

## Allerdale Borough Council

### Planning Application FUL/2021/0067

#### Development Panel Report

**Reference Number:** FUL/2021/0067  
**Valid Date** 01/03/2021  
**Location:** Princess Hall, Princess Street, Workington CA14 2QG  
**Applicant:** Redacre Investments LLP  
**Proposal:** Demolition of existing two storey building and the construction of a two storey mixed use building accommodating 2 no. retail units at ground floor with 7 no. apartments at first floor, alongside 3 no. town houses

#### **RECOMMENDATION**

That the decision to grant permission subject to conditions be delegated to the Chief Officer – Place and Governance or the Planning Manager subject to the signing of a section 106 to secure a sum of £6,000 to cover a traffic regulation order (TRO) to undertake highway road marking and parking alterations.

Should the legal agreement not be satisfactorily completed within 3 months, then it is requested that the powers to refuse the proposal be delegated to the Chief Officer Place & Governance, Monitoring Officer on the basis that those measures necessary to make the development acceptable in policy terms have not been secured through the necessary legal agreement.

#### **1. Summary**

<b><u>Issue</u></b>	<b><u>Conclusion</u></b>
Principle of Development (Residential)	The principle of residential development is acceptable. The site is located within the settlement of Workington and is previously developed land. The proposal complies with Policies S3 and S5.
Principle of Development (Retail )	The sequential assessment shows that there are no sequentially preferable sites that are available, suitable and viable. The proposal therefore accords with Policies S16 and DM8 and the retail development is acceptable in principle.
Layout of Development	The layout of the development is in keeping with the character of the area and accords with Policy S4. The scheme has

	been revised so there is now only 1 access off Frazer Street and 3 town houses are proposed to provide a compliant level of residential car parking.
Highway Safety	The proposal will not be harmful to highway safety.
Residential amenity	Residential amenity can be safeguarded during demolition and construction activities, through the provision of a construction management plan and from restricting hours/ days of operation and for deliveries, secured through planning conditions.

## **2. Introduction**

2.1. The scheme was deferred at the 10<sup>th</sup> May 2022 Development Panel to enable further details relating to highway safety, access arrangements and on street car parking to be provided and assessed by Cumbria Highways. Drawing VN201753-D102 Rev B Proposed TRO Alterations 14.6.22 has been submitted. The scheme would require a traffic regulation order (TRO) to be subsequently approved to enable satisfactory access/ visibility and parking/ loading arrangements.

## **3. Proposal**

The Plans for consideration are:-

WPS-KMA-XX-XX-DR-A-7000 Rev P2 Site Location Plan received 11.03.22

WPS-KMA-XX-XX-DR-A-7002 Rev P2 Proposed Demolition Plan received 28.03.22

WPS-KMA-XX-XX-DR-A-7003 Rev P4 Proposed Block/ Site Plan received 11.03.22

WPS-KMA-XX-XX-DR-A-7004 Rev P4 Proposed Block/ Site Plan received 21.03.22

WPS-KMA-XX-XX-DR-A-7005 Rev P4 Proposed Ground Floor Plan (Mixed Use) 11.03.22

WPS-KMA-XX-XX-DR-A-7006 Rev P4 Proposed First Floor Plan (Mixed Use) 11.03.22

WPS-KMA-XX-XX-DR-A-7007 Rev P4 Proposed Ground Floor Plan (Townhouses) received 21.03.22

WPS-KMA-XX-XX-DR-A-7008 Rev P4 Proposed First Floor Plan (Townhouses) received 29.03.22

WPS-KMA-XX-XX-DR-A-7009 Rev P2 Proposed Elevations 01 received 11.03.22

WPS-KMA-XX-XX-DR-A-7010 Rev P2, Proposed Elevations 02 received 11.03.22

WPS-KMA-XX-XX-DR-A-7011 Rev P1 House Type A (2 bed) Proposed Floor Plans 11.03.22

WPS-KMA-XX-XX-DR-A-7012 Rev P2 House Type A (2 bed) Proposed Elevations 11.03.22

WPS-KMA-XX-XX-DR-A-7013 Rev P1 House Type B (3 bed) Proposed Floor Plans

WPS-KMA-XX-XX-DR-A-7014 Rev P2 House Type B (3 bed) Proposed Elevations

Land contamination assessment part 3

Email received 31.01.22 confirming restricting retail units to class E uses only.

Email received 11.03.22 confirming removed a 2-bed dwelling, removed a proposed vehicular access position along Frazer Street, revised the car parking layout.

Transport Statement VN201753 Vectos March 2022

Email from Vectos 1 June 2022 Vehicles and loading bay

VN201753-D100 Rev B Site Access Review (Visibility Splays)

VN201753-D102 Rev B Proposed TRO Alterations 14.6.22

VN201753-TR100 Rev B Swept Path Analysis - Servicing Layby

VN201753-TR101 Rev B Swept Path Analysis - Large Car

3.1. The proposal is for the demolition of the existing two-storey building and the construction of a two-storey mixed use building accommodating 2 no. retail units at ground floor. Unit 1 will provide 280m<sup>2</sup> of retail floorspace and Unit 2 will provide 65m<sup>2</sup> of retail floor space. Both retail units will be accessed off Princess Street with 8 no. visitor cycle parking spaces provided near the main entrance to the building. There will 4 no. cycle parking spaces provided for each retail unit located in a secure location at the rear of each unit. There would be 7 no. apartments at first floor, alongside 3 no. town houses located at the rear of the site.

3.2. The seven apartments will comprise 4 no. 1-bed apartments and 3 no. 2-bed apartments. The three terraced town houses will comprise 1 no. two bedroom house and 2 no. three bedroom houses.

#### **4. Site**

4.1. The site comprises an area of land approximately 0.226 ha situated between Princess Street, Albert Street and Frazer Street forming part of the St Michaels Ward of Workington.

4.2. The site comprises a vacant building which fronts onto Princess Street and was formerly a dance hall. The building is rendered with a pitched slate roof, at the rear there is a single storey flat roofed extension. The floor area of the building is circa 876 m<sup>2</sup>.

4.3. To the north of the site and on the opposite side of Princess Street is Vulcan Park, to the east is a row of terraced dwellings fronting onto Albert Street with a rear access road serving these properties and is adjacent to the eastern boundary of the site. To the west are residential properties fronting onto Princess Street and to

the south of the site is Frazer Street with properties facing towards the site situated on the southern side of the road. The character of the area is predominantly terraced residential properties.

## **5. Relevant Planning History**

- 5.1. Planning permission (reference 2/2008/0819) Part change of use of large storage area to retail area, selling unwanted new and second-hand goods for and on behalf of the general public was granted in February 2008 for a part change of use of large storage area to retail area for sale of unwanted and new and second-hand goods for and on behalf of the general public. This permission was subject to a condition that stated that the ancillary retail use hereby approved shall be restricted to the allocated floor space shown on the approved plan and be exclusively for the sale of second-hand household goods, excluding clothing, footwear and food. The approved plan identified the proposed retail floor space of 252 square metres, being 36% of the total building. The remainder of the floorspace was retained as storage space.
- 5.2. Planning permission (reference 2/1999/0965) granted for a change of use from car sales showroom to storage facility and ancillary repairs.

## **6. Representations**

### **6.1. Town Council object on the following grounds**

1. Insufficient time was given in order to fully consider this application.
2. There are two retail units offered with this application yet there are empty retail units in the town centre which is less than a five-minute walk from the given development site.
3. There is insufficient loading areas identified if the retail units were to be granted which would, in turn, encroach on neighbouring parking spaces.
4. WTC Councillors have received a number of objections from constituents in the properties neighbouring the proposed application site.

