



Allerdale Local Plan

**First Alteration
June 2006**

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HEAD OF REGENERATION**

ALLERDALE LOCAL PLAN

FIRST ALTERATION

**ADOPTION
19 June 2006**

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* Refers to page number in the original Allerdale Local Plan Document (November 1999)

1. INTRODUCTION

- 1.1 The Allerdale Local Plan First Alteration has been prepared according to the Town and Country Planning Act 1990 and the Town and Country Planning (Development Plan) (England) Regulations 1999. All Local Authorities must prepare a Development Plan to guide the Authority's decisions on the development and use of land. These Plans should be kept up to date.
- 1.2 The statutory Development Plan for Allerdale, outside the Lake District National Park, is the Allerdale Local Plan which was originally adopted in November 1999. In order to bring the Local Plan up to date Allerdale Borough Council decided to alter the Local Plan on a limited range of issues. The stages and timetable leading to this, the Adoption Version of the Alteration, are as follows:
- First Deposit : September/October 2002
 - Second Deposit/Council's responses : May/June 2004
 - Public Local Inquiry : April 2005
 - Inspector's Report : August 2005
 - Post Inquiry Modifications and Responses : February/April 2006
- 1.3 This Adoption Version does not differ from the Post Inquiry Modifications in any significant respect.

2. STATUS OF THE FIRST ALTERATION

- 2.1 This Local Plan Alteration has been processed in accordance with The Town and Country Planning Act 1990 and The Town and Country Planning (Development Plan) (England) Regulations 1999. New legislation since then, The Planning and Compulsory Purchase Act 2004, which replaces Local Plans with Local Development Frameworks, includes transitional arrangements which allow Local Planning Authorities to continue with the preparation of old-style Local Plans and Local Plan Alterations under the old legislation and Regulations, as long as the adoption process is complete by 21 July 2006.
- 2.2 Under the transitional arrangements, this Local Plan Alteration will be a "saved" policy document for a period of 3 years from the date of adoption or until the forthcoming Local Development Framework is adopted, whichever is the earlier date. Therefore, the Alteration will be a material consideration in planning decisions until the relevant parts of the new LDF are adopted. The Council will be expected to adopt our LDF within this 3 year period.

3. THE ALTERATION SCHEDULE

- 3.1 The following Schedule lists the amendments which together form the First Alteration to the Allerdale Local Plan. They are listed in the order in which they appear in the Local Plan document.
- 3.2 Each amendment is described either as new text, with no relevant deletion, or as a deletion plus relevant replacement text.

1. **FLOOD PLAINS AND FLOOD RISK** (Page 29 of the Adopted ALP)

Policy EN13 and paragraph 4.5.25 are deleted and replaced by the following:

“Policy EN13:

In considering proposals for development on land at risk of flooding, the Council will require the submission of a Flood Risk Assessment, to be submitted with the planning application.

The Council will have regard to the requirements of PPG25 (Development and Flood Risk) and will follow the sequential approach described in Table 1 and paragraph 30.

The FRA will be required to meet the requirements of Appendix F of PPG25. Development of land at risk of flooding will not be acceptable unless:

- (i) There are no alternative sites available in a lower Flood Risk zone, or, the proposed development is consistent with other overriding sustainable development objectives, and appropriate measures are taken to make development safe,**

Or,

- ii) The proposed development is of such a nature that it would not be significantly affected by flood water or exacerbate flooding elsewhere.**

Where it is decided that development of such land will be acceptable, the Council will, in consultation with the Environment Agency, require appropriate flood protection and mitigation measures to be carried out and will require the installation of Sustainable Drainage Systems (SUDS) where appropriate.

4.5.25 Guidance for Local Planning Authorities on development in flood risk areas is included in Planning Policy Guidance Note 25 “Development and Flood Risk”. This defines various flood risk Zones, and gives guidance on the type of development appropriate within such Zones. It also stipulates that Flood Risk Assessments need to be submitted with proposals for development in Low to High Risk Zones and that these should be in accordance with appendix F of PPG25. The Council will resist inappropriate development in Flood Zones 2 and 3 unless the application can clearly demonstrate that there is no reasonable alternative lower risk site available and/or that the proposal is consistent with other overriding sustainable development objectives. Such Objectives might be, for example, the need to encourage brownfield development or to implement the sequential test on retail proposals. In such cases where the Council considers such development to be on balance acceptable, the FRA will need to identify any mitigating works and these will need to be agreed with the Environment Agency before development can be allowed to proceed.”

