

Appendix B – Planning Policy Summary

Introduction

1.1 In order to shape the direction of this Study, it is helpful to understand relevant retail and town centre planning policy at a national and local level. As such, we first summarise national planning policy of relevance before briefly considering relevant development plan policy as set out in both the local plan for Allerdale Borough Council and Copeland Council. For Allerdale Borough Council this includes:

- The Allerdale Local Plan (2014) (Part 1);
- the Allerdale Local Plan (1999) saved policies; and
- the emerging Submission Draft Allerdale Local Plan (Part 2) (2018)

1.2 The Inspector issued their Final Report and recommended modifications in respect of the Draft Local Plan (Part 2) in January 2020. This marks the end of the independent examination on the submitted plan. The Council are now working towards considering the plan for adoption in line with the main modifications.

1.3 For Copeland Council the relevant development plan policy includes:

- the Copeland Local Plan (2013);
- the Copeland Local Plan (2006) saved policies; and
- the emerging, Draft Copeland Local Plan (2019).

The Revised National Planning Policy Framework

1.4 The revised National Planning Policy Framework ('NPPF'), which was published on 24 July 2018 and subsequently updated on 19 February 2019, recognises that a flexible approach will be necessary to provide for the future vitality and viability of town centres. The revised NPPF reflects the fact that the traditional role of town centres has been undermined by structural changes in the sector, and that there may be a need to plan for a more diverse range of uses going forward. The policies of the NPPF are considered on a thematic basis below.

[Plan-Making](#)

West Cumbria Town Centre, Retail and Leisure Study

- 1.5 Paragraph 20 of the NPPF indicates that development plans should set out an overall strategy for the pattern, scale and quality of development, including policies to deliver retail, leisure and other commercial development. Paragraph 31 states that the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be proportionate and take into account relevant market signals.

Building a Strong, Competitive Economy

- 1.6 Paragraph 80 of the NPPF indicates that 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.

Ensuring the Vitality of Town Centres

- 1.7 Paragraph 85 specifically relates to planning for town centres. It states that:

'Planning policies should:

- a. **define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;**
 - b. **define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;**
 - c. **retain and enhance existing markets and, where appropriate, re-introduce or create new ones;**
 - d. **allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary;**
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- e. where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre; and**
- f. recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.'**

- 1.8 The requirement to plan to meet needs across a minimum ten year period represents a change from the previous NPPF which required town centre needs to be met in full across the entire plan period.
- 1.9 In addition, it is notable that the NPPF Annex 2 Glossary drops the reference to primary and secondary frontages. Page 32 of the Government Response to the Draft Revised National Planning Policy Framework Consultation indicates that, whilst the revised NPPF has removed the expectation in national planning policy that such frontages must be defined, this does not preclude authorities from doing so where their use can be justified. However, it is evident that the general intention is to provide for more flexibility through a less prescriptive approach to land use.
- 1.10 Paragraph 89 of the NPPF states that it is appropriate to identify thresholds for the scale of edge of centre and out of centre retail and leisure development that should be the subject of an impact assessment. Any such threshold policy applies only to the impact test (all planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date development plan will generally be the subject of the sequential test¹).

Ensuring the Vitality of Town Centres Planning Practice Guidance

- 1.11 The Ensuring the Vitality of Town Centres Planning Practice Guidance ('the Town Centres PPG') was published in July 2019 and is in place to provide additional direction in respect of how retail and town centre planning policy should be applied in respect of plan-making and decision taking. The Town Centres PPG affirms the Government's aspiration to support town centres in order to generate employment, promote beneficial competition and create attractive, diverse places where people want to live, work and visit.

¹ With the exception (in accordance with paragraph 88 of the NPPF) of small scale rural office proposals and other small scale rural development.

1.12 Paragraph 004 of the Town Centres PPG indicates that a local planning authority's strategy for their town centres should include:

- the realistic role, function and hierarchy of town centres over the plan period. Given the uncertainty in forecasting long-term retail trends and consumer behaviour, this assessment may need to focus on a limited period (such as the next five years) but will also need to take the lifetime of the plan into account and be regularly reviewed.
 - the vision for the future of each town centre, including the most appropriate mix of uses to enhance overall vitality and viability.
 - the ability of the town centre to accommodate the scale of assessed need for main town centre uses, and associated need for expansion, consolidation, restructuring or to enable new development or the redevelopment of under-utilised space. It can involve evaluating different policy options (for example expanding the market share of a particular centre) or the implications of wider policy such as infrastructure delivery and demographic or economic change.
 - how existing land can be used more effectively – for example the scope to group particular uses such as retail, restaurant and leisure activities into hubs or for converting airspace above shops.
 - opportunities for improvements to the accessibility and wider quality of town centre locations, including improvements to transport links in and around town centres and enhancement of the public realm (including spaces such as public squares, parks and gardens).
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West Cumbria Town Centre, Retail and Leisure Study