### **6.2. Cumbria County Highways**

#### **Highways response 17.6.22**

Following the submission of further details and amended proposed layout of this site, the LHA have reviewed the plans and transport statement and raise no objections to the proposals in line with Drawing Numbers WPS-KMA-XX-XX-DR-A-7003 RevP4 and D102. Our findings are outlined below:

Traffic Regulation Order (TRO) - Our previous response mentioned that changes to the existing TROs would be required for the installation of two accesses on Frazer Street and for one on Princess Street at the expense of the applicant. This has since been amended to one access for residential use on Frazer Street and one on Princess Street. An email was sent to Allerdale Borough Council on 29/11/2021 which stated the anticipated cost of these TRO changes will be £6,000.00. This figure has been confirmed by our Traffic Management Team.

Following correspondence with the applicants the following has been confirmed and Drawing Number D102 has been submitted demonstrating the proposed changes.

Maximum two on-street parking spaces will be lost on Frazer Street to allow for the proposed access. This reduction is not considered significant and the residents of the new dwellings will not be entitled to on-street residents permits so there should be no additional stress on the on-street space availability at peak times.

Also, the longer gap created by the new access will provide a passing place opportunity which may help with traffic flow. The new accesses will be protected with White H Bar markings to prevent parking. There will be a vehicle cross over on both proposed accesses. The loading bay will be formalised and protected by amended TRO. The LHA is content with these proposals and do not raise an objection.

Transport Statement - Our records suggest that there were two accidents on Princess Street; one involving two vehicles at the junction of Vulcans Lane and the other involving a vehicle and a pedestrian approximately 30m from the proposed site. We therefore must emphasise the importance of pedestrian visibility at each proposed accesses and that the public footways are altered and constructed in accordance with Cumbria County Council design standards, the applicant is to enter into a suitable legal agreement allowing the works to the publicly maintained footway.

The transport statement shows results from TRICS surveys carried out on the proposals comparing them with the existing use of Princess Hall. The existing retail building's peak times would see 56 trips in a morning and 79 on an evening. The proposed two retail units peak time trips are estimated at 38 in a morning and 53 in an evening which is a reduction.

The anticipated trips for the residential apartments and houses are 4 in a morning and 5 on an evening when looking at their peaks.

There is sufficient public transport in the local area and the proposal is located centrally within Workington meaning the town centre is within walking distance.

Visibility Splays and Footway Construction - It has been confirmed that the LHA will accept 43m visibility splays in line with Manual for Streets guidance. The presence of parked cars within the splay does not make a material difference as explained in 'Manual for Streets 2' where the evidence shows that this common occurrence of junction and parking arrangement in urban areas has no material impact on road safety. The proposal allows for a 2m x 2m visibility splay onto the footway as per the requirement in the CDDG.

Parking - The proposal for 2 retail units taking access from Princess Street; 4x one bedroom and 3x two bedroom apartments and 2x three bedroom town houses and 1x two bedroom town house all accessing the site from the now proposed singular access on Frazer Street.

The proposed parking for the residential units comprises of 21 spaces accessed from Frazer Street. There is sufficient space within the site for manoeuvres and the single proposed access appears to measure just below 6m in width. The applicants have also provided sufficient bicycle storage within the site boundary and not on the highway thus encouraging sustainable transport. These measures are acceptable to the LHA. The Transport Statement also notes there is regular public transport within the area and that many amenities are within walking distance.

It is noted that one of the originally proposed accesses on Frazer Street has been removed resulting in existing on-street parking reduction being minimised but I would still like to note that it is detrimental that on-street parking on Frazer Street should be retained as much as possible. The LHA raise no objections to the proposed layout shown on Drawing number WPS-KMA-XX-XX-DR-A-7003 RevP4

#### **Lead Local Flood Authority response:**

The LLFA prefers the use of infiltration for all new developments however we appreciate that this is not always possible. Please could the applicant submit results of BRE365 testing as evidence that infiltration is not suitable for this site.

The principle of the drainage is acceptable to this authority. We would recommend conditions are applied to any notice of approval that may be issued.

#### **6.3. United Utilities**

No objections subject to conditions.

#### **6.4. Housing**

The findings from the 2016 housing study show that the need for affordable housing in Camerton, Great Clifton, Seaton, Winscales and Workington is mostly for four bed family properties. However, there is a substantial requirement to meet the needs of an ageing population through the provision of older person accommodation.

In the event of a registered and/or non-registered housing provider delivering affordable housing in Allerdale there would be an expectation that the Council would influence how social rented housing would be allocated through nomination agreements or its allocation policy which is currently Cumbria Choice.

Where discounted sale properties are delivered there would be an expectation that the developer would work with the Council in line with its Discounted Sale policy.

#### **6.5. Cumbria Fire Service**

No objections but it is recommended that the applicant should give consideration to the inclusion of a sprinkler system within the design of the premises.

## 6.6. Natural England

No objections.

## Environmental Health

- 6.7. The site lies in an area known for being affected by ground gasses from old mines workings and naturally occurring sources. The modern method of building houses is more like creating a hermetically sealed set of rooms which makes the occupants more likely to be affected by any gas contamination affecting the properties. Therefore, an assessment of the potential risk is required, and investigation maybe required post partial demolition. I have considered the environmental issues associated with this development and I would like to recommend conditions are applied if the planning department choses to grant permission re: Construction noise hours of work; Construction Noise - hours for deliveries; Full Contaminated Land Condition (Post Demolition); Verification; Topsoil
- 6.8. The application has been advertised by site notice and neighbour letters.
- 6.9. 58 initial Objections (some multiple) and a petition of 16 signatures objecting. Following the additional details received, further 6 objections have been received. Objections received are on the following grounds:
- Highway safety by customers and staff comings and going near a busy road junction.
  - The junction at Princess Street has poor visibility and has resulted in a number of accidents. Concern about junction at Princess Street/ Vulcans Lane as poor visibility would prevent access of emergency vehicles and parking and attending accidents. There are no houses/ buildings directly opposite Princess Hall and never likely to be because of Vulcans Park therefore there will be ample room for all vehicles to enter and exit via Princess Street rather than causing problems for the residents on Frazer Street. It seems an ideal solution for all vehicles coming and going into the planned site. Looking at the amended plans it would seem that a more practical solution and less chance of accidents for all traffic to enter and exit via Princess Street where vehicles parking opposite princess Hall currently do not seem to be an issue.
  - Object against this on safety issues the road is used as a rat run during busy times in the town centre, we have a primary school locally which children walk to school via the Vulcans Park route Monday to Friday, building these flats will bring more heavy traffic to the street including delivery vans for the retail shops planned.
  - Fail to see how any of the changes will not have a knock on effect with the residents who live directly opposite the entrances/exits for the new builds. Any delivery vehicles or those belonging to any new residents will certainly come very close to our cars when they are pulling in or out of the "splays".
  - Although Vectos have completed a comprehensive report it would appear they have only carried out a traffic survey on Frazer Street and Princess Street on 2