Policy EN16 is deleted and replaced by the following policy:

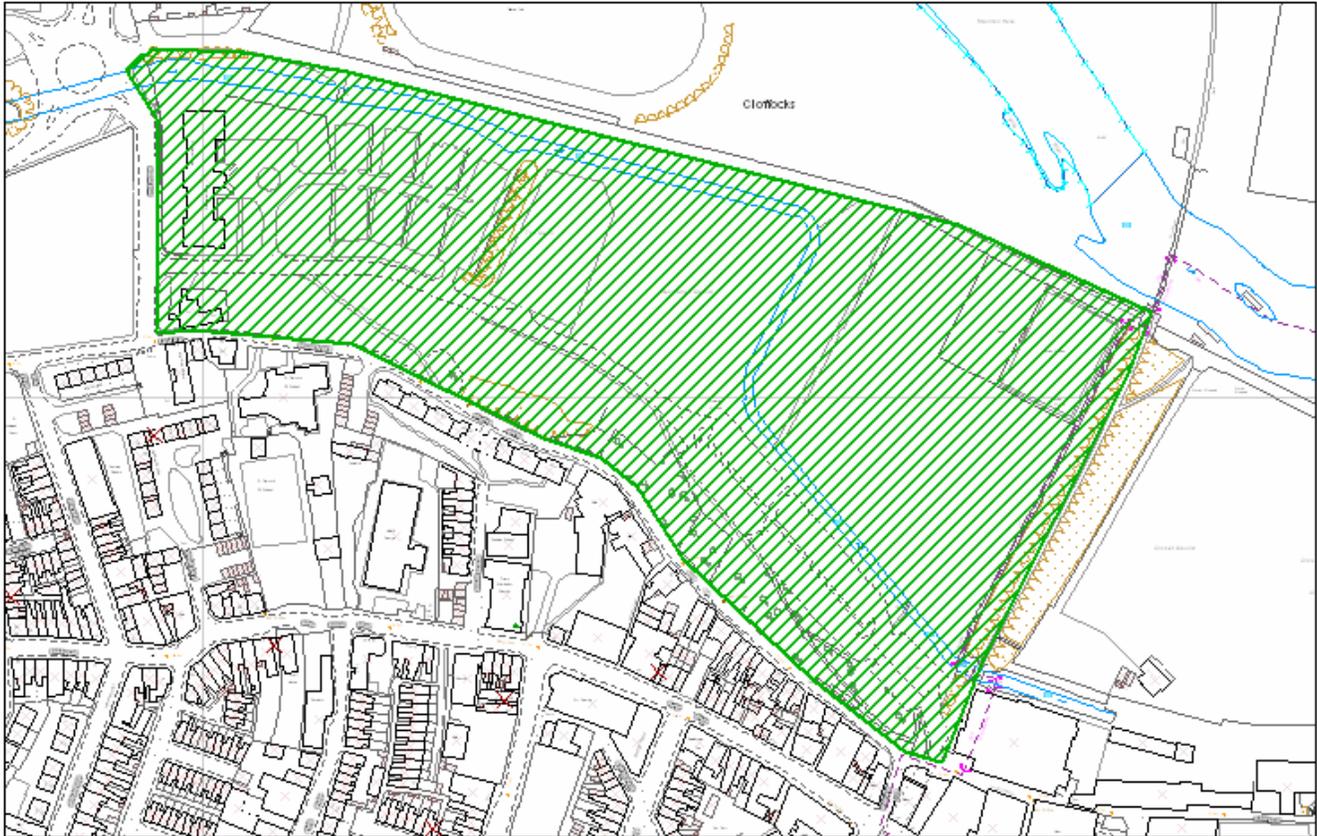
“Policy EN16: Proposals for flood defences will be assessed against the guidance in PPG25, and will be approved provided that:

- (i) they are necessary for implementation of development considered acceptable under Policy EN13;**
- (ii) they are acceptable to the Environment Agency;**
- (iii) they do not have significant adverse impact on visual amenity, wildlife habitats, landscape quality, highway safety, or sites and buildings of archaeological, historical or architectural importance and**
- (iv) where any adverse impact is not significant the proposals include appropriate measures to mitigate any such adverse impact.**

2. **WORKINGTON ENVIRONMENT** (Page 52)

The area bounded by Brow Top/Derwent Street to the South, William Street to the West, Black Path (Pad) to the North and the footpath/cycleway to the East, is removed from the area of Policy WKEN1, as shown on the attached map.

