Allerdale Borough Council
Planning Application 2/2018/0568
Development Panel Report

Reference Number: 2/2018/0568
Valid Date: 12/12/2018
Location: Proposed Service Station Toll Bar Workington
Applicant: Ms Nazia Shah
Proposal: Erection of roadside services (petrol filling station, drive-through coffee shop and drive-through restaurant) with associated site works including car parking, modified vehicular access/egress and landscaping.

RECOMMENDATION
GRANT PERMISSION SUBJECT TO CONDITIONS

1.0 Summary

<table>
<thead>
<tr>
<th>Issue</th>
<th>Conclusion</th>
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</thead>
<tbody>
<tr>
<td>Principle of Development</td>
<td>The locational requirements of the development and the aggregation of this uses are accepted. In this context, the development is a sustainable, job creating proposal. It is considered that the commercial viability of roadside services such as those proposed are intrinsically linked to their location.</td>
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<tr>
<td>Highways Matters</td>
<td>The Highway Authority and Highways England have responded in full regarding highway issues with no objections in principle subject to appropriate planning conditions. They accept the principle of the access, site layout, transport issues, traffic flows and trip generation related to the development. This is subject to a necessary pedestrian crossing of the A597 regarding pedestrian safety.</td>
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<td>Landscape, Design and Amenity</td>
<td>Acceptable in all respects to achieve a satisfactory standard of development with no adverse impacts</td>
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<td>Drainage</td>
<td>A sustainable drainage strategy is considered achievable and conditions for further details</td>
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2.0 Proposal

2.1 This is a full planning application for the erection of roadside services (petrol filling station, drive-through coffee shop and drive-through restaurant) with associated site works including car parking, modified vehicular access and landscaping. The consultation process has resulted in the need for off-site works regarding highway improvements and a pedestrian crossing of the A597. In brief the proposal includes:

- Canopy covered fuel dispensing forecourt of eight fuel pumps with four pump islands;
- Covered fuel dispensing forecourt for Heavy Goods Vehicles of three fuel pumps;
- Single storey petrol filling station building with ancillary sales kiosk and ‘food to go’ outlet with a Gross External Area (‘GEA’) of 505m² and a Gross Internal Area (GIA’) of 478 m²;
- Single storey drive-through restaurant of 334 m² GEA / 309 m² GIA;
- Single storey drive-through coffee shop of 224 m² GEA / 204 m² GIA;
- Provision of 60 no. car parking spaces across the site, including 6no. disabled spaces and 3no. electric vehicle charging points.

2.2 The Plans for consideration are:-

4098.01A Lillyhall, Workington Landscape Layout
180106 - PL - 05a - Proposed Petrol Filling Station Elevations
180106 - PL - 09 - Proposed Drive Thru Coffee Shop Internal Layout
180106 - PL - 10 - Proposed Drive Thru Restaurant Internal Layout
180106 - PL - 08 - Proposed Petrol Filling Station Internal Layout
180106 - PL - 03 - Proposed Site Layout
180106 - PL - 04 - Proposed Site Elevations
180106 - PL - 06 - Proposed Drive Thru Coffee Shop Elevations
180106 - PL - 07 - Proposed Drive Thru Restaurant Elevations

Flood Risk and Drainage Strategy
2.3 The application can be viewed at:

http://planning.allerdale.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=199421

3.0 Site

3.1 The site comprises a previously developed site occupied by a care home, now demolished. The site has been cleared of all previous development.

3.2 It is located on land to the east of the A597 and to the north of the A595 (Trunk) at Lillyhall. The site is positioned immediately to the north-west of the roundabout junction of the A597, A595 and the B5306.

3.3 The application site falls within an area characterised by a mix of land uses and major road infrastructure. The ambulance station is noted nearby, Lakes College near opposite, car sales showroom, day nursery and learning centre are present with scattered dwellings in the near vicinity. The closest residential properties at Distington Toll Bar are found to the south, across the A595 within 60 metre and forming part of the Distington settlement.

3.4 Further distant to the east of the site is the Lillyhall Industrial Estate which has developed around this part of the A595. This estate is home to a variety of businesses, car dealerships and industrial units.

3.5 With regard to the site’s wider locational context, the nearest significant residential development are the settlements of Distington and High Harrington. Workington town centre is located some 5.5km to the north, Whitehaven 7.5km to the south and Cockermouth is approximately 14.2km to the north-east.

4.0 Relevant planning history

4.1 There is no relevant planning history

5.0 Representations

5.1 Workington Town Council

Objection with regard to pedestrian safety, traffic management and congestion, fast food outlets near schools and colleges.

5.2 Winscales Parish Council

Objection with regard to highway safety and congestion. Also with regard to adequate petrol station provision already at Lillyhall.

5.3 County Highway Authority
No objections in principle subject to conditions and a S278 agreement for the implementation of highway improvements and a controlled pedestrian crossing of the A597.

5.4 **Highways England (trunk road A595)**

No objections in principle subject to conditions and a S278 agreement for the implementation of highway improvements and a controlled pedestrian crossing of the A597.

5.5 **ABC Environmental Protection**

No objections subject to conditions regarding construction management and ventilation of odour.

5.6 **Copeland B C**

Objection with regard to layout, design, landscape impact and a requirement for further transport assessment information.

5.7 **Cumbria Police**

No objections in principle. General crime prevention advice offered with reference to precise location of the ATM machine.

5.8 **North West Ambulance**

Comments regarding the siting of a pedestrian crossing on the A597 which they feel would potentially impact upon the speed and ease of exit of emergency vehicles from the ambulance station. They have suggested a solution of a control switch within the station to override the lights, which would remove their concerns.

5.9 **United Utilities**

No objections with standing advice regarding a sustainable drainage solution.

5.10 **Coal Authority**

No objections in principle as the site is not within a High Risk Area

5.11 **CCC Mineral Safeguarding**

No objection

5.12 **Other**

The application has been advertised on site and in the local press. Adjoining landowners where known have been notified. There have been 8 letters of objection regarding highway danger, traffic congestion and the impact on the
existing Lillyhall petrol station that is considered an adequate local provision.

6.0 **Environmental Impact Assessment**

6.1 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017: the development does not fall within Schedule 1 nor 2 and, as such, is not EIA development.

7.0 **Development Plan Policies**

7.1 **Allerdale Local Plan 1999**

The site is not within the allocations for Lillyhall

7.2 **Allerdale Local Plan (Part 1)**

S1 Presumption in Favour of Sustainable Development  
S2 Sustainable Development Principles  
S3 Spatial Strategy and Growth  
S4 Design Principles  
S5 Development Principles  
S6a Workington area  
S12 Land and premises  
S16 Town Centres and Retail  
S22 Transport Principles  
S29 Flood Risk and Surface water Drainage  
S30 Reuse of Land  
S32 Safeguarding Amenity  
S33 Landscape  
S35 Protecting and Enhancing Biodiversity and Geodiversity  
S36 Air, water and soil quality  
DM8 Protecting Town Centre Vitality and Viability  
DM14 Standards of Good Design  
DM16 Sequential Test for Previously Developed Land


8.0 **Other material considerations**

8.1 **Allerdale Borough Local Plan (Part 2) Submission Draft**

The site is beyond the SA36 employment allocation for Lillyhall. No other allocations apply.


Para 80

“Planning policies and decisions should help create the 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.”

Para 86

“Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Para 109

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”


8.3 National Planning Practice Guidance

Accompanying online, live guidance to the NPPF.

https://www.gov.uk/government/collections/planning-practice-guidance

8.4 Allerdale Borough Council Plan 2019-2023

“We will support growth in the volume and range of jobs on offer through high quality business support activity, using our Local Plan to support sustainable growth, and investing in creating and growing local businesses through initiatives such as the Allerdale Loans Fund. Through our Regeneration and Investment Programme we will deliver ambitious projects such as the new stadium for Workington, providing a fantastic sporting and community facility as well as supporting local businesses by making the place more attractive to investors.

We will work hard with our partners to create the right conditions for growth including activity to improve connectivity and infrastructure across our area. This means road and rail infrastructure, but also broadband and business accommodation. We will look for opportunities to create and improve business accommodation so that there are quality places for enterprise and business to thrive.

We will continue to play our part as an employer by paying the Foundation Living
Wage to our staff and encourage others to do the same including our major contractors. We want to increase the amount we spend with local businesses so will be buying more goods and services locally where we can.

All of the activity set out above will help to attract new businesses to our area. We will also continue to put energy into promoting the area as a great place to do business to help create more varied work opportunities and make our local economy less reliant on a small number of business types."

8.5 **Planning appeal**

Baynard’s Green, Oxfordshire (Appeal Ref: APP/C3105/W/16/3151655)

9.0 **Policy weighting**

9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. This means that the Allerdale Local Plan 1999 saved settlement limits and the Allerdale Borough Local Plan (Part 1) 2014 policies have primacy.

9.2 A material consideration is the provisions of the revised NPPF. Paragraph 213 of the revised NPPF (2019) advises that the weight afforded to development plan policies can vary according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

9.3 The Allerdale Local Plan (Part 1) policies pre-date the revised NPPF and therefore full weight can only be afforded to those policies that are considered consistent with the revised NPPF. In this instance all of the policies relevant to the application are afforded full weight.

9.4 Paragraph 48 of the revised NPPF specifies that weight can be given to emerging plans according to their stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the Framework. Here, the site is beyond the allocations within the emerging Part 2 Local Plan and, therefore, the weighting of these policies is not relevant in this instance.

10.0 **Assessment**

10.1 **Principle of Development**

10.1.1 The principle of development is assessed against current local plan policy S16 regarding out of town development for this mixed-use of petrol station with ancillary retail sales, coffee shop and restaurant.
10.2 **Sequential Approach**

10.2.1 The coffee shop and restaurant are considered main town centre uses as advised by the NPPF. As such the matter of a Sequential Test as detailed in policy S16 and the NPPF is necessary to justify the out of town location. The ancillary retailing of the petrol station is not considered to require such an approach with the ancillary nature and small amount of floorspace not triggering any sequential approach or retail impact.

10.2.2 The applicant’s business model involves the provision of fuel, rest and refreshment to the travelling public rather than focusing purely on the sale of fuel. This proposal alongside the A595 is planned to provide a drive-through coffee shop and drive-through restaurant, alongside fuel and ancillary sales kiosk. It is expected that the coffee shop and restaurant units will be operated by one of Eurogarages’ key national partner brands. It is envisaged that this offer will cater primarily for the needs of those travelling along the A595, but will also be well placed to provide for the surrounding workforce at the Lillyhall industrial estate. The sequential assessment presented by the applicant explains that there is a ‘location specific need’ for the main town centre uses proposed, that cannot be disaggregated within the business model, given that the scheme’s role and function is to serve the travelling public on the A595. As such there is negligible flexibility in terms of format and scale. A sequential test has been provided to demonstrate that there are no sequentially preferable sites within the defined catchment area which the development proposals seek to serve.

10.2.3 It is evident that the commercial viability of roadside services such as those proposed as part of this planning application is intrinsically linked to their location. The applicant has selected this particular roundabout junction because it has direct connectivity to the A595 and a passing customer base. It therefore guarantees continuous pass-by vehicular trade, which is commercially essential for any roadside facilities particularly with a fuel sales element. The need for roadside services in this location has been identified by the applicant and this is the driving principle behind the application. The fact that service areas serve a relatively unique role and are heavily reliant on ‘pass-by’ trade is very important in the context of the sequential test’s application. The Planning Practice Guidance emphasises that locational requirements should be taken into consideration in applying the sequential approach. Paragraph 11 (Reference ID: 2b-011-20140306) highlights that the “use of the sequential test should recognise that some main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations”. This reflects the flexibility required by Local Planning Authorities in the sequential approach.

10.2.4 Reference is made to a relevant planning appeal decision from January 2017 for a drive-through restaurant adjacent to existing roadside services at Baynard’s Green, Oxfordshire (Appeal Ref: APP/C3105/W/16/3151655). In allowing this appeal the Planning Inspector confirmed that:

“The purpose of the sequential test is to demonstrate that there are no alternative
sites within a town centre or edge of centre locations. Given that the purpose of this development is to provide roadside facilities for motorists on the A43, which by definition is unlikely to be within a town centre, I consider the sequential test to be of little relevance to this appeal…” (APP/C3105/W/16/3151655).

10.2.5 The comments of the Inspector confirm that, to provide the proposed retail and leisure floorspace within an existing town centre, would be illogical because in such a location it would be unable to serve its intended catchment, or fulfil its intended role and function. In the case of this planning application, the role and function of the commercial floorspace proposed is to serve the travelling public using the A595. Accordingly, it can be demonstrated that the scale and form of retail development proposed is wholly compliant with the sequential approach by virtue of there being a ‘locational requirement’ for it to be accommodated alongside the A595, where it can best serve the needs of this particular part of the road network (its intended catchment).

10.2.6 Notwithstanding this, the applicant has undertaken a proportionate sequential test within an appropriate catchment area to accommodate the type and scale of development proposed. Allowing for some flexibility, a site of at least 0.8ha is required for the development as a whole. In order to satisfy the locational requirement to serve the motorists of the A595, alternative sites have been considered along the catchment of the A595 within a ten minute drive of the road.

10.2.7 Workington town centre is the nearest defined centre to the application site at 6.4km and an 8 minute drive. As the application has a locational need to offer roadside services, the 16 minute diversion for motorists is not practical and the town centre or its periphery are not preferable sequentially. Cockermouth is the only other location within a 10 minute drive with its town centre at 13km from the application site having difficult accessibility from its closest junction. The existing Eurogarages in the vicinity of the A66 bypass (at the junction with the A5086) bears witness to the inappropriate town centre location for road side services. Furthermore, to have another facility in this location would be commercially unviable and therefore not sequentially preferable.

10.2.8 Other settlements in the area within the catchment of the A595 include the Local Service Centres of Brigham and Broughton. The accessibility and rural nature of these settlements is wholly inappropriate as alternative sites and with the added policy constraints of appropriate scale and setting.

10.2.9 This assessment of the Borough’s defined centres and the centre hierarchy has established that there are no alternative ‘in centre’ or ‘edge of centre’ sites which are suitable and capable of accommodating the proposed development. As a result, compliance can therefore be demonstrated with the sequential approach to site selection as set out in Paragraph 86 of the NPPF and Policies S16 and DM8 of the Allerdale Local Plan (Part 1). The exemption from a strict sequential approach due to locational need is also an overriding factor informed by recent appeal caselaw.
10.3 Retail Impact

10.3.1 With regards to trading impact the NPPF is clear that, when assessing applications for retail development outside of existing centres, Local Planning Authorities should only require a retail impact assessment if the development is over a locally set floorspace threshold. Where no such floorspace threshold is set, a default threshold of 2,500 m$^2$ should be adopted.

10.3.2 In this respect Policy DM8 of the Local Plan establishes a locally set threshold for proposals for retail and leisure developments above which an impact assessment is required. For Workington (Lillyhall included), a threshold of 500 m$^2$ is established.

10.3.3 The only retail floorspace within the proposed roadside services scheme is contained inside the petrol filling station’s sales kiosk, which provides day-to-day convenience goods for customers on the move. This building extends to just 478 m$^2$ of floorspace and will have a net retail sales area of 203 m$^2$ (not all of this is convenience shopping as there will also be basic motoring (comparison) goods).

10.3.4 Accordingly, given that the total retail goods floorspace proposed as part of the scheme is less than the locally set threshold, it is unnecessary to apply the impact test to the retail component of the application proposals, having regard to the wording of policy DM8.

10.3.5 In summary, it has been demonstrated that the customer base of the proposed roadside services facility will be ‘pass-by’ traffic from the A595 and A597, rather than residents of Workington and its surroundings who are fully expected to continue to rely upon the closer, larger, and more varied offer of their town centre. Given the much larger size of Workington town centre and varied retail offering, it is not considered that the proposals would result in a significant, adverse impact upon the vitality and viability of the town centre. Accordingly, compliance can be demonstrated with policy DM8 of the Local Plan (Part 1).

10.4 Economic growth

10.4.1 Economic growth and supporting businesses is one of the underpinning principles of sustainability detailed in the NPPF and fully echoed in policy S2 of the Local Plan. Figure 6 of the Local Plan Part 1 identifies Lillyhall as a Key Employment Site and the allocations in the 1999 Local Plan Draft Part 2 reflect this objective. Policy 6a notes the expectation that the majority of the Plan’s employment needs should be met in key sites in the Workington Locality (including Lillyhall) as it is central to the delivery of the Allerdale’s economic strategy.

10.4.2 This proposal does not use land identified for employment use and therefore doesn’t deny opportunities for key sectors such as energy and research and development. In fact the site’s location is complementary to attracting these sectors; such industries benefit from the services that the proposal provides to employees. It also provides jobs in its own right; the applicant estimates this to be 74 full and part-time jobs which, given the hours of operation, floorspace and mix of uses, is considered accurate.
10.4.3 The benefits arising from the jobs complementing the nearby allocations for employment uses can be afforded significant weight in the overall balance.

10.5 Previously developed land

10.5.1 The site was previously developed but the remains of development have not blended into the landscape. It therefore remains previously developed land as defined in Annex B of the NPPF and the benefits arising from its redevelopment rather than using greenfield land can be afforded weight in accordance with policy S30 of the Local Plan.

10.6 Design, visual amenity and Landscape

10.6.1 Policies S4, S32 criterion b) and S33 are applicable. Lillyhall is beyond the settlement limits for the main built up area of Workington extending to High Harrington. However, it is clearly not a countryside location and is characterised by industrial buildings, car retailers, the College and highways infrastructure including the ancillary signage, lighting, barriers etc. This landscape has evolved but, for the past 100 years and more, been characterised by large non-vernacular structures. These were and still are prominent within the landscape with views from sensitive visual receptors, such as the High Harrington to Distington cycleway as well on the A595 and A597, dominated by such structures. They will form a backdrop to the experience of the proposal from all of these receptors, including from Distington and the Distington by-pass in Copeland.

10.6.2 This is true during night-time as well as during the day, with significant existing lighting, not least from the lighting columns surrounding the A595/A597 roundabout and the adjoining external used car sales areas. It is not a landscape sensitive to change and provides a basis for such uses to assimilate without harm. However, it is noted that the existing lighting within the vicinity is such that there is little spillage beyond areas that it serves. Although lighting has been proposed as part of the development, the Council needs to be assured that the additional lighting does not create any unnecessary and undesirable light pollution. As such a lighting condition is proposed.

10.6.3 The three buildings proposed are all single storey with mono-pitched roofs. They would be by no means the largest buildings within the landscape. A contemporary design has been proposed typical of such buildings with a varied use of cladding materials appropriate for this site and surroundings. Again, there is an eclectic mix of structures within the vicinity including the ambulance station and the Myers and Bowman car garage/retailer. The proposed designs would assimilate into this landscape of varied modern forms.

10.6.4 A landscaping scheme and boundary treatment proportional to this type of development at a roadside location is planned that contains the site. The buildings are distinctive and are visible to the road frontages without detracting from visual amenity. The design and layout as a whole is such that it identifies the site and its use effectively as familiar roadside service facilities.
10.6.5 The proposal is considered to accord with policies S4, S32 b) and S32.

10.7 Access and transport

10.7.1 Policy S22 of the Local Plan advises that, where possible, new development should actively seek to improve travel choice and reduce the need to travel using private motor vehicles. There is an acknowledgement in the justification that car ownership is an essential part of everyday life in Allerdale. Proposals such as for petrol filling stations are currently an obvious requirement for such life and the business plan of including other uses within the mix is a necessary part of ensuring that they are viable going forward; witness the closure of so many standalone filling stations without such other complementary uses. However, in the context of policy S22, there is still a role in ensuring that such proposals are located in as sustainable location as possible so they can be accessed by foot and bicycle from nearby employers and homes. This increases the potential for a greater percentage of custom and employees to access the site by non-car modes.

10.7.2 This proposal is considered to maximise this potential:

a) There is an existing cycleway along the frontage connecting to the rest of Lillyhall as well as Distington via a signal controlled crossing across the A595 or the subway under the Distington bypass (part of the longer distance cycleway to Whitehaven and Parton and northwards to High Harrington and Workington).

b) There are bus stops served by the 30 service within the locality of the site (albeit with no signal controlled crossing to get to the southbound stop). Lillyhall is served by the 30 and 300 services connecting to Workington and Whitehaven.

c) There is lit footway connectivity, within an acceptable walking distance to the employers of Lillyhall and the College (albeit without a signal controlled crossing point) as well as to Distington village.

A signal controlled crossing is clearly a requirement as a result of applying policy S22, especially given the desire line from the College to the proposal’s non-petrol filling station uses.

However, inevitably due to the drive-through and petrol filling station elements there is a residual impact derived from motor vehicles accessing the site. This needs robust assessment in accordance with criterion f) of policy S22.

10.7.3 With regard to the scale of the development and its location at the junction of the strategic road network of the A595 and A597, a Transport Statement (TS) has been provided based upon the guidance of the NPPF. The TS has been submitted and subsequently amended at the request of the Highway Authority and Highways England to address the following:

a) An assessment of accessibility of the site by sustainable modes of travel
This has already been assessed in this report above (para 10.7.2).

b) A description of the proposed development, including the access strategy and car parking provision.

The existing access is to be used with necessary improvements to accommodate the scale of development. A Swept Path Analysis has been undertaken regarding larger vehicles for access and turning within the site. The specification and layout of the proposed car parking bays (2.4m x 5.0m) would be in accordance with national guidance. The coffee shop will be allocated 18 spaces (2 disabled) and the restaurant 18 spaces (2 disabled). Although there is no guidance for parking provision for petrol stations with its small ancillary retail offer, the 17 spaces (2 disabled) proposed is considered acceptable. Cycle parking is provided with 18 spaces in total.

To ensure that the number of the proposed car parking spaces is sufficient, a car parking accumulation exercise has been carried out using the Trip Rate Information Computer System (TRICS). The results have been confirmed as acceptable by the County Highways Authority.

c) A review of Transport Policy

The applicant has referenced all relevant local and national policy guidance and how the development proposals align with these policies. This is acknowledged by both the County Highways Authority and Highways England.

d) An overview of the existing site and description of surrounding highway network, including a review of Personal Injury Collision data.

The TS concludes that, in the most recent five year period available, there have been no collisions directly at the junction between the site access and the A597. Although there have been a number of accidents reported within the wider area of interest, the accident data does not indicate any inherent road safety issues with the current layout of the roads and junctions in the vicinity of the site.

e) An assessment of the residual trip generation associated with the existing use on site and the proposed development, including a trip generation comparison exercise.

The industry-standard TRICS database has been used to establish an average trip rate for the proposed and existing developments, based on surveys conducted at similar sites. The TA findings are considered in paragraphs 10.7.4 to 10.7.8 below.

10.7.4 The TRICS modelling is very much a computer exercise with broad assumptions made relating to the site circumstances and land uses. The applicant has
interrogated the data further to provide a more realistic assessment with reference to existing roadside services of a similar type. This assessment considers comparisons of trip types including new (additional), linked, and pass-by trips. Pedestrian trips to the site have also been considered at the request of the Highways Authority with additional information provided.

10.7.5 For clarity the report explains that 70% of visits to the proposed petrol station site will be pass-by trips i.e trips already being made and when the motorist calls in when passing by. 10% will be linked trips to all three elements of the site with 20% being destined for only one of the elements of the proposed use. This percentage split has been corroborated by both Highways England and the County Highways Authority.

10.7.6 The 30% of daily weekday total trips amounts to 1,346.\(^1\) It is noted that a manual count was taken on the A597 within the immediate vicinity of the application site in 2018.\(^2\) This revealed a total Annual Average Daily Flow of 13,063 motor vehicles or which 10,589 were cars and taxis. Therefore, the new trips to the proposal would represent 10% increase of the total trips on the A597. The percentage decreases further when the additional trips resulting from the proposal are considered against the estimated 2018 Annual Average Daily Flow of 25379 on the A595.\(^3\)

With regard to peak hours, the petrol station element would generate a total of 179 two-way vehicle trips during a typical weekday morning peak hour (8am to 9am) and a total of 217 two-way vehicle trips during a typical weekday evening peak hour (5pm to 6pm).

The two drive-through elements of the proposed development would generate a total of 117 two way vehicle trips during a typical weekday morning peak hour (8am to 9am) and a total of 113 two way vehicle trips during a typical weekday evening peak hour (5pm to 6pm).

With regard to weekend opening, the Saturday inter peak hour for the petrol station element of the proposed development would occur between 11am and 12am, when the highest number of trips would occur totalling 215 two-way vehicle trips. For the drive-through elements, a Saturday inter peak hour would occur between 1pm and 2pm, with a total of 201 two-way vehicle trips forecasted.

The DfT count figures are not broken into hourly segments in the same way as the assessment was undertaken in the TA. However, the TA clearly shows that the peak hour generation arising from the development does not have a significant impact, a conclusion verified by both the County Highways Authority and Highways England, subject to conditions. The assessment also acknowledged the previous care home use and its associated trip generation.

10.7.7 Part of the conditional approval from both highways agencies is the provision of the pedestrian crossing. The key issue is that of possible backing-up of traffic to the roundabout due to the crossing and traffic lights. Highways England, responsible for the flow of traffic on the A595, has accepted the principle of a controlled crossing. They have confirmed that the pedestrian crossing will not

\(^1\) 30% of 4,486 calculated in Table 6.4 of the TS.
\(^2\) Manual Count Point Site Number 77937
\(^3\) Manual Count Point Site Number 18601
have a significant adverse impact on traffic flows from the A595. A plan to site and design the crossing will be required by condition as agreed with the Highway Authority who is responsible for the A597 stretch of highway where the crossing will be located. This matter will be controlled for implementation by condition and by a Section 278 Agreement with the Highway Authority which will also include the necessary funding commitment.

10.7.8 The pedestrian crossing has been brought to the attention of the North West Ambulance Service. They have raised a comment regarding the potential impact of the crossing on their vehicle access regarding safe and speed efficient exit by emergency vehicles. It is proposed by the Ambulance Service that a control switch for the crossing can be installed within the station to override the lights and overcome any possible congestion opposite the ambulance station. The Highway Authority has commented that this is possible subject to details. The Safety Audit required as part of the pedestrian crossing planning condition will need to assess such matters and be subject of further consultation.

10.7.9 In view of the scale of development at this location a Travel Plan will be required to accord with criterion f) of policy S22 of the Local Plan. The Travel Plan is necessary to ensure that the modal split assumptions made within the Transport Statement (TS) are reflected in the everyday functioning of the development. It will need to identify the measures that will be undertaken by the developer to encourage the achievement of a modal shift away from the use of private cars to visit the development to sustainable transport modes. Although the proposed use offers roadside services that are principally aimed at passing car users, the offer of ancillary retail, food and drink is attractive to the catchment area of residents, workplace employees and students. Their alternative transport means to the site are a material consideration in managing access to the site. The Travel Plan can be conditioned for submission and review.

10.8 Drainage

10.8.1 The site is located within flood zone 1, the sequentially preferred location for development as stated in policy S29 of the Local Plan. (Part 1).

10.8.2 A preliminary drainage strategy has been provided regarding foul and surface water. Foul drainage is planned to the public sewer by gravity, this being the preferred method of discharge in the foul drainage hierarchy. An application has been made to United Utilities.

10.8.3 The applicant has acknowledged the need for a sustainable surface water drainage solution to accord with policy S29 of the Local Plan. Percolation tests have not been submitted on this occasion and the ability of the site for surface water infiltration has not been determined. The applicant recognises this and, notwithstanding further site investigations regarding infiltration, a hybrid scheme of sustainable drainage is proposed. This would be based upon permeable paving and surface water containment and management within the site combined with attenuation of discharge rates to the public sewer. Nearby watercourses within 170 metres are not practical on this occasion with regards to land ownership and wayleaves.
10.8.4 On balance the hybrid surface water drainage solution is acceptable in principle but requires more information that can be conditioned. The applicant has addressed the sustainable hierarchy of drainage with the option of an outfall connection to the public sewer subject to United Utilities agreement. United Utilities has responded with no specific objection to the hybrid approach and offer standing advice to achieve the most sustainable method possible. They suggest a management and maintenance regime to minimise impact on their assets regarding the rate and quality of discharge. The Local Lead Flood Authority has not objected and advises conditions regarding highway drainage and a sustainable surface water drainage system.

10.9 **Contamination**

10.9.1 The applicant has submitted a Phase 1 Environmental Study relating to the possible land contamination on or near to the site. The report concludes that the site is not in a High Risk Area for past coal mining and there are no other forms of potential contamination from past uses or landfill within 250 metres of the site. As such the report recommends a watching brief for unexpected contamination. Allerdale Environmental Health and the Coal Authority concur with this and an appropriate condition is considered necessary and reasonable.

10.9.2 A condition is also required in recognition of the potential for pollutants contaminating ground water given the proposed petrol filling station use and extent of parking and manoeuvring areas.

10.9.3 The proposal accords with policy S36 of the Local Plan (Part 1) as a result.

10.10 **Ecology**

10.10.1 The site is a brownfield site located within an urban environment, fragmented from any areas of green space by major roads. The site has some scrub vegetation and scattered trees within the site and on the boundary. The site is predominantly of concrete hard standing, scrub and broken mixed surfaces bounded by a metal fence. The area outside the boundary fence is of mixed vegetation and soft landscaped areas between the road and the site.

10.10.2 The proposal site is highly disturbed, given the proximity to the A597 and A595 (T) roundabout intersection. The area is considered of negligible importance from a nature conservation perspective. The only minor constraint may be the potential of the scrub and planted shrubs as a bird-nesting habitat. There is evidence of Japanese Knotweed on site and this needs to be removed prior to works commencing and disposed of following the correct procedures in order to prevent further colonisation of the species. This can be secured by planning condition.

The proposal accords with policy S35 of the Local Plan (Part 1)

10.11 **Trees**

10.11.1 A tree survey has been provided that identifies remaining trees on the site from
the gardens and landscaped areas of the previous care-home use. The trees of the site are mostly minor or damaged poor specimens apart from a small group on the rear boundary. They are not worthy of a Tree Preservation order applying the TEMPO assessment.

10.12 Amenity

10.12.1 This is a consideration detailed in policy S32 of the Local Plan Part 1. This is not limited to residential amenity but also that of passing pedestrians and cyclists during both the construction and operational phases of the development.

10.12.2 The drive through restaurant has the potential to pollute in terms of odour and/or air quality without the appropriate mitigation. Given the proximity of the existing cycleway and pedestrian footway, this is a matter that needs to be addressed at this planning stage and can be done so by condition. Noise is not considered to be a consideration per se given the juxtaposition with the A595. Nevertheless, it is still necessary to secure appropriate management of the site through the construction phase. This is specifically necessary given the proximity of places of work and education including the Ambulance Station, Myers and Bowman and the Lakes College.

11.0 Conclusions

11.1 Assessed against the provisions of the development plan in the first instance, this is considered to be a sustainable development that accords with the provisions of this Plan subject to conditions.

RECOMMENDATION

GRANT PERMISSION SUBJECT TO CONDITIONS
Annex 1

CONDITIONS

Time Limit:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990.

In Accordance:

2. The development hereby permitted shall be carried out solely in accordance with the following plans:

   - 4098.01A Lillyhall, Workington Landscape Layout
   - Arb Report - 4098 Lillyhall, Workington
   - 180106 - PL - 05a - Proposed Petrol Filling Station Elevations
   - 180106 - PL - 09 - Proposed Drive Thru Coffee Shop Internal Layout
   - 180106 - PL - 10 - Proposed Drive Thru Restaurant Internal Layout
   - 180106 - PL - 08 - Proposed Petrol Filling Station Internal Layout
   - 180106 - PL - 03 - Proposed Site Layout
   - 180106 - PL - 04 - Proposed Site Elevations
   - 180106 - PL - 06 - Proposed Drive Thru Coffee Shop Elevations
   - 180106 - PL - 07 - Proposed Drive Thru Restaurant Elevations

Reason: To ensure that the development is implemented in accordance with the plans that were assessed as being acceptable and sustainable.

Pre-commencement conditions:

3. Development shall not commence until details and location of a controlled pedestrian crossing on the A597 as informed by a Road Safety Audit Stage 2 have been submitted to and approved by the Local Planning Authority.

Reason: In the interests of pedestrian safety and to accord with policy S22 of the Allerdale Local Plan Part 1 2014.

4. Development shall not commence until a Construction Method Statement including details of all on-site construction works, post-construction reinstatement, drainage, mitigation, and other restoration, together with details of their timetabling has been submitted to and approved by the local planning authority and shall include measures to secure:

a) Traffic Management Plan to include all traffic associated with the development, including site and staff traffic;
b) Procedure to monitor and mitigate noise and vibration from the construction and to monitor any properties at risk of damage from vibration, as well as taking into account noise from vehicles, deliveries. All measurements should make reference to BS7445.

c) Mitigation measures to reduce adverse impacts on residential properties from construction compounds including visual impact, noise, and light pollution.

d) A written procedure for dealing with complaints regarding the construction

e) Measures to control the emissions of dust and dirt during construction

f) Programme of work for the Construction phase;

g) Hours of working and deliveries;

h) Details of lighting to be used on site.

The approved statement shall be adhered to throughout the duration of the development.

i) Formation of the construction compound(s) and access tracks and any areas of hard standing;

j) Cleaning of site entrances and the adjacent public highway; the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;

k) Post-construction restoration/reinstatement of the working areas

l) Construction surface water management.

Reason: In the interests of the occupiers of nearby premises and highway safety to accord with policies S22 and S32 of the Allerdale Local Plan Part 1 2014.

5. Development shall not be begun until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

a) The construction of the site access and the creation, positioning and maintenance of associated visibility splays;

b) Access gates will be hung to open away from the public highway no less than 10m from the carriageway edge and shall incorporate appropriate visibility displays;

c) Proposed accommodation works and, where necessary, a programme for their subsequent removal and the reinstatement of street furniture and verges, where required, along the route;

d) Details of proposed crossings of the highway verge;

e) Retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;

f) Construction vehicle routeing;

g) The scheduling and timing of movements, temporary warning signs and banksman.

The development shall be carried out in accordance with the approved Construction Traffic Management Plan.

In the interests of the occupiers of nearby premises and highway safety to accord with policies S22 and S32 of the Allerdale Local Plan Part 1 2014.
6. The carriageway, footways and footpaths shall be designed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before any part of the development hereby permitted is commenced. No development shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is fully occupied.

Reason: To ensure a minimum standard of construction within the approved development in the interests of highway safety and to accord with policy S22 of the Allerdale Local Plan Part 1 2014.

7. No part of the development hereby permitted shall be commenced until full details of the ventilation and odour control measures to be installed at the development (including noise attenuation measures and predicted noise levels at the discharge point) have been submitted to and approved in writing by the Local Planning Authority. These measures shall be installed in accordance with the approved details and shall be fully operational before the use commences. The measures shall be retained as approved and maintained operational for the lifetime of the development.

Reason: In the interests of the occupiers of nearby premises and to accord with policy S32 of the Allerdale Local Plan Part 1 2014.

8. The development hereby permitted shall not be commenced until a scheme to install oil and petrol separators has been submitted to and approved in writing by the Local Planning Authority. The schemes shall be implemented as approved and retained thereafter.

Reason: In order to prevent pollution of the water environment and ensure no contaminated water from oil spills, fuel forecourts or goods vehicles is discharged to surface water or groundwater and to accord with policy S36 of the Allerdale Local Plan Part 1 2014.

9. The development hereby permitted shall not be commenced until a scheme to install underground tanks has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tanks, tank surround, associated pipe work and monitoring system. The scheme shall be fully implemented and maintained thereafter, in accordance with the details provided.

Reason: To ensure that the underground storage tanks do not have an adverse impact on the water environment and to accord with policy S36 of the Allerdale Local Plan Part 1 2014.

10. Notwithstanding the submitted details, before development commences, no external lighting shall be installed at the site unless a lighting scheme with details of size, design luminance and shielding arrangements has been submitted and
approved in writing by the Local Planning Authority. Any lighting shall be installed in accordance with the approved scheme and retained thereafter.

Reason: In order to minimise light pollution in the interests of visual amenity and to accord with policy S33 of the Allerdale Local Plan Part 1 2014.

11. Before development commences a detailed construction design plan and working method statement relating to site earthworks shall be submitted to the Local Planning Authority and approved in writing. The works shall be undertaken as approved.

Reason: In order to protect the integrity of the Highways England asset and avoid any adverse impact in accordance with policy S22 of the Allerdale Local Plan Part 1 2014.

12. Prior to the commencement of the 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) with a greenfield run off rate 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. Prior to commencement of the uses hereby approved, details of the surface water outfall(s) and any ‘in-river’ works shall be submitted to the Local Planning Authority for approval and the approved scheme shall be implemented and maintained in accordance with the approved details thereafter. 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 and to accord with policy S29 of the Allerdale Local Plan Part 1 2014.

13. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway (A597 and A595(T)) shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational at all times thereafter.

Reason: In the interests of achieving a satisfactory means of drainage.

14. Before development commences, a detailed method statement for the long-term management/eradication of Japanese Knotweed on the site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measuresto prevent the spread of Japanese Knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the
site are free of the seeds, roots or stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

Reason: To avoid the spread during construction works of an invasive and prohibited plant species in the interests of avoiding harm to the environment.

**Post-commencement/Pre use commencing conditions:**

15. The development shall not be brought into use until visibility splays and access arrangement providing clear visibility as shown on plan 180106 - PL – 03 Proposed Site Layout provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, or object of any kind shall be erected or placed and no trees, bushes or other plants which exceed 1m in height shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.

Reason: To ensure an acceptable standard of highway access during the construction and operational use of the site and to accord with policy S22 of the Allerdale Local Plan Part 1 2014.

16. No part of the development hereby approved shall be first brought into use until the controlled pedestrian crossing, the details of which are required to previously been approved by condition 3, has been implemented to the satisfaction of the Local Planning Authority (For clarity these works should be carried out under a S278 of the Highways Act).

Reason: In the interests of pedestrian safety and to reflect the assessed modal split and to accord with policy S22 of the Allerdale Local Plan Part 1 2014.

**Other**

17. Within 6 months of the development (or any part thereof) opening the business, the developer shall prepare and submit to the Local Planning Authority for their approval a Travel Plan which shall identify the measures that will be undertaken by the developer to encourage the achievement of a modal shift away from the use of private cars to visit the development to sustainable transport modes. The measures identified in the Travel Plan shall be implemented by the developer within 12 months of the development (or any part thereof) opening for business.

Reason: To aid in the delivery of sustainable transport objectives from the operational use of the development in accordance with policy S22 of the Allerdale Local Plan Part 1 2014.

18. Upon commencement of the use hereby approved, an annual report reviewing the effectiveness of the Travel Plan required by condition 17 and including any
necessary amendments or measures shall be prepared, submitted to and approved by the Local Planning Authority.

Reason: To aid in the delivery of sustainable transport objectives from the operational use of the site in accordance with policy S22 of the Allerdale Local Plan Part 1 2014.

19. All hard and soft landscaping works shall be carried out in accordance with the approved landscaping plan. The approved scheme shall be fully implemented within the first planting season following the first use of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to enhance the appearance of the development and minimise the impact of the development in the locality in accordance with policy S33 of the Allerdale Local Plan Part 1 2014.

20. 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 immediately to the Local Planning Authority. Development on the part of the site affected must be halted and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to the development (or relevant phase of development) being brought into use. All works shall be undertaken in accordance with current UK guidance, particularly CLR11.

Reason: To minimise any risk arising from any possible contamination from the development to the local environment