- occasions i.e. Item 2.19 and 2.20 Table 2.2. - Friday evening and Saturday midday therefore they report that there is spare parking capacity on both streets.
- A report over several days should have been completed to cover residents work commitments, school runs, shopping etc. Obviously there are times during the day/evenings when vehicles are nose to tail with no parking vacancy. We ourselves have had to park on Cumberland Street on several occasions, carrying our shopping through the adjoining lane at the back of our property because there was no room on Frazer Street. Other residents, I'm sure have had similar experiences.
  - There are often times when 2 vans or cars are parked at the top of Frazer Street adjoining Albert Street which make it extremely difficult to drive into Frazer Street without reversing and squeezing the car between these vehicles without damaging them or us.
  - Item 4.16 - states parking in visibility splays in built-up areas is quite common and does not create considerable problems in practice. This implies that there could very well be problems and if so who is then held responsible once these plans are implemented. Obviously not those who would make the decision for the plans to be granted.
  - Item 4.19 - states there are no accidents on Princess St or Frazer Street in the vicinity of the proposed site access junctions etc. This does not mean however that cars don't speed along them. Something which the current residents have all had experience of.
  - Access should be purely onto Princess Street which is a quieter road and less parked up.
  - There is limited on street parking particularly after 5.30pm and the shops would increase the parking needs of the area.
  - The proposal would have an adverse impact on the residential amenity of the area arising from noise disturbance contrary to Paragraphs 110 & 127 of the Framework and Policies S2 & S32 of the Local Plan.
  - There are enough shops within 200-300 metres of the site and the town centre is close by, the proposal is contrary to Policy S26 of the Local Plan. Already a convenience store on the corner of Vulcans Lane/Princess Street.
  - The proposal does not protect existing community facilities.
  - The level of affordable housing is not site specific.
  - Object to social housing.
  - Limited consultation.
  - Contrary to Manual for Streets. Design to keep residential speed at 20mph on residential streets.
  - Need to safeguard amenity.
  - The development should provide a safe environment which maximises personal safety and minimises opportunities for crime and anti-social behaviour.
  - Comparisons to FUL/2019/0256 Takeaway proposal that was refused on Vulcans Lane.
  - We also wish to ask if there has been a survey on asbestos in the building as we have not seen any mention of this in any of the reports. It will be too late once the building starts to be demolished and I'm sure Allerdale Council are fully aware of the dangers this can cause to anyone near once it is broken up.
  - Local residents being ignored.
  - Regarding the proposed 2 retail units - several residents on both Frazer Street and Princess Street have raised issues around these and are in agreement that



these are not needed or wanted in this development especially when there are several empty buildings 7 minutes walk away in the town centre which would benefit from being renovated, giving all shoppers access to them. We feel these proposed retail units would not enhance the area but take away from it.

- Princess Street is only a 5 minute walk from Workington town centre and is well serviced by local convenience shops with Workington Mini Market (previously known as By Wise) being 50yds away on the corner of Princess Street/Vulcans Lane, P&D Newsagents (approx. 400yds away), Grisdale General Store (approx. 0.1mile) and SPAR Harrington Road (approx. 0.2mile). Same applies for takeaways & hairdressers.
- Frazer street residents are struggling to car parks after 5pm opening up their street for egress for delivery vans and cars will cause an accident or damage to vehicles plus parking issues.
- None of the issues regarding the entrance and exit have been addressed, as previously stated Frazer Street is already busy, with added traffic this would be an accident waiting to happen.
- Princess Street is a residential area that already has high volumes of traffic for access to the hospital and park and unfortunately is used as a short cut to bypass the town centre. In addition, any events that occur in the park result in Princess Street reaching full parking capacity and road users having to utilise the accompanying side streets for overspill parking, reducing visibility, road width and increasing the possibility of an accident.
- The development site is immediately opposite Vulcans Park which receives a lot of visitors, including young children crossing the road to get to and from the park. To safeguard road users and pedestrians are other measures being considered; traffic calming measures (speed bumps) and crossing point for pedestrians?
- The consensus by residents was that residential houses situated on the site would be the preferred option and would mitigate all the concerns and safety issues, whilst retaining the appeal to live on the family orientated street.
- There are many concerns regarding the shops attracting youths and increased anti-social behaviour as witnessed previously at Moorclose Shops. There is already an increase in crime in Vulcans Park with Police being regularly called out to deal with matters and this will add to the situation. Residents believe the area is already well serviced by shops and there is no need for an additional two.
- The operating model (times) for these shops is not clear to residents and therefore various concerns have been raised and the factors that coincide (anti-social behaviour and littering). In addition, road noise will increase with early/late deliveries, general shop usage and youths shouting and carrying on at unsociable hours.
- Residents believe the shops will end up vacant, run down and vandalised and the ground floor of the building will end up being utilised as additional 7 flats, taking the total to 14 flats. Some believe this is the original intent for the site and the shops are a smoke screen.
- Princess Street apparently being a quieter road, this is false, Princess Street has double the volume of use. Princess Street residents oppose this idea as it would compound all the safety concerns raised above. Possibly change the plans so that the houses are on Princess Street and the shops and flats are on Frazer Street with only one access/egress point.

- Concern over child safety from increased road traffic and possible undesirables who may live in the flats? Also, these flats are accessed through a gap in the wall - is this safe - sufficient lighting etc.
- Are the houses to be bought / owned or rented out? My house will back onto the carpark for the row of 4 houses, closest to me is a disabled bay and 2 x electric charging points, will they make a noise? Attract anti-social behaviour/ vandals?
- The shops are listed as 'retail' but changes in legislation Sept 2020 means you can change to other uses without planning permission. The application uses outdated terminology and I am wary that the units could be rented out as cafes or restaurants then used only as a takeaway. Adding to the volume of traffic next to the park and houses. Takeaways install extraction units and fans and these can be loud and smelly. I am asking for a condition on any approval to remove the part that allows a sit-in-cafe or restaurant or a takeaway cafe, like a sandwich shop. Opening hours are not stated on the application and I would ask for a condition to be attached limiting opening hours.
- Lighting scheme to be shown.
- The Noise Impact Statement does not consider any plant within the external plant area to the rear of 'Retail unit 1'. So I am asking for an informative to be attached stating that no mechanical plant within the area forms the subject of this application and has not been approved.
- Refuse and storage (residential and commercial) - why is it at the rear of Albert St? Would refuse lorries have to back down into the residential car park to collect the communal rubbish? Disruption in the early hours? Transport says these will be moved to the kerbside on collection days? By who?
- Overall, given the number of empty shops in our town centre there is no need for new retail units to be built here. Rejuvenate what is already there in a rapidly decaying town- centre. Put flats above town-centre businesses and keep a residential area just that. It would be more fitting to have houses similar to those already on Princess Street.
- Increase in traffic and the safety of children and elderly residents visiting Vulcan Park which is very popular.
- Not in keeping with the rest of the properties on Princess St which was a stipulation when 4x houses were built on Park View, Princess St. In 1951 land was bought by Cumberland County Council and the seller placed a covenant that no property on that land can be used for business purposes. The land on which the covenant has been placed covers a vast area, incorporating that which Princess Hall resides on, therefore this cannot be breached.
- There have been several incidents recently where ambulances have been called out for emergencies within a couple of yards of the amended plans - one being directly opposite - to attend to elderly residents. These entailed a lot of coming and going to the vehicles for several hours, leaving very little room for any extra flow of traffic. As there are quite a few elderly residents (including us) within the vicinity of this proposed development, the call outs of emergency vehicles can only increase, especially with the onset of Autumn/Winter.
- Today (Thursday 16th June) I watched a district nurse drive up Frazer street at least twice to try and find a parking space to attend to these 2 individuals. I've no idea where she managed to eventually park as opposite us the cars were parked nose to tail and the residents spaces were all full. These type of delays could have an impact on the anxiety of her patients and her having to cut short

the visit to rush onto the next patient. Removing 2 existing “on street” parking spaces can only exacerbate the problems for any future emergencies.