Allerdale Local Plan First Alteration: Policy WKEN1, The Cloffocks, Workington



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 Area Deleted From Policy WKEN1

3. **RURAL DERELICT LAND : DERWENT FOREST (Page 72)**

Policy REN2 is deleted and replaced by the following:

“Policy REN2:

In assessing any proposals for the re-use and/or redevelopment of the former Royal Naval Armaments Depot at Broughton Moor, the Council will approve the following uses either individually or in combination subject to the criteria below:

- **institution(s) standing in their own grounds, to include education but exclude prison uses**
- **large scale leisure development of a predominantly “open” nature**
- **hotel/restaurant and conference centre**
- **tourist related development of a predominantly “open” nature, e.g. golf course, ski slope, cycle track, nature trails, equestrian activities**
- **Renewable Energy schemes for an appropriate scale and character.**

All proposals will be expected to conform to the following criteria:

- (i) **Development proposals on the whole or part of the depot site will be expected to conform to sustainable principles concerning natural resources, pollution, wildlife and the need to travel. All proposals will be expected to comply with the published development brief.**
- (ii) **Development proposals for the depot site as a whole will be expected to contribute to the regeneration of the local economy and bring substantial benefits to local people in economic, social and environmental terms.**
- (iii) **Proposals for the piecemeal development of the depot site will be resisted. Proposals for individual parts of the site must conform to the published development brief. Developers may be expected to enter into a Section 106 Agreement with the Local Planning Authority covering the phasing of the development of the whole site.**
- (iv) **No development or land use approved by the Local Planning Authority shall be implemented until the Authority is satisfied that the relevant site area is entirely free from contamination and/or dereliction of any kind.**
- (v) **The aggregate amount of building, including new building, in terms of floorspace, should not substantially exceed the total floorspace of the existing buildings (including the former magazines), except where the overall scheme, or part thereof, would result in a more beneficial impact upon the landscape than the existing situation, or includes some other overriding environmental, economic or social benefit. There shall be minimal building in that part of the depot site designated as Locally Important Landscape Area, except where any proposed**

building would not have a significant adverse impact on the landscape character of the area.

- (vi) Any package of proposals for the whole site should include elements of public access, wildlife habitat enhancement, an increase in overall tree cover particularly of indigenous species and the continuation of the Northside to Broughton Moor Cycleway.**
- (vii) Any package of proposals for the whole site or individual proposals for parts of the site, must satisfy the Local Planning Authority that on and off-site infrastructure is adequate to accommodate the proposal(s) concerned. In particular the Local Planning Authority will require the submission of a full Environmental Impact Assessment and/or a Transport Assessment where appropriate. Any E.I.A. submitted with development proposals shall include a comprehensive drainage strategy for the relevant site, showing how foul and surface water drainage will conserve and enhance the environmental quality of the site.**

Proposals for other uses not listed above will be resisted, as will any proposal which does not conform to the above criteria or to any other relevant policies in the Local Plan.”

4. **HOUSING CONVERSIONS** (Page 86)

The references to Policies RHS1 and RHS2 in Policy HS4 are deleted.

Policy HS6 is deleted and replaced by the following:

“Policy HS6”

Proposals for the conversion of buildings to residential use, outside the development limits defined on the Proposals Map Insets will be acceptable provided that:

- (i) The applicant has made very reasonable attempt to secure suitable business re-use of the building(s), and the application is supported by a statement of the efforts which have been made. Or the proposed residential conversion is a subordinate part of a scheme for business re-use;**
- (ii) The proposal complies with other relevant Local Plan policies;**
- (iii) The building(s) is located within or is well related to, an existing group of buildings or farmstead;**
- (iv) The proposal does not result in the need for a replacement building;**
- (v) The building(s) is of permanent and substantial construction, and substantially structurally stable or capable of being rendered structurally stable without significant rebuilding, and to this end the Council will require a full structural survey to be submitted with each planning application. The demolition and rebuilding of substantial parts of the building(s) will not be permitted.**
- (vi) The proposal achieves reasonable standards of amenity space, access and off-street parking, without the need for alterations to its appearance which would adversely affect its character or architectural integrity, or the character of its surroundings; and**
- (vii) the number of dwellings proposed is appropriate to the surroundings. The creation of a significant or disproportionate number of dwellings in open countryside will be unacceptable.”**

Page 121 : Policy RHS1, Paragraph 5.11.22, Policy RHS2 and Paragraph 5.11.26, are deleted.

5. **RELEASING LAND FOR HOUSING DEVELOPMENT** (Page 90)

Paragraph 5.4.25, Policy HS7, and paragraph 5.4.26 are deleted and replaced by the following:

“5.4.25:

The above figures are based upon the objective that 60% of new houses will be built on allocated sites and 40% on small or large “windfall” sites. It is right, therefore, that the Local Plan should control the release of unallocated “windfall” sites, especially those sites which are “Greenfield”. The new PPS3 “Housing” also states that Local Planning Authorities should control the release of Greenfield land even if it is allocated in a Local Plan. The following policy controls the release of housing land and gives priority to the development of appropriate “brownfield” sites.