- what complementary strategies are necessary or appropriate to enhance the town centre and help deliver the vision for its future, and how these can be planned and delivered. For example, this may include consideration of how parking charges and enforcement can be made proportionate.
 - the role that different stakeholders can play in delivering the vision. If appropriate, it can help establish the level of cross-boundary/strategic working or information sharing required between both public and private sector groups.
 - appropriate policies to address environmental issues facing town centres, including opportunities to conserve and enhance the historic environment.
 - Paragraph 006 of the Town Centres PPG identifies a series of key indicators of relevance in assessing the health of a centre over time². The indicators include diversity of uses, commercial yields, customers' experience and behaviour, retailer representation, balance between independent and multiple stores and opening hours/extent to which there is an evening and day time economy offer.
- 1.13 Paragraph 007 refers to circumstances where planning permission is not required for changes involving town centre uses. The guidance states that a change of use of land or buildings requires planning permission if it constitutes a material change of use. The guidance refers to the range of permitted development rights as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, which we set out in more detail below.
- 1.14 Paragraph 008 relates to permitted development rights which support flexibility in town centres. The paragraph states that in order to support new ventures and pop-ups and avoid long terms vacancies, there is a separate temporary right which allows a range of uses (offices, shops, services etc) to convert temporarily to another use (office, shop, restaurant etc) for a single continuous period of up to three years. The guidance has been drafted to allow start-ups to test a new business model and then subsequently seek permanent permission on the same, or another site.
- 1.15 The same right now allows for the temporary change of use to specified community uses (health centre, art gallery, museum, public library, public hall or exhibition hall) to provide a greater mix of uses on the high street and increase footfall, and bring community uses closer to communities.
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- 1.16 Other permitted development rights provide for physical works to support the operation of shops or financial and professional services, including:
- extensions to existing buildings;
 - the provision of click and collect facilities for shops;
 - modification of shop loading bays; and
 - hard surfacing for shops, financial and professional services and restaurants.
- 1.17 Paragraph 009 indicates that the sequential test is of direct relevance to plan-making. It requires local planning authorities to consider the suitability, viability and availability of sites when considering sequentially preferable opportunities to accommodate additional development for main town centre uses.

Changes to Permitted Development Rights

- 1.18 On 15 April 2015, the Town and Country Planning (General Permitted Development) (England) Order came into force³. The Order consolidates and replaces the Town and Country Planning (General Permitted Development) Order 2015 (and its subsequent amendments), and provides additional permitted development rights. The new rights of relevance to town centres include a permitted change from amusement arcade/casino (sui generis use) to residential use (Class C3);
- a permitted change from retail (Class A1) to financial services (Class A2);
 - a permitted change from retail/financial services (Class A1/A2) to food and drink (Class A3);
 - a permitted change from retail/financial services (Class A1/A2), betting offices, pay day loan shops and casinos to assembly and leisure (Class D2);
 - extension of the temporary permitted development rights introduced in May 2013 for extensions to shops, offices, industrial and warehouse buildings to support business expansion and the economy so they apply permanently;
 - the erection of click and collect facilities within the curtilage of an extension retail shop; and
 - modifications to the size of an existing retail shop loading bay.

³ http://www.legislation.gov.uk/uksi/2015/596/pdfs/uksi_20150596_en.pdf

1.19 In addition to the above, the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 subsequently came into force on 6 April 2016. The Amendment Order provides for:

- a permitted change from launderettes (sui generis use) to residential use (Class C3);
- and the previously temporary permitted development right to change offices (Class B1) to residential use (Class C3) to be made permanent, with a condition allowing the local planning authority to consider certain noise impacts.

1.20 The above provisions seek to make it more straightforward to secure the reuse of buildings (and thereby reduce the amount of vacant property). The relaxation in respect of residential dwellings has been of greatest consequence in large metropolitan areas, which are more likely to benefit from both a substantial stock of office floorspace and strong demand for apartment development.

Permitted Development Rights

1.21 On the 23rd March 2020, the UK Government announced a 'lockdown' of society to adjust to the outbreak of the Coronavirus (Covid-19), which dictated that persons should not leave their dwellings unless conducting essential work, grocery shopping or collecting medication.