- Future emergency call outs does not bode well for any residents if the vehicles can't park near home and reach the patient who desperately needs help.
- We would ask - does someone have to be critically ill or even die because emergency services couldn't reach them in time due to extra traffic flowing down an already extremely busy road.
- We dread to think what could happen in the event of a house fire on Frazer Street and the chaos and panic that this could bring all because of unnecessary extra traffic flowing into the street.
- We have raised so many different issues to try to highlight the problems that the new development is likely to cause and we are not against the development on the whole. We know that the plot of land is currently an eyesore but surely housing in keeping with the new builds already on Princess street with direct access for any new residents flowing onto said street seems a better outcome for the area. Again we reiterate that the 2 retail outlets are not needed.
- The objections brought up previously regarding access from Frazer Street have not been addressed, access should be from Princess Street which has much less traffic, houses & lots of parking available removing any amount of current parking bays can only exacerbate any further call outs.
- We cannot envisage how any works vehicles, large trucks, delivery vans etc will be able to turn in and out of the proposed access into Frazer Street without causing accidents or injuries to residents and the general public even with the proposed removal of 2 parking bays. We've read all 76 of the various reports on the Allerdale Planning site from numerous agencies who do not allay any of our concerns.
- We now have 2 old people who need carers 4 times a day and they can not get parked on the street it would be even worse if we lose 2 more parking spaces. we will have to put up with a lot of u upheavel, noise and mess for adevelopment nobody wants.

## **7. Environmental Impact Assessment**

- 7.1. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 7.2. The development does not within Schedule 1 nor 2 and, as such, is not EIA development.

## **8. Development Plan Policies**

### **8.1. Allerdale Local Plan (Part 1)**

Policy S1 Presumption in Favour of Development  
Policy S2 Sustainable Development  
Policy S3 Spatial Strategy and Growth  
Policy S4 Design Principles  
Policy S5 Development Principles  
Policy S8 Affordable Housing  
Policy S10 Elderly Needs Housing

Policy S16 Town Centre and Retail  
Policy S22 Transport principles  
Policy S29 Flood Risk and Surface Water Drainage  
Policy S32 Safeguarding Amenity  
Policy S35 Protecting and Enhancing Biodiversity and Geodiversity  
Policy DM8 Protecting Town Centre Vitality and Viability  
Policy DM14 Standards of Good Design

### **Allerdale Local Plan (Part 2)**

Policy SA3 Affordable Housing

## **9. Other material considerations**

9.1. **National Planning Policy Framework (NPPF) (2021)**

9.2. **Allerdale Borough Council Strategy 2020-2030:**

## **10. Assessment:**

### **Principle of Development (Residential)**

- 10.1 The site is not specifically allocated, however it is located within the development boundary of Workington as defined in the proposals map that forms part of Part 2 of the Local Plan. Policy S3 states that new development will be located in accordance with the spatial strategy and will be concentrated within the towns and villages identified in the settlement hierarchy. Workington is the principal centre for the district. The provision of seven apartments and three dwellings (10 residential units in total) is therefore acceptable in principle and accords with Policy S3.
- 10.2. Policy S5 refers to development principles. The policy states that new development will be concentrated within the physical limits of Principal, Key and Local Service Centres, Limited Growth Villages and appropriate development adjacent to Infill / Rounding Off Villages as identified within the settlement hierarchy. As previously mentioned Workington is a principal settlement.
- 10.3 The policy continues to state that the scale of the development proposed will be expected to be commensurate to the size of the settlement and reflect its position within the hierarchy. Where available and if appropriate the Council will encourage and prioritise the effective reuse of previously used land and buildings or vacant and underused land.
- 10.4 The proposal is for 10 residential units in total and is commensurate to the size of the settlement. Furthermore, the proposal will make effective use of previously used land which is currently vacant.
- 10.5 The policy S5 identifies a number of criteria which are as follows:  
a) The development is of a scale and design which will not detract from the character of the settlement. The provision of 10 residential units is not considered

to be harmful to the character of the area. This is discussed in more detail in the layout section of the report.

b) The development includes acceptable arrangements for car parking and access. The proposal would not be harmful to highway safety and is discussed in more detail in the highway section of the report.

c) The capacity of local infrastructure and/or environmental assets would not be exceeded by the proposed development. Cumbria highways do not object to the scheme..

d) The site of the proposed development is not considered to have significant amenity value. The existing building is not an historic asset and it is not considered to have any significant architectural quality.

e) The site is not considered to make a significant contribution to the character of the settlement/ locality in its undeveloped state.

f) The development will not incur any significant harmful effects on environmental or heritage assets, habitats or wildlife, which cannot be successfully mitigated.

The applicant submitted a bat report. It was observed that the level of bat activity on this site was unexpectedly low, given the context of the site with the nearby park, and the building providing 'moderate' bat roosting potential for bats. The building was recognised as having *moderate* potential for bat roosting, however, no evidence for roosting bats was found at this location. As the building is proposed to be demolished, any potential for bat habitat would be lost. By erecting bat boxes within the new buildings proposed at this site, bats can be encouraged to roost at the site. This can be secured by condition.

Overall, the proposal is considered to comply with Policy S5.

## **Affordable Housing**

10.6. Policy SA3 ALPP2 requires that all housing development of more than 10 dwellings or where the dwellings would have a combined gross floor space of more than 1,000 square metres will be required to make provision for affordable housing. Policy S8 ALPP1 requires that within the Principal and Key Service Centres housing development of 10 dwellings (or 0.3 ha) or more will be required to make provision for 20% affordable housing. Furthermore Para 64 NPPF 2021 states that 'to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.' As such this negates the affordable housing requirements in the NPPF 2021 for 10% discounted sale and the Policy S8 and the Policy SA3 triggers for affordables.

10.7. In any event, the proposal as amended is for the 7 apartments (three x 2 bedroom and four x 1 bedroom) and 3 dwellings all for social rent. In discussions with the Council Housing officer the applicant has agreed that the proposed seven apartments above the retail units are to be affordable rent and the occupancy restricted to 55+. This provision will meet the substantial requirement to meet the needs of an ageing population through the provision of older person accommodation. The 7 apartments for rent for the 55+ years complies with paragraph 65 criteria b) of the NPPF 2021 and provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students).

## **Principle of Development (Retail)**

- 10.8. Policy S16 refers to town centre and retail development. The policy states that applications for main town centre uses outside of these defined centres will be refused where the applicant has not demonstrated compliance with the sequential approach to site selection, or where there is clear evidence that the proposal would have a significant adverse impact on the vitality and viability of a nearby centre.
- 10.9 Policy DM8 refers to protecting town centre vitality and viability. In particular it states that an impact assessment may be required for certain proposals outside of a defined town centre to assess the full extent of potential adverse impacts upon the existing town centre. For Workington the threshold is 500 square metres. The proposal at ground floor level of the mixed-use building is 2 no. retail units which will have a floor area of 280m<sup>2</sup> (including a back of house area) and 65m<sup>2</sup>, providing a total gross retail area of 345m<sup>2</sup>. Given the proposed retail development is under the threshold for Workington then an impact assessment is not required in this case.
- 10.10 Turning to the sequential test, the policy states that applications for these uses, or extensions of existing uses (extensions over 200sqm) outside of the defined centres will be refused where the applicant has not demonstrated compliance with the sequential approach to site selection as set out in national policy.
- 10.11 In this case a sequential assessment has been submitted with the application. The applicant has stated of the two retail units, the larger unit will comprise a small convenience store which is intended to cater for the top up needs of customers. It will sell such items as milk, bread and other household products to supplement the needs of a weekly shop. The second smaller unit will provide a smaller complementary facility.
- 10.12 The applicant has further stated it is relevant to note that the existing site is already commercial in nature being the site of an existing retail unit and they consider that the proposed use is not a typical town centre use. However as explained above the lawful use is a B8 use with an ancillary retail use and although the actual proposal includes a convenience store. For the purposes of assessing the sequential assessment the proposal is for two new retail units.
- 10.13 The applicants in defining the area to assess have used a 10 minute walking time which represents a distance of about 800 metres from the site. This area includes part of Workington Town Centre area and the assessment identified seven sites within the catchment area and two allocated sites. The scope of the assessment area is considered acceptable and provides a reasonable walk time from the application site.
- 10.14 The assessment considered whether there were any more sequentially preferable sites having regard to their availability, suitability and viability for the proposed use. In particular, note was taken of the guidance in Paragraph 88 of the NPPF that in considering sequentially preferable sites applicants should demonstrate flexibility in terms of scale and format.