Policy HS7

In considering planning applications for all new residential development of 2 or more dwellings the Council will have regard to the requirements of Planning Policy Guidance Note 3 and to the sequential release of housing land, and will seek the development of appropriate brownfield land before approving the development of greenfield sites. Proposals for residential development on greenfield sites of such size, whether allocated or unallocated, will not be approved if there is an appropriate alternative brownfield site available for residential development.

5.4.26:

There will normally be no objection to the development of appropriate brownfield sites, whether small or large, unallocated or allocated, provided they meet the other relevant policies of the Local Plan. Conversely, the development of greenfield sites will be strictly controlled. It is very unlikely that large greenfield “windfalls” will be given permission unless it can be shown that there is an overall shortage of housing land in the relevant area and no appropriate brownfield land is available. Planning applications for two or more dwellings on greenfield sites, whether allocated or not, will be assessed against the criteria in paragraph 31 of PPG3 “Housing”. The preference for brownfield development also applies to sites which are allocated for housing in the Local Plan; the Council will resist the release of an allocated greenfield housing site, i.e. refuse planning permission, where there is an appropriate alternative brownfield site available for housing development. Whether an alternative brownfield site is “appropriate” will be tested against the criteria in paragraphs 31 and 32 of PPG3, and will include an assessment of whether the brownfield site is of an appropriate scale and location. Whether the site is “available” will be tested against relevant good practice guidance and housing land availability studies where appropriate. The threshold of “2 or more dwellings” in the policy exempts proposals for single dwellings from the sequential approach. This is because most such proposals are not speculative but are self-build proposals for occupancy by the applicant. To impose an alternative brownfield site, especially in rural areas where such alternatives are rare, would be too onerous, bearing in mind the small number of dwellings involved.

6. **HOUSING QUALITY AND DESIGN** (Page 90)

A new criterion (viii) is added to Policy HS8 as follows:

“(viii) Density:

In accordance with PPG3 “Housing”, developers should seek to create developments of a minimum 30 dwellings per hectare.

And a new paragraph is added to the supporting text as follows:

“5.4.36^A :

With regard to density, Planning Policy Guidance Note 3 “Housing” encourages Local Planning Authorities to make efficient use of land and to seek densities higher than have prevailed in the past. Accordingly the Council will normally require housing developments to be at a minimum of 30 dph. Calculated using the “net site density approach outlined in Annex C of PPG3, unless material considerations might arise through the assessment of proposals against the other criteria of Policy HS8. In addition there will be some circumstances, for example on town centre sites or sites close to transport nodes, where a density higher than 30dph would be appropriate.”

7. **HOUSING QUALITY AND DESIGN** (Page 92)

The second sentence of Policy HS9 is deleted and replaced with the following sentence:

“With regard to foul water drainage, exceptions to this policy may be made for dwellings required in areas where there is no practicable alternative and where a detailed site assessment is submitted in accordance with Circular 3/99 which, to the satisfaction of the Council, in consultation with the Environment Agency, shows that non-mains drainage is appropriate and practicable.”

The following text is added to paragraph 5.4.37:

...”Government advice on non-mains sewerage is included in Circular 3/99 entitled, “Planning Requirements in respect of the use of Non-Mains Sewerage incorporating Septic Tanks in New Development”. Where applicants propose development to be served by non-mains sewerage the Council will require applications to be accompanied by a full site assessment that addresses issues (a) to (k) in Annexe A of Circular 3/99. This should clearly show that such drainage proposals are necessary, practicable and appropriate. Proposals for non-mains sewerage are likely to require a “Consent to Discharge” from the Environment Agency and applicants are encouraged to contact the Agency for advice before submitting a planning application.”

See also item 8 below.

8. **HOUSING QUALITY AND DESIGN** (Page 92)

The first sentence of Policy HS9 is deleted and replaced by the following sentence:

“New housing development will be required to be connected to mains water supply and the public foul or combined sewerage system as appropriate, to have a satisfactory means of surface water drainage and to have satisfactory vehicular access to an adopted highway.”

See also item 7 above.

9. **AFFORDABLE/LOCAL NEED HOUSING** (Page 94)

The following text is added to paragraph 5.4.46:

....."For the purposes of the following policies affordable housing is as defined in the Council's Interim Housing Policy adopted in July 2005."

The final sentence of paragraph 5.4.47 is deleted and replaced by the following:

..."In all cases where a quota is requested under Policy HS14 the Council will require a legally binding agreement to be in place or a condition imposed which ensures the long term affordability of the dwellings and which ensures that occupancy is restricted to local inhabitants in perpetuity.

The following text is added after paragraph 5.4.47:

"5.4.47^A :

With regard to site specific indicative targets for affordable housing, as stated above, sites where a quota will be required have been indicated on allocated sites in Thursby and Cockermouth. However, because of Allerdale's experience of the fluctuation of need over time, it is not considered helpful to quantify this site specific need in the Local Plan. Developers of these sites will be expected to consult the Council's Housing Section to finalise the quota.

5.4.47^B:

In rural areas, thresholds need to be lower. In order to cater for the possibility that perhaps only one affordable dwelling is needed, in a situation where there are no large housing sites, the Council may seek a quota of one dwelling on sites as small as 5 dwellings. Such a proportion is in line with the 20% quota in urban areas. However, there may be local circumstances, for instance where potential housing sites for more than one dwelling are rare, where the Council may be justified in seeking higher percentage quotas or even a quota for one dwelling on a site of less than 5 dwellings. The villages where local housing surveys have indicated a need for affordable housing are listed in paragraph 5.11.42. With regard to indicative targets for affordable housing in these villages, Allerdale's experience of fluctuating need in the rural areas suggests that putting figures against villages is as likely to mislead developers as to help them. Developers will be expected to closely liaise with the Council's Housing Section in order to quantify the exact quota."

10. **AFFORDABLE/LOCAL NEED HOUSING** (Page 95)

Policy HS15 is amended by the addition of the words ...”and Infill Villages”.... after the words”Limited Growth Villages”.... and similar additions are made to paragraphs 5.4.49 and 5.4.50(i).

Policy HS16, Paragraphs 5.4.51, 5.4.52 and 5.4.53 are deleted and replaced by the following:

“Policy HS16:

Proposals for single exceptional affordable dwellings will be approved where:

- (i) The site is well related to a village or appropriate group of dwellings;**
- (ii) The proposal meets criteria (i), (iii), (iv) of Policy HS15.**

5.4.51:

As with Policy HS15, this policy relates to the provision of local needs affordable housing through the rural exceptions policy. For the purposes of Policy HS16 definitions of terms are the same as for Policy HS15.

5.4.52:

Occasionally, there will be people in rural communities who can afford to build themselves a home but who have genuine difficulty in finding an affordable site or house within villages. In such circumstances it may be appropriate to allow exceptional permissions for single dwellings in appropriate locations. In assessing such proposals the Council will initially decide whether the applicant’s need for an affordable dwelling is proven and whether they are an inhabitant of the relevant locality. Then the location of the proposed dwelling will be assessed against the following:

- The applicant’s personal/family circumstances;
- The relationship of the site to a village or group of dwellings. Dwellings in isolated locations will not be permitted and dispersed groups of dwellings may not be considered appropriate;
- The location of the proposed dwelling in relation to larger settlements where there is affordable housing available. Locations within reasonable distance of such settlements may not be considered acceptable.

5.4.53:

Additionally, it is important that any dwelling built under the above policy should remain available to local people at an affordable price. Where, as with Policy HS15, a proposal involves a Registered Social Landlord, this can be controlled by planning condition but where no RSL is involved, controlling occupancy and affordability will require an appropriate agreement under Section 106 of the Town and Country Planning Act 1990. In such cases long term affordability will be secured by a clause in the agreement which limits the resale price of the dwelling to a certain percentage of its

open market value. The percentage will depend upon local average income and the state of the local housing market. It must also be remembered that affordability will be related to the size of the dwelling and whilst the resale percentage could be lower for larger dwellings, it would not be appropriate to approve particularly large dwellings. Furthermore, it may not be acceptable to extend such dwellings in the future, so approvals will be subject to the removal of any permitted development rights to extend.”

12. **RURAL AFFORDABLE HOUSING** (Page 124)

Paragraph 5.11.42 is amended by the deletion of:

Rosley
Westward

and by the addition of:

Allonby
Bothel and Threapland
Gilcruix

13. **RURAL HOUSING** (Page 125)

A new sub-section is added after paragraph 5.11.43, as follows:

“Replacement/Rebuilding of dwellings in open countryside”

5.11.44

Within development limits the demolition and replacement or substantial rebuilding of dwellings and former dwellings is normally acceptable under Policy HS5, subject of course to other policies. In the open countryside the situation is different and new dwellings should be more strictly controlled. To guide decisions on proposals to replace dwellings outside development limits, the following policy applies.

Policy RHS9:

In the open countryside, outside the development limits defined on the Proposals Map Insets, proposals to replace/rebuild dwellings will be acceptable provided that:

- (i) the relevant building retains its lawful use as a dwelling; and**
- (ii) the proposal is for a dwelling of similar or smaller size compared with the dwelling to be replaced, unless circumstances justify otherwise; and**
- (iii) where the building is listed as being of special architectural or historic interest, or located in a Conservation Area or is deemed to make a significant contribution to local character, the requirements of the Conservation Policies and other relevant Local Plan policies are met.**
- (iv) where the relevant building no longer substantially exists and thereby is deemed to have lost its lawful use as a dwelling, it was recently accidentally destroyed; and**
- (v) the proposal is not for the replacement of a static caravan, holiday chalet or other temporary building considered to be inappropriate for permanent replacement; and**
- (vi) where the existing dwelling has a significant adverse impact on local health and safety, the proposal for replacement is considered to lessen that impact.**

Where the existing dwelling is subject to an occupancy restriction, the replacement dwelling shall be made subject to a similar restriction, unless circumstances justify otherwise.

In all cases where replacement is considered acceptable, the Council will ensure the removal of the existing dwelling from the site by means of an appropriate condition or legal agreement.

5.11.45

Planning Policy Guidance Notes 3 and 7 stipulate that new housing in the countryside should be strictly controlled. Therefore, the crucial criterion is, that to justify replacement by a dwelling, a building must retain its lawful use as a dwelling. The

replacement of abandoned or long disused dwellings will be subject to Policy HS4 and treated as new housing development. The Council will take into account all relevant evidence (e.g. Council Tax records, current use, elapse of time, etc) when deciding if a building retains its lawful use.

5.11.46

Another important consideration is the size of the replacement house. It would be unacceptable for a relatively small dwelling to be replaced by a large one in the countryside. Therefore, replacement dwellings will be expected to be of similar size or smaller than the existing dwelling. Larger dwellings will only be acceptable where special circumstances justify an exception to this policy. Where a larger house is considered acceptable it may be appropriate to remove permitted development rights.

5.11.47

The replacement of dwellings which are “listed” or within Conservation Areas will not be acceptable unless the requirements of the relevant conservation policies are met. There may also be occasions when a proposal involves a building which makes a significant contribution to local character which it would be preferable to retain. In addition, the Council will, where appropriate, require the re-use of traditional materials and architectural features salvaged from the relevant demolished building.

5.11.48

There may be buildings/structures in use as dwellings which it would be inappropriate to replace. For example, chalet dwellings, holiday chalets and static caravans will not be considered as appropriate for replacement by permanent dwellings. Occasionally, where substantial permanent dwellings are constructed from “temporary” materials it may be acceptable for them to be replaced in permanent materials. Some existing dwellings have significant adverse impact on their local environment either through visual impact or such issues as poor vehicular access. Replacement of such dwellings should only be acceptable where any such adverse impact is lessened. There is no reason why the Council should accept and help to perpetuate such situations.

5.11.49

Finally, where a replacement dwelling is considered to be acceptable, it will normally be made subject to any occupancy restrictions applied to the existing dwelling, and the Council will need to be satisfied that the original dwelling is removed before the new dwelling is occupied.”

14. **REMOVAL OF RESIDENTIAL OCCUPANCY/RESTRICTIONS** (Page 125)

A new sub-section is added to the Rural Housing Section (after item 13) as follows:

“Removal of existing occupancy conditions

5.11.50

Changes in the agricultural economy may affect the long term requirement for dwellings for which planning permission was originally granted subject to an occupancy condition. It may be anticipated that there will be an increasing number of planning applications submitted to remove occupancy conditions, so that properties may be sold on the open market.

5.11.51

Such proposals would, in effect, create new dwellings in the open countryside. The Council is required to rigorously control new dwellings in the countryside, hence policies such as HS4. Therefore, it is right that such proposals be subject to a rigorous appraisal and the following policy will apply.

Policy RHS10:

Proposals for the removal of conditions restricting the occupancy of dwellings to essential occupants will not be approved unless:

- (i) an appraisal is submitted with the application which, to the satisfaction of the Council, clearly shows that there is no longer any functional need for the occupancy restriction, on the holding or premises, or elsewhere in the locality, nor likely to be within the foreseeable future; and**
- (ii) a genuine and sustained attempt has been made to market the property, with its occupancy condition, at a realistic price and that no reasonable offer has been refused.**

Where, in the opinion of the Council, the removal of such conditions is justified and that there is a need in the locality for local affordable dwellings, the Council will, in appropriate circumstances, restrict the occupancy of the relevant dwelling(s) to inhabitants of the locality who are in need of affordable accommodation.

5.11.52

It would be unreasonable of the Council to be overly restrictive in response to such proposals, with the result that many affected dwellings become vacant or subject to unauthorised occupancy. Nevertheless, the Council will give such proposals rigorous appraisal.

5.11.53

In addition, if there is clear evidence that there is a need for local affordable dwellings in the locality it would be wrong for the Council to miss the opportunity to make provision for such. Accordingly, in appropriate circumstances, the Council will replace the condition requiring essential occupancy with one requiring local occupancy. In assessing whether the circumstances are appropriate the Council will have regard to:

- Whether there is clear evidence of need for local affordable dwellings in the locality:
- The affordability of the relevant dwelling with a local occupancy restriction.

In this respect the size of the dwelling will be taken into consideration and the Council will carry out a process similar to that outlined in paragraph 5.4.53 above. Definitions of “locality”, “inhabitant” and “affordable” are the same as those included in the Council’s adopted Interim Housing Policy.

5.11.54

The above policy does not relate to proposals to remove occupancy conditions from local affordable dwellings. There may be occasional proposals for the removal of these, particularly on individual dwellings which may have been originally approved on the basis of individual need. If that person’s circumstances change it may result in an application to remove the local occupancy condition. The following policy is therefore relevant.

Policy RHS11:

Proposals for the removal of conditions restricting the occupation of dwellings to inhabitants of the locality will be approved where it can be shown, to the satisfaction of the Council, that:

- (i) there is no longer any need in the locality for local affordable dwellings; or**
- (ii) the relevant dwelling(s) has been extensively marketed with its occupancy restriction, at a realistic price and no reasonable offers have been refused.**

5.11.55

The fact that the occupiers of the relevant dwelling may no longer require affordable accommodation will not in itself justify setting aside the occupancy condition. It must also be shown that there is no such need in the whole locality.

15. **RURAL EMPLOYMENT** (Page 171)

Policy REM5 is deleted and replaced by the following:

“Policy REM5”

Proposals for either the conversion of buildings or development of sites, outside development limits, for employment use may be acceptable provided that

- (i) The site or building(s) is well related in location to an existing group of buildings or farmstead.**
- (ii) In the case of new build proposals, it is by way of an extension to an existing business or the replacement of an appropriate existing building of an existing business, and it meets the requirements of Policy EM4.**
- (iii) The building(s) is of substantial and permanent construction.**
- (iv) The conversion of the building does not lead to the need for the erection of a replacement building elsewhere.**
- (v) The building(s) is of sufficient size and sound a structure to allow satisfactory conversion without the need for the demolition and rebuilding of substantial parts of the building or extension to it. Where extension is deemed appropriate any enlargement must be subordinate in size and form, retaining rooflines without alteration.**
- (vi) The proposed use is of a scale and type appropriate to the surroundings and does not require significant alteration to the appearance of the site to the detriment of the character of the area.**
- (vii) The proposed use does not give rise to environmental, amenity, highway or parking problems or generate additional traffic which the local highway network cannot satisfactorily accommodate.**
- (viii) The proposed use is capable of being accommodated within the building(s) without the need for alterations to its appearance which would adversely affect its character and architectural integrity.”**

The first sentence of paragraph 6.12.19 is deleted and replaced by the following:

“6.12.19”:

Sustainable principles also mean that the location of proposals, both by way of conversion and new building, should be controlled; PPG7 advises that such proposals should not lead to the dispersal of activity, therefore criterion (i) restricts acceptable proposals to those well related to existing buildings.”

16. **CURWENT PARK** (Page 182)

Paragraphs 7.3.4, 7.3.5 and 7.3.6 are deleted and replaced by the following paragraph:

“7.3.4:

Proposals for the town centre are intended to promote access routes to principal car parks, to facilitate the town centre redevelopment, and to create satisfactory access to the Laundry Field Retail Site (WKR3). The aim of this is to remove some of the present traffic, reduce congestion and improve accessibility for public transport and visitors to the town centre.

17. **WORKINGTON LEISURE : LONSDALE PARK** (Page 213)

A new Policy WKL1 and new text is added as follows:

“**The Cloffocks**

Policy WKL1(a):

5.4ha of land at the Cloffocks is allocated for sport and recreation uses subject to the protection of appropriate trees on the site and the nature conservation interests of the site and the adjacent River Derwent. The site lies within the Functional Floodplain and is therefore at high risk from flooding, therefore, detailed proposals should be accompanied by an appropriate Flood Risk Assessment and proposals must incorporate any works that such assessment shows to be necessary. Because of the high risk of flooding on the site, camping and caravanning land uses will not be approved.

10.7.7(a):

Much of the Lower Derwent Valley is subject to Policy WKEN1 which seeks to enhance the area and requires future development to be related to existing recreational uses. The bulk of the above allocation is the former Greyhound racing track, now largely disused, the remainder of the land being a young woodland plantation. The track now comprises the former running track, some old terracing and mounds and some rapidly deteriorating buildings, though recent demolition of other buildings has significantly improved the appearance of the site. It is considered that the removal of this eyesore, the opening of the land to public use and the enhancement of the landscape would create a great asset for the people of Workington and improve the image of the town.

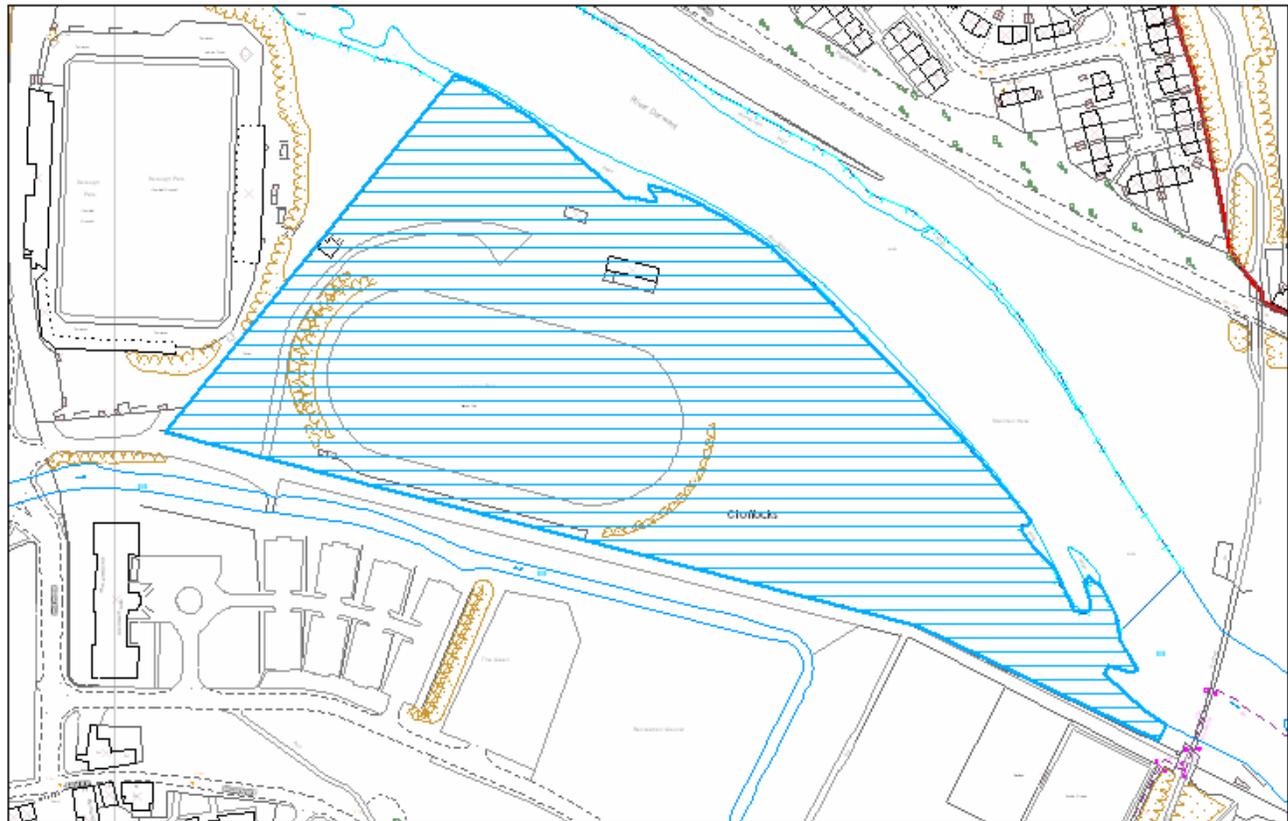
10.7.7(b):

Because the site is located within the Functional Floodplain, it is considered to be at high risk of flooding as identified by Table 1 of PPG25. Consequently, the range of land uses appropriate to the site will be restricted, and will not include camping and caravanning. Furthermore, the scale of buildings on the site will be restricted by the

flood storage capacity. Infrastructure shall be designed and constructed to remain operational at times of flood, to result in no net loss of flood plain storage, not to impede water flows and not to increase flood risk elsