape. However, these habitats have been found suitable in providing foraging and shelter opportunities for a range of species including nesting birds, bats, and invertebrates. Consequently, the site comprises a small

section of the greater CMIQ site which aims to provide mitigation for these species (Tetra Tech, 2021a).

- 6.28 In respect of protected and notable species present, no signs of Great Crested Newt (GCN) were found during the surveys with GCN confirmed as likely absent from the ephemeral water features. 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. Reasonable Avoidance Measures (RAMS) are recommended to protect notable species onsite. The Tetra Tech 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. The proposed development is therefore likely to impact reptiles present on site.
- 6.29 Reptiles observed during surveys were confined to areas of hardstanding with surrounding areas of scrub and grassland margins. Given the scope of the proposed development the habitat loss is likely going to impact reptiles within the wider CMIQ site. 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 RAMS to include restrictions on timing of site clearance to avoid the sensitive hibernation period.
- 6.30 With regards to bats the proposals will retain the majority of woodland and habitats corridors. Therefore, foraging and commuting bats are unlikely to be significantly affected by the proposal. However, commuting and foraging bats are highly sensitive to light spill and light pollution. Therefore, 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.
- 6.31 No badger setts or other signs of badger were recorded within the site (or within a 50m radius of the site). Therefore, it is considered unlikely that badger setts occur within the site boundaries. Notwithstanding this, mindful of their ability to rapidly establish new setts, it is recommended that a pre-works badger survey of the proposed development area is undertaken at least three months prior to work.
- 6.32 Breeding birds recorded on site included predominantly common passerine species breeding within the woodland edge on site. The proposed plan indicates that the majority of this habitat will be retained. Therefore, it is considered that the proposed development is unlikely to significantly affect local populations of breeding birds through habitat loss and availability of potential breeding territories.

6.33 With regards to invertebrates the site is likely to support a range of commonly occurring invertebrate species as well as some Local Biodiversity Action Plan and Sustainable Process Index species that were recorded within 2 km. The site recorded the presence of the cinnabar moth *Tyria jacobaeae* which is protected under the Section 41 of the NERC⁴ Act. The location of host plant species including birds-foot trefoil which is known to be dingy skipper's food plant were recorded along the site boundary. As such two further invertebrate surveys are necessary to meet the current guidance for a minimum of four invertebrate surveys with the additional surveys should be conducted in May and June to coincide with the flight period for dingy skipper.

6.34 As such the proposals are in accordance with NPPF Paragraph 174 and Core Strategy Policy ST1 with regards to ecology.

Trees

6.35 The application is accompanied by an arboriculture Impact Plan and Report prepared by Barnes Associates.

6.36 The trees proposed to be retained will require protection from alterations in ground levels and compaction of soils during the build phase and subsequent landscaping.

6.37 The proposal may affect retained trees, both on and off-site if appropriate protective measures are not taken and put in place. This presents a possible risk to retained trees. However, 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.

6.38 As such the proposals are in accordance with NPPF paragraphs 131 and 174 and Core Strategy Policy DM28.

Ground Conditions

6.39 The application is accompanied by the following report into ground conditions:

- Phase 2 Site Investigation, March 2022 prepared by Solmek

6.40 The Solmek investigations comprised of seven rotary boreholes and 13 ground samples. Made In the area of the proposed building, variable made ground depths were encountered, ranging from 2.80mbgl to 7.10mbgl and no voids/workings were recorded with no evidence of the shafts based on historical geophysics and slit trenching. It is therefore considered to adopt piled foundations.

6.41 Analysis of the soil samples is to follow although it is noted that the WYG Phase 2 Site Investigations presented the following risk register to sensitive receptors:

⁴ Natural England and the Commission for Rural Communities

- Human Health – Low (Soils) to High (Ground Gas)
- Controlled Water – Low to Moderate
- Current Site Users (on-site workers/visitors) – Low (Soils) to High (Ground Gas)
- Vegetation – Low
- Construction Materials – Moderate.

6.42 With regards to ground gas further gas monitoring is underway via measuring emissions from two standpipes that were installed during the sitework. The gas monitoring will consist of four visits over a period of one month. The gas monitoring results will be presented as an addendum and will include mitigation where required. Any mitigation required can be secured through the application of an appropriately worded condition.

6.43 On the basis of the above, the development proposals accord with NPPF Paragraph 183 and Core Strategy Policy ST1 in relation to ensuring safe ground conditions for development.

Design and Impact on Character of the Area

6.44 Core Strategy Policy ST1 and NPPF Paragraph 130 require that the design of development proposals respond appropriately to the site and surrounding context. The existing site is located within an established Industrial Estate and comprises part of the demise of previously demolished industrial structures and is immediately adjacent buildings currently in industrial use. A tree belt surrounds the site to the north and east, visually containing the site. Overall, there is little architectural merit in the immediate vicinity of the site.

6.45 The Proposals seek a maximum building height of 12metres on the site which allows for a two-storey commercial building plus roof plant accommodation and providing a degree of flexibility for the final building design to respond to end-user requirements. This maximum build height has also been informed by consideration of existing topography, tree cover and surrounding built environment.

6.46 Figure 3 shows a wireframe image of a 12m building (indicated in blue to left of image) on the site looking from Cleator Moor Celtic football ground towards the site. The image is taken from the Landscape and Visual Impact Assessment undertaken by One Environments that accompanies the separate CMIQ masterplan planning application, as such it also includes wireframes of additional proposed building plots – red and yellow. The image shows 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.



6.47 *Figure 3: Wireframe image of proposed maximum build heights. Proposed maximum build height of Hub building shown in blue.*

6.48 It is also noted that consequently a building of 12m will have no impact on the setting of the Town Centre Conservation Area.

6.49 With regards to detailed design and layout of the site, this will be established at subsequent reserved matters, however the submitted proposed uses parameters plan (Drawing no. DR-A-90005) illustrates the broad areas of the site to accommodate the proposed building and parking. The site layout is split between the car park situated at the end of the existing road to the west of the site and the hub building to be situated to the east of the site both on the main development areas of previous industrial structures.

6.50 The final position and orientation of the building will be established at subsequent Reserved Matters stage and will be placed such that existing high-quality habitats are not adversely affected and mindful of ground conditions. The main building may be orientated around pedestrian access from the existing public paths to the north and east with informal connections currently available through to the Coast-to-Coast route and Cleator Moor town centre.

6.51 Similarly, appearance, building materials and landscaping will also be established at reserved matters stage, nevertheless the DAS sets out a set of design aspirations and illustrative designs as to how a future building on the site could come forward. It is intended that the final building design will relate

positively to its surroundings. The building will be a landmark in the wider redevelopment of Leconfield Industrial Estate, setting the benchmark for subsequent refurbishment and new buildings in terms of materials used and design features incorporated. The building will be a modern design response but will respect the surrounding trees and vegetation with the final layout of the site to be landscape-led with extensive new planting and public realm improvements to ensure a strong sense of place and pleasant environment is created.

- 6.52 The scale of the proposals at up to 4,000sqm GEA allow for a flexible response to end user requirements and appropriate resultant design response whilst also not dominating the site permitting existing trees to be retained whilst also providing for extensive landscaping, areas of open space and potential foot/cycle path connections to be delivered. The scale is commensurate to that of its Industrial Estate location and as such will not be incongruous to its surroundings.
- 6.53 Given the above considerations it is considered that the proposals accord with the principles of good design as set out at NPPF paragraphs 126-130 and Local Plan Policy ST1.

Residential Amenity

- 6.54 Given the site's visual containment, the nature of proposed operations and separation from residential properties, it is considered that there will be negligible impact on the levels of amenity currently enjoyed by neighbouring residential properties or environmental health more widely resulting from noise, light, ground contamination, air quality or visual impact. The proposals therefore accord with NPPF Paragraphs 130, 186 and Core Strategy Policy ST1 in protecting residential amenity and environmental health.

7. Summary and Conclusions

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that applications for planning permission be determined in accordance with the statutory development plan unless material considerations indicate otherwise.
- 7.2 This Planning Statement has set out how the proposed development accords with the NPPF and the relevant policies of Copeland Borough Council's adopted Development Plan and saved policies.
- 7.3 The development proposals seek the in-principle acceptance of the development of the site to accommodate a single building comprising:
- Up to 4,000sqm (GEA) floor space
 - 12m build height
 - To accommodate a mix of 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))
- 7.4 The site is an allocated employment site in the key service centre of Cleator Moor as defined in the adopted Development Plan where development for employment uses and supporting non-employment uses are considered acceptable. In this regard the principle of development has been established and is considered acceptable.
- 7.5 Furthermore, in relation to the technical surveys undertaken on the site have demonstrated:
- that the proposals will not severely impact the surrounding highways network and that no junction mitigation is required.
 - no notable or protected species are present on the site and that with appropriate management in place during construction there will be no significant impact on local wildlife.
 - there will be no significant visual impact given existing tree cover and topography, notably due to intervening buildings the site is obscured from the conservation area.
 - the proposals accord with national and local planning policy objectives that prioritise the reuse of vacant brownfield land and will assist in the economic regeneration of Cleator Moor and Copeland Borough more widely by facilitating the prompt delivery of the CMIQ proposals.
- 7.6 Overall, the proposals will not result in harm that would outweigh the benefits of granting permission.

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