- 10.15 The applicant set out that relevant to this assessment, the nature of the proposed facility was considered being small local convenience retail units, typical of a residential neighbourhood and the site selection criteria was a retail unit of circa 280 m<sup>2</sup> and a complementary unit of circa 65 m<sup>2</sup>, a minimum population of 3000, a neighbourhood location with servicing and car parking.
- 10.16 Seven units were assessed and it was considered that one was already occupied and was therefore not available. The remaining six units were to let, however four were too small to accommodate even one of the units as they ranged from 59 -142 square metres and two of these has restricted access. One unit was not large enough to accommodate both units and also had restricted access and the remaining unit was too large at 525 square metres (over double the required size) and had poor servicing and no on site car parking.
- 10.17 The applicant also considered the two allocated sites. Firstly Policy SA47 – Central Station Car Park. This site which is located within the main retail area is 0.89 ha in extent. Given its extensive size it was not considered suitable for the proposed use. The council has recently confirmed this site is not available.
- 10.18 Secondly, Policy SA48 – Royal British Legion. This site which has an area of 0.2 ha is occupied by the British Legion and was therefore not available. The site forms an allocation within the Allerdale Local Plan under Policy SA48 with supporting policy text in Policy SA46 which states that: “The allocated sites in Policies SA47 and SA48 will be safeguarded for main town centre uses and other uses that will support and enhance the vitality and viability of the town centre throughout the plan period. Retail-led schemes will be particularly encouraged.” In relation to its availability, although the Royal British Legion site is allocated within the Local Plan and from this it is assumed that it is available to be redeveloped during the plan period. At present the property is in operational use by the Royal British Legion with future events planned. There is currently no planning application for the site nor is there evidence of any active marketing. Furthermore, it is concluded that the Royal British Legion site is not suitable for the proposed use. In this regard, the sequential approach to assessing whether there are suitable options for a proposed development should start with the role of the proposal and the catchment it is intended to serve. The application proposal is for a local convenience store to serve a neighbourhood catchment area. As referenced above, National Planning Practice Guidance comments on the need for any sequential assessment to be undertaken “with particular regard to the nature of the need to be addressed.” Also, the applicant advises there is limited opportunity for flexibility in store format and scale, as the neighbourhood store format directly relates to the rationale behind its location as a convenience facility to serve its surrounding catchment, not as a town centre store. A site in a town centre, where main town centre uses tend to serve a much larger catchment area and meet the need and range of consumer requirements, is the opposite of what this type of neighbourhood convenience store is seeking to offer. In addition, the location of the site at the junction of Jane Street and Washington Street (A596) and partially to the rear of properties fronting Jane Street would not suit the business model of the proposed use. In this regard it is noted that the development considerations for the site as contained within the Local Plan states that the site will be served by existing public car parking within

the town centre. This is at odds with the nature of the convenience aspect of the proposal which requires accessible on-site parking. Due to access constraints, it would also be difficult to readily service the property. The development constraints presented by the site in being within the setting of the Grade II\* listed St John's Church and the Portland Square Conservation area together with protected trees abutting the site will also need to be given careful consideration and would impact on the delivery of the proposed scheme, even taking into account the need for a flexible approach. The properties fronting Jane Street would also shield views of the convenience store, which the applicant advises does not fit with the business model of having a store profile. The aspiration of Policy SA46 in achieving a retail led scheme would further not be achieved by the mixed-use proposal the subject of this planning application.

10.19 Overall it is considered the sequential assessment has been robust and it has been concluded that having sought to identify available land or premises within the defined centres as set out above and edge of centre locations it considered that there are no sequentially preferable sites that are available, suitable and viable. The proposal therefore accords with Policies S16 and DM8 and the proposal of the retail element of the development is acceptable in principle.

### **Layout and Materials of Development**

10.20 The proposed comprises two elements, the mixed-use building fronting onto Princess Street and the 3 number terraced town houses adjacent to Frazer Street. (The town houses comprise of 1 two bedroom property and 2 three bedroom properties). Policy S4 refers to proposals for all new development and will be required to demonstrate high standards of design and must amongst other things be visually attractive, of appropriate scale and appearance, respond positively to the character, of its location and integrate well with existing development and ensure suitable standards of access and amenity are achieved and maintained in relation to the development itself and the local area. Furthermore, the proposal should optimise the potential of the site by ensuring appropriate density and mass of development. The materials of the town houses comprise of facing brickwork and feature banding, artificial slate roofing and flat roof membrane to flat roof areas in a dark grey. Fibre cement off white panels and black frame upvc windows and doors are proposed. The mixed use element will comprise of architectural black masonry with sections of feature banding and a splitface finish in a buff colour. Roofing of artificial slate and upvc windows in black frames. There will be artstone window cills, heads and surrounds. External finishes are considered to be acceptable for the locality.

10.21 The amended layout now proposed 1 access off Frazer Street that serves the parking areas of the town houses and the flats. The site layout demonstrates an open frontage to the mixed-use building, with an in-curtilage retail car parking area fronting Princess Street. The form of the mixed-use building has been designed in a traditional manner, incorporating 'book-end' gables and a hipped pitched roof. Overall, the building is considered to integrate comfortably within its locality and would not be harmful to the character and appearance of the street scene.



- 10.22 With regard to the proposed three town houses located adjacent to Frazer Street, each town house will benefit from having a secure private rear garden and a smaller defensible space fronting the car parking area. The town houses have been designed in a contemporary manner with traditional proportions and pitched roof. They have been arranged on site in such a manner so as to maximise the development potential of the site, to permit the inclusion of appropriately sized rear gardens and also to ensure an efficient and safe separation of vehicular movements between the town houses and the supported living accommodation within the mixed-use building.
- 10.23 The applicant has stated a linear scheme fronting onto Frazer Street would not provide an appropriate development density and the ability to separate the car parking and servicing of the three elements across the site – the retail, supported living apartments and the dwelling houses. A linear scheme would have resulted in a significant reduction in residential accommodation due to minimum overlooking distances from the existing dwellings along Frazer Street and the proposed apartments, and would have significantly impaired their ability to effectively and safely separate the parking/servicing across the ‘rear’ of the site. On that basis the orientation of the dwellings in relation to Frazer Street is considered acceptable.
- 10.24 The proposed dwellings would not overlook the residential properties on Frazer Street. The separation distance between the town houses and the properties on Albert Street is considered sufficient and the mixed-use building has a sufficient degree of separation between the dwellings on Albert Street and the neighbouring property on Princess Street.
- 10.25 There will be a servicing layby provided on Princess Street for the retail units which will be 2.5m wide by 16.5m long. As shown in DWG VN201753-TR100 Rev B servicing vehicles will be able to pull into and out of the layby in a forward gear. The existing footway along Princess Street will be diverted behind the servicing layby with the existing 2-metre width retained. A servicing area for Unit 1 will be located to the rear of the unit with a footway linking the servicing layby to the servicing area. A servicing area for Unit 2 will be located on the eastern side of the building with a footway linking the servicing layby to the servicing area. Deliveries will be managed to ensure they occur outside the busiest periods of the day.
- 10.26 Secure refuse and recycling storerooms will be provided within the servicing areas for both retail units. Refuse collections can occur from the servicing layby and will be managed by the operators of the retail units. Deliveries to the residential units are likely to be completed using small parcel or sprinter vans which will be accommodated on-street as per the existing arrangements for the adjacent residential properties. Refuse collections will also occur on-street with refuse vehicles not required to enter the site. A bin store will be provided within the communal courtyard for the apartments. Bins for the terraced houses will be stored within the curtilage of these dwellings. Bins will be moved to the kerbside on collection days. Overall, the proposed layout is considered to comply with Policy S4.