1.22 As such, the UK Planning System is going through a period of transition in response to the Covid-19. At the time of writing, planning regulations in England are to be relaxed so that pubs and restaurants can operate as hot food takeaways, which has necessitated a temporary change to permitted development rights through The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2020.

Allerdale Planning Policy Context

1.23 The Allerdale Local Plan (Part 1) Strategic and Development Management Policies was adopted in 2014 and replaced the majority of policies within the Allerdale Local Plan 1999. The plan will guide development up to 2029.

1.24 Within Strategic Policy S2, the Council sets out their sustainable development principles. This includes the following relevant aims:

- **'Promote Workington's role as a West Cumbria's principal retail and leisure destination;**
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West Cumbria Town Centre, Retail and Leisure Study

- **Enhance town centre vitality and viability by improving the retail, commercial, cultural and leisure offer and quality of the built environment;**
 - **Support the delivery of high quality tourism attractions and accommodation as well as key projects’.**
- 1.25 Strategic Policy S3 regarding the Council’s spatial strategy for growth dictates that Workington will see 35% of new development, whilst Maryport will be the location of 12% of new development. Cockermouth and Wigton will both be expected to accommodate 10% of development, whilst Silloth and Aspatria will accommodate for 3% and 4% of new development respectively.
- 1.26 Strategic Policy S16 concerning aspects of the Town Centre and Retail outlines that the council will:
- ‘promote the vitality and viability of town centres by encouraging a diverse mix of uses in high quality environments which attract a wide range of people at different times of the day, and which are safe and accessible to all.’**
- 1.27 It outlines the hierarchy of centres, with Workington designated as the Principal Centre, and Key Service Centres following those appraised as part of this study. As such, the policy expects main town centre uses to be located within the existing centres at a scale appropriate to the settlements role and function.
- 1.28 Policy S17 regarding tourism, costal and countryside recreation, states that such development will be located in the Principal, Key and Local Service Centres prior to rural villages and other locations. Additionally, proposals will be encouraged which support key tourism projects and destinations which have the transformational potential to significantly improve the social and economic prosperity of the area, such as Maryport Harbour and Derwent Forest and Derwent Valley. Furthermore, this policy states that proposals which involve the loss or change of use of a tourism business to a non-tourism business will only be granted where the applicant has demonstrated that the business is no longer fit for purpose or financially viable through a robust marketing exercise as set out by the Council.

Emerging Local Plan

- 1.29 The Allerdale Local Plan (Part 2) regarding Site Allocations will replace the remaining saved policies of the Allerdale Local Plan 1999. The Draft Local Plan (Part 2) was submitted to the Secretary of State for independent examination in January 2019. Hearings were undertaken in May 2019 and the government’s Planning Inspector issued their final report and recommended modifications on 9th
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January 2020. This marks the end of the independent examination on the submitted plan. The Council are now working towards considering the plan for adoption in line with the main modifications.

- 1.30 The submission draft proposes to make 4 allocations which are summarised below.

Policy SA46 Retail and Town Centres

- 1.31 This policy allocates the below sites for specific retail use classes and safeguards the sites from non-retail uses, which will ensure they remain available for retail and main town centre uses throughout the plan period.

- Policy SA47 Central Car Park, Workington

This site comprises a 0.89 ha car park and is considered suitable for A1, A2, A3 and A4 uses.

- Policy SA48 Royal British Legion, Workington

This site comprises 0.2ha and is presently the site of the Royal British Legion, south of the Washington Square Shopping Centre. It is considered suitable for A1, A3 and A4 uses.

Policy SA49 Lower Derwent Valley

- 1.32 This draft policy supports proposals for new or replacement sport and leisure facilities, along with ancillary main town centre uses within the Lower Derwent Valley area, which is located north of Workington's retail centre and currently comprises the Leisure Centre, Workington Rugby Football League Club and Comets Speedway Team at Derwent Park and the Workington Reds Football Club Stadium. Proposals will be subject to sequential tests and suitable measures to protect and enhance ecology along with River Derwent Corridor.

Policy SA32 Tourism, Coastal and Countryside recreation

- 1.33 With regard to tourist attractions and facilities, this draft policy states that proposals for new, improved and replacement tourism attractions and facilities will be supported within or on the periphery of Principal, Key and Local Service Centres subject to compliance with other relevant Local Plan policies.
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West Cumbria Town Centre, Retail and Leisure Study

- 1.34 Additionally, it proposes that the Council will encourage proposals which support key tourism projects and destinations which have the transformational potential to significantly improve the social and economic prosperity of the area, such as Maryport Harbour.
- 1.35 With regard to tourist accommodation, the policy proposes to support proposals that offer new or improved visitor accommodation within Principal, Key and Local Service Centres which includes Workington, Maryport, Cockermouth, Silloth, Wigton and Aspatria.
- 1.36 Once the Local Plan (Part 2) is adopted, Policy SA32 will replace Policy S17 in the Local Plan (Part 1).

Copeland Planning Policy Context

- 1.37 The Copeland Local Plan Development Management Policies Development Plan Document was adopted in 2013 and guides development in the area up to 2028.

Policy ER7 relates to the roles and function of the Principal Town Centre, Key Service Centres and Local Centres. It outlines that

‘Development will be required to meet the needs of the area, to be of a scale appropriate to the centre, and to not adversely impact on the vitality or viability of other nearby centres. The purpose of each centre will differ according to its role and function.’

- 1.38 The policy provides 5 development objectives which are as follows:
- a) Reinforce the role of Whitehaven as the Principal Town through the promotion of a flexible, mixed-use approach, the improvement of strategic and local accessibility, and supporting its continued growth;**
 - b) Support Whitehaven’s role as a tourist and visitor destination linked to its unique heritage and independent and specialist retailers;**
 - c) Protect and where possible enhance the services and facilities provided in the Key Service Centres of Cleator Moor, Egremont and Millom;**
 - d) Seek to ensure that the Local Centres and neighbourhood centres maintain essential shops and services to meet the needs of local communities;**
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e) Encourage evening and night-time uses that contribute to the vibrancy, inclusiveness and economic vitality of centres. Such uses should accord with Policies DM6 and DM7.'

1.39 Policy ER8 concerns Whitehaven Town Centre and outlines that development which responds to, consolidates, improves, enhances, diversifies and integrates Whitehaven will be supported.

1.40 Policy ER9 relates to the Key Service Centres as well as Local and other smaller Centres. This policy states that retail and service development which promotes the vitality and viability of these centres, and is consistent with the spatial development strategy, will be supported. Part A of this policy states that in the key service centres of Cleator Moor, Egremont, and Millom the following is relevant:

- i. Appropriate retail and service sector provision will be actively encouraged within the defined boundaries of each Key Service Centre to serve local communities and to facilitate small scale tourism. Evening entertainment and leisure uses will also be acceptable if they meet the criteria as set out in ER7 E above. The Core Strategy Copeland Local Plan 2013-2028: Adopted Core Strategy and Development Management Policies Page 47**
- ii. The town centre boundaries of the Key Service Centres will be reviewed and may be redrawn to reflect current circumstances**
- iii. Further physical improvements in association with town centre management initiatives will be considered to attract more visitors and to reduce levels of vacancy**
- iv. Development should also accord with Policies DM6 and DM7**

1.41 Part B states that the provision of shops and services will be maintained to ensure they continue to serve their small catchment areas with basic goods and services. It goes on to state that retail and service development which promotes the vitality and viability of rural settlements, without damaging their environment or amenity, will be supported.

1.42 With regard to tourism, Policy ER10 outlines that the Council will seek to:

"Locate new tourist accommodation, facilities and attractions where there is proven capacity for additional visitors to be accommodated without adverse environmental or amenity impacts, with consideration given to the following:

- i. Focus major tourist accommodation and attractions in Whitehaven and develop the town as a base for exploring the wider area;**
 - ii. Encourage development of an appropriate scale in the Key Service Centres of Cleator Moor, Millom and Egremont which takes pressure off more sensitive areas;**
 - iii. Support development requiring a rural location within the smaller villages and countryside, if proven necessary to enhance the Borough's existing place-bound assets;**
 - iv. Permit holiday accommodation which meets the requirements of Policy DM9.**
- 1.43 Policy ST3 relates to the Strategic Development Priorities, and outlines that in order to fulfil the strategic objectives for Copeland locations including regeneration sites in south and central Whitehaven, including the town centre and harbourside, Pow Beck Valley, Coastal Fringe and the South Whitehaven Housing Market Renewal Area and town central renewal in Cleator Moor, Egremont and Millom will be priorities for development.

Emerging Local Plan

- 1.44 The Council are currently working on the production of a new Local Plan which will concern strategic policies, site allocations and development management policies up to 2035. The first Issues and Options Draft was consulted on between 25th November 2019 and 20th January 2020. The Council will publish a Preferred Options Draft in September 2020, subject to full Council approval.
- 1.45 This retail study is amongst the documents which will form the evidence base of this emerging plan and inform the future of development in Copeland over the plan period.
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