## Highway Issues

10.27 The applicant has submitted an amended transport statement with the application which concludes:

- The site is in a sustainable location and there is ample opportunity for residents, staff, and visitors to engage in active travel practices;
- There are several bus stops located near the site which provide good connections to the surrounding residential area;
- The level of car parking provided has considered CCC's parking standards and reflects the agreements reached with Officers at ABC and CCC with the number of spaces proposed increased as result of these discussions;
- A review of the parking accumulation for the site indicates that the parking demand for the retail units can be wholly contained within the car park provided as part of the development proposals;
- As off-street parking is provided for the residential dwellings the development will not need to rely on the availability of on-street parking to meet the parking demand of residents;
- Parking beat surveys have been conducted for the streets surrounding the site including Princess Street and Frazer Street. These surveys indicate that with the removal of 2 parking spaces on Frazer Street there would be sufficient spare capacity to accommodate any increase in demand for on-street parking within the local area;
- The retail units are likely to generate 38 two-way trips during the typical morning peak period and 53 two-way trips during the evening peak period. The majority of these trips will be pass-by trips and will not be entirely new trips on the local road network.
- The residential dwellings are likely to generate 4 two-way vehicle trips during the typical morning peak period and 5 two-way trips during the typical evening peak period;
- The development would have a negligible impact on the local highway network with the majority of retail trips being pass-by or diverted trips and will not be entirely new trips on the local road network.
- There are two access junctions proposed for the site. All accesses have been designed in accordance with current guidance and provide the required visibility splays;
- The accident review indicates that there are no known blackspots on the local highway network with the existing site access operating in a safe manner; and,
- Servicing and deliveries can occur in a safe manner with a servicing layby provided on Princess Street for the retail units.
- In assessment of this document Officer note that the previous retail approval 2/2008/0819 was for a restricted retail area of 252sqm. This scheme has a proposed retail area of unit 1 (280sqm) and unit 2 (65sqm) = 345sqm. Officers therefore conclude that the existing land use has a 2 way peak trip rate of 27am and 38 pm. This would suggest that there would be a trip uplift of 11 trips am and 15 trips pm in terms of the retail element. However, given the previous use was for the retail and storage of public household items for sale, there would also be likely additional trips generated for drop off of goods for storage pre-sale. The minor trip uplift is considered acceptable.

- 10.28 The applicant indicates that there have been no recorded accidents along the site frontage on Princess Street or Frazer Street in the preceding 5-year period. There have been no recorded incidents along Frazer Street or Albert Street in the preceding 5-year period. There have been four recorded incidents along Princess Street in the preceding 5-year period with all incidents being recorded as slight. They state that based on this review there are no highway black spots or accident clusters on the local highway network which would impact on the safety of the proposed development. Cumbria Highways comment that there were two accidents on Princess Street; one involving two vehicles at the junction of Vulcans Lane and the other involving a vehicle and a pedestrian approximately 30m from the proposed site. Cumbria Highways emphasise the importance of pedestrian visibility at each proposed access and that the public footways are altered and constructed in accordance with Cumbria County Council design standards, the applicant is to enter into a suitable legal agreement allowing the works to the publicly maintained footway. Traffic Regulation drawings VN201753-D102 Rev B Proposed TRO Alterations 14.6.22 shows the required visibility splays on Frazer Street and Princess Street, and visibility splays can be secured by planning condition. The scheme is considered to accord with Manual for Street 2
- 10.29 The Parking Standards for retail and residential developments are outlined within the CCC Development Design Guide Appendix 1. This guidance suggests the following parking standards individual shops/parade; Cars = 1 space per 30m<sup>2</sup> & Disabled Parking = 1 space or 5% of total requirement. The retail car park is accessed directly from Princess Street and comprises a total of 14no. car parking bays, including for 2 no. accessible bays and 2no. electric vehicle charging points
- 10.30 The proposed site plan identifies 2 different car parking areas which provide separation between the residential and retail elements of the scheme. CCC parking standards require for dwelling houses 1 bedroom = 1.5 spaces per unit; 2 bedroom = 2 spaces per unit; 3 and 4 bedroom = 2.5 spaces per unit; 1 visitor space per 5 units; and 1 disabled space for every 10 grouped spaces. A total of 21 no. car parking bays have been provided within the proposals for use by residents and visitors of the affordable apartments and the town houses.
- 10.31 The residential car parking scheme also accommodates for 1no. accessible bay and 2no. electric vehicle charging points. This car park is accessed via a new access/egress position along Frazer Street. The residential car parking arrangements are compliant with the Cumbria Highways Design Guide. The revised site layout proposes an increase of 7 car parking spaces within the site. The provision of off-street car parking for the retail units provides an improvement over the existing parking arrangements with no off-street parking provided for visitors to or staff working at the existing retail unit.
- 10.32 All resident/visitor/customer vehicles can enter the site (to their respective parking areas) from either Princess Street or Frazer Street, and they are able to enter the site, turn, reverse, and leave the site in forward gear. Parking is permitted along both sides of Frazer Street within marked bays. All parking along Frazer Street is restricted to 2 hours only between 08:30 – 18:00 Monday to Saturday with no return within 2 hours. Residents are exempt from these restrictions with Frazer Street located in Disc Zone 4. Similar parking restrictions are enforced along Albert

Street, Vulcan's Lane, Darcy Street, Corporation Road, and all streets within the local area.

- 10.33 The proposal also includes the provision of secure bicycle storage consisting of 8 no. bicycle parking spaces for use by retail customers (along Princess Street), 8 no. bicycle parking spaces have been provided for use by retail staff and 8no. bicycle parking spaces have been provided for use by the apartment residents and visitors next to the main residential entrance. Each town house rear garden is large enough to accommodate bicycle storage as necessary.
- 10.34 The highway authority consider the proposed parking provision for vehicles and cycles is acceptable. Furthermore, the site is also well located to public transport and is situated in a highly sustainable location. The proposal would not lead to problems of highway safety or on-street parking.
- 10.35 An additional technical note was submitted to address the highway authority comments with reference to a visibility splay of 2.4m by 60m for Frazer Street and Princess Street. However according to Manual for Streets (MfS) the required visibility splay for a 30mph road is 43 metres. Accordingly, Vectos prepared a visibility splay drawing with a splay of 43 metres, as shown in DWG VN201753-D100 Rev A. This approach was agreed with Highways Officers who confirmed that they are not aware of any ongoing speeding issues at the location and given that the site is within a built-up area with plenty of warning signs, they would be able to accept 43m x 2.4m splays for each of the accesses. It was accepted to bring the visibility splay to the centreline of the road. Apart from the visibility to the west for the westernmost access (which has a visibility splay of 2.4m by 25m up to the junction with Albert Street) it is possible to achieve the 43m splay required for a 30mph road along Frazer Street. Due to the built-up nature of the local area, there is the likelihood that cars parked along Frazer Street will be located within the visibility splay. However, as outlined in MfS, parking in visibility splays in built-up areas is quite common and does not create considerable problems in practice. The required visibility splay can be achieved on Princess Street as there is an existing double yellow line parking restriction enforced along Princess Street. The Comments provided by the Council also requested that pedestrian visibility splays of 2.4m by 2.4m also be shown on a plan. Drawing VN201753-D102 Rev B Proposed TRO Alterations 14.6.22 shows the required visibility splay at all access junctions on Frazer Street and Princess Street. In accordance with MfS any boundary treatment or obstructions located within the pedestrian visibility splay will be kept below 600 millimetres to allow for sufficient visibility to be maintained for all pedestrians including children.
- 10.36 In terms of Frazer Street, and the amended scheme of one access from Frazer Street the revised Transport Statement indicates that 5 parking spaces could be retained on Frazer Street to allow for vehicles to manoeuvre at both accesses in a safe manner, as shown in DWG VN201753-D100 Rev B. Maximum two on-street parking spaces will be lost on Frazer Street to allow for the proposed access. This reduction is not considered significant and the residents of the new dwellings will not be entitled to on-street residents permits so there should be no additional stress on the on-street space availability at peak times.

### Third Party Objections

- 10.37 The Council have received objections from the Town Council and a number of local residents. In terms of consultation the Town Council response was received on 6<sup>th</sup> April 2021, however it is considered the Town Council have had significant time to provide any further comments in the meantime leading up to the committee. Neighbours letters were originally sent out in March 2021. Overall, it is considered that sufficient consultation time (including for scheme amendments) has been given to the Town Council and local residents.
- 10.39 Regarding other grounds of objection, the issue of empty retail units within the town centre has been addressed in the sequential assessment. The highway authority consider the loading areas for the retail units are acceptable. The level of traffic generated by the proposal would not be harmful to highway safety and the access onto Frazer Street is considered acceptable subject to provide sufficient visibility splays. It is acknowledged that there is limited on street parking on Frazer Street after 5.30pm, however the proposal provides off street parking and the highway authority accept the proposed parking provision and it will not lead to further on street parking.
- 10.39 The proposal would not have an adverse impact on residential amenity. There is a degree of separation between the proposal and neighbouring dwellings, the proximity of other shops near to the site is not a determining factor in the outcome of this application, the use of the site is for B8 and is not a community facility, the level of affordable housing and its tenure has been clarified in the relevant section and the objection to social housing is not a material consideration.
- 10.40 The applicant has confirmed that the proposal is not for a takeaway. It is noted however that under Class E there are permitted development rights to between Shops, restaurants, financial and professional services, indoor sport, recreation or fitness, not involving motorised vehicles or firearms, health or medical services, creche, nursery or day centre principally to visiting members of the public, an office, research and development, or any industrial process that can be carried out in any residential area without detriment to amenity. These uses would be considered acceptable for this mixed-use development. Furthermore, a planning condition can enable the consideration of operational hours/ days for other class E uses in order to safeguard residential amenity of nearby residents and occupiers of the upper floor apartments.

### **Noise and Residential Amenity**

- 10.41 It is noted that Environmental Protection advise the noise mitigation be secured by planning conditions. In terms of deliveries it is proposed that these will be restricted by planning condition so that no deliveries shall be taken at the premises or orders despatched from the premises between the hours of 2000hours and 0700 hours Mondays to Fridays, between 2000 hours and 0900 on Saturdays, and not at all on Sundays or Bank Holidays. This is considered necessary in preserving the amenity of neighbouring residents.

10.42 A detailed environmental noise survey has been undertaken in order to establish the prevailing noise climate at the development site. The acoustic requirements of local planning conditions and current industry guidelines have been reviewed and used to inform an assessment of environmental noise sources affecting the proposed residential properties. The developer indicates that acceptable internal noise levels should be achievable through the appropriate selection of critical façade elements. Preliminary guidance has been provided on the commercial units at ground floor level. These areas should be reviewed in detail as the design progresses to ensure minimal risk of adverse impact to adjacent sensitive areas and external receptors. Noise emission limits have been set for new items of fixed plant related to the development.

## **11. Conclusions**

11.1. The proposed development as amended is acceptable in principle, the site is located within the settlement boundary of Workington and the development represents the redevelopment of a previously developed site. The retail element is acceptable as it is considered that there are no sequentially preferable sites that are available, suitable and viable. The proposed layout will integrate into the character of the area, it will not be harmful to the living conditions of neighbouring residents and the proposal would not be harmful to highway safety.

## **12. RECOMMENDATION**

Grant permission subject to conditions and the signing of a section 106 to secure a sum of £6000 to cover a traffic regulation order to undertake highway road marking and parking alterations.

## 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.

WPS-KMA-XX-XX-DR-A-7000 Rev P2 Site Location Plan received 11.03.22

WPS-KMA-XX-XX-DR-A-7002 Rev P2 Proposed Demolition Plan received 28.03.22

WPS-KMA-XX-XX-DR-A-7003 Rev P4 Proposed Block/ Site Plan received 11.03.22

WPS-KMA-XX-XX-DR-A-7004 Rev P4 Proposed Block/ Site Plan received 21.03.22

WPS-KMA-XX-XX-DR-A-7005 Rev P4 Proposed Ground Floor Plan (Mixed Use)  
11.03.22

WPS-KMA-XX-XX-DR-A-7006 Rev P4 Proposed First Floor Plan (Mixed Use)  
11.03.22

WPS-KMA-XX-XX-DR-A-7007 Rev P4 Proposed Ground Floor Plan (Townhouses)  
received 21.03.22

WPS-KMA-XX-XX-DR-A-7008 Rev P4 Proposed First Floor Plan (Townhouses)  
received 29.03.22

WPS-KMA-XX-XX-DR-A-7009 Rev P2 Proposed Elevations 01 received 11.03.22

WPS-KMA-XX-XX-DR-A-7010 Rev P2, Proposed Elevations 02 received 11.03.22

WPS-KMA-XX-XX-DR-A-7011 Rev P1 House Type A (2 bed) Proposed Floor Plans  
11.03.22

WPS-KMA-XX-XX-DR-A-7012 Rev P2 House Type A (2 bed) Proposed Elevations  
11.03.22

WPS-KMA-XX-XX-DR-A-7013 Rev P1 House Type B (3 bed) Proposed Floor Plans

WPS-KMA-XX-XX-DR-A-7014 Rev P2 House Type B (3 bed) Proposed Elevations  
Land contamination assessment part 3

Email received 31.01.22 confirming restricting retail units to class E uses only.

Email received 11.03.22 confirming removed a 2-bed dwelling, removed a  
proposed vehicular access position along Frazer Street, revised the car parking  
layout.

Transport Statement VN201753 Vectos March 2022

VN201753-D100 Rev B Site Access Review (Visibility Splays)

VN201753-D101 Rev B On-street Parking Arrangement on Frazer Street

VN201753-D102 Rev B Proposed TRO Alterations 14.6.22

VN201753-TR100 Rev B Swept Path Analysis - Servicing Layby

VN201753-TR101 Rev B Swept Path Analysis - Large Car

**Pre-commencement conditions:**

**3. Development shall not commence 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:**

- pre-construction road condition established by a detailed survey for accommodation;
- works within the highways boundary conducted with a Highway Authority representative;
- with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
- details of proposed crossings of the highway verge;
- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- access points to the construction compound (vehicular / pedestrian) shall solely be from Princess Street;
- surface water management details during the construction phase.

Reason: To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety in accordance with Policy S22 Allerdale Local Plan (Part 1) adopted July 2014.

**4. Full details of the surface water drainage system (incorporating SUDs features as far as practicable) and a maintenance schedule (identifying the responsible parties) 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 thereafter in accordance with the schedule.**

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. In accordance with Policy S29 Allerdale Local Plan (Part 1) adopted July 2014.

**5. The development shall not commence until visibility splays (for each proposed access) providing clear visibility of 43 by 2.4 by 43 meters down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway in accordance with drawing VN201753-D102 Rev B Proposed TRO Alterations 14.6.22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.**

Reason: In the interests of highway safety in accordance with Policy S22 Allerdale Local Plan (Part 1) adopted July 2014.

**6. The highway / footway and loading bay works as shown on drawing no WPS-KMA-XX-XX-DR-A-7003 Rev P4 shall be designed, constructed and drained to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. Any works so approved shall be constructed and completed prior to the site becoming operational.**

Reason: To ensure a minimum standard of construction in the interests of highway safety in accordance with Policy S22 Allerdale Local Plan (Part 1) adopted July 2014.

**7. Prior to the commencement of works a detailed Phase 2 intrusive investigation report shall be submitted to and approved by the local planning authority to establish the degree and nature of the contamination and its potential to pollute the environment or cause harm to human health. The scope of works for the site investigations should be agreed with the Local Planning Authority prior to their commencement. Following site investigations should land affected by contamination be identified which poses unacceptable risks to human health, controlled waters or the wider environment, no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan.**

Reason: To minimise any risk during or post construction works arising from any possible contamination from the development to the local environment in compliance with the National Planning Policy Framework and Policy S30 of the Allerdale Local Plan (Part 1), Adopted July 2014.

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

**8. No part of the development hereby permitted shall be constructed above ground floor level until details of all external walling and roofing materials have been submitted to and approved by the Local Planning Authority. Only the materials so approved shall be used in the development as approved.**

Reason: To ensure a satisfactory standard of development for the external appearance of the approved scheme which is compatible with the character of the surrounding area, in compliance with the National Planning Policy Framework and Policy DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

**9. Details of the siting, height and type of all means of enclosure/screen walls/fences/other means of enclosure shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling(s). Any such walls/fences etc. shall be constructed prior to the approved building being brought into use/occupied. All means of enclosure so constructed shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.**

Reason: To ensure a satisfactory standard of development which is compatible with the character of the surrounding area and safeguard the amenity of neighbouring properties in accordance with Policies S32 and DM14 of Allerdale Local Plan (Part 1) adopted July 2014.

**10. Any existing highway fence/wall boundary shall be reduced to a height not exceeding 1.0m above the carriageway level of the adjacent highway in accordance with details submitted to the Local Planning Authority and which have subsequently been approved before the development is brought into use and shall not be raised to a height exceeding 1.0m thereafter.**

Reason: In the interests of highway safety in accordance with Policy S22 Allerdale Local Plan (Part 1) adopted July 2014.

**11. Prior to the commencement of development above ground floor level a scheme providing for the provision of bat boxes on the approved buildings, shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be fully implemented prior to the development being brought into use and shall be retained thereafter.**

Reason: In the interests of safeguarding bats in accordance with Policy S35 Allerdale Local plan (Part 1) adopted July 2014.

**12. Prior to occupation, the vehicular crossing over the footway, including the lowering of kerbs, shall be carried out to the specification of the Local Planning Authority in consultation with the Highway Authority.**

Reason: To ensure a suitable standard of crossing for pedestrian safety in the interests of highway safety in accordance with Policy S22 Allerdale Local Plan (Part 1) adopted July 2014.

**13. The access drives shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is occupied/ brought into use.**

Reason: In the interests of highway safety in the interests of highway safety in accordance with Policy S22 Allerdale Local Plan (Part 1) adopted July 2014.

**14. Prior to occupation 2.4 metre x 2.4 metre pedestrian visibility sight splay as measured from the highway boundary (or footpath boundary), shall be provided on both sides of the vehicular access. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter.**

Reason: To provide adequate inter-visibility between the pedestrians and users of the access and the existing public highway for the safety and convenience of users of the highway and of the access in the interests of highway safety in accordance with Policy S22 Allerdale Local Plan (Part 1) adopted July 2014.

**15. The (building/dwelling) shall not be occupied until a means of vehicular access has been constructed in accordance with plans to be approved by the local planning authority.**

Reason: To ensure a suitable standard of vehicular access in the interests of highway safety in the interests of highway safety in accordance with Policy S22 Allerdale Local Plan (Part 1) adopted July 2014.

**16. Foul and surface water shall be drained on separate systems.**

Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy S29 Allerdale Local Plan (Part 1) adopted July 2014.

**17. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal painting or fitting out, shall take place before the hours of 0800 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To protect the amenities of the occupiers of nearby properties during the construction period in compliance with Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

**18. Should a remediation scheme be required under condition (7), the approved strategy shall be implemented and a verification report submitted to and approved in writing by the Local Planning Authority, prior to the development (or relevant phase of development) being brought into use.**

Reason: To minimise any risk during or post construction works arising from any possible contamination from the development to the local environment in compliance with the National Planning Policy Framework and Policy S30 of the Allerdale Local Plan (Part 1), Adopted July 2014.

**19. 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 in compliance with the National Planning Policy Framework and Policy S30 of the Allerdale Local Plan (Part 1), Adopted July 2014.

**20. No part of the development hereby permitted shall be built above plinth level until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping which shall include indications of all existing trees and shrubs on the site, and details of any to be retained. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development, and any trees or plants which within a period of 5 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 other 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

**21. A full specification for all the fixed refrigeration and ventilation plant for the retail A1 units including octave band data, its location and any necessary mitigation shall be submitted to and approved by the Local Planning Authority prior to any construction works above plinth level. The development shall be implemented solely in accordance with the approved details prior to the commencement of the use and retained at all times thereafter.**

Reason: To safeguard the amenity of nearby residential properties, in compliance with the National Planning Policy Framework and Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

**22. The deliveries to and from unit 1 hereby approved shall solely be undertaken and completed within the hours of 08:00 to 21:00 Monday to Saturday and 10:00 to 16:00 Sunday. The deliveries to and from unit 2 hereby approved shall solely be undertaken and completed within the hours of 08:00 to 19:00 Monday to Saturday and 10:00 to 16:00 Sunday.**

Reason: To safeguard the amenity of nearby residential properties, in compliance with the National Planning Policy Framework and Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

**23. The opening hours of the retail Unit 1 Use Class E (a) hereby approved to the public shall be solely between the hours of 08:00 to 22:00 Monday to Saturday and 10:00 to 16:00 Sunday. The opening hours of the retail Unit 2 Use Class E (a) hereby approved to the public shall be solely between the hours of 08:00 to 19:00 Monday to Saturday and 10:00 to 16:00 Sunday.**

Reason: To safeguard the amenity of nearby residential properties, in compliance with the National Planning Policy Framework and Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

**24. Notwithstanding the provisions of the Use Class Order 1987 (as amended), should an alternative class E use to that of the retail units hereby approved be subsequently operated, the hours/ days of that Class E use open to the public shall be submitted to and agreed in writing by the local planning authority and the Class E use shall then operate in accordance with the approved details.**

Reason: In the interests of preserving the amenity of neighbouring residents, in compliance with Policy S32 of the Allerdale Local Plan (part 1), Adopted July 2014.

**25. The cumulative retail sales area of retail units 1 and 2 hereby approved shall not exceed 345sqm.**

Reason: In order to safeguard the vitality and viability of the existing town centre and other retail units, in compliance with the National Planning Policy Framework and Policies S16 and DM8 of the Allerdale Local Plan (Part 1), Adopted July 2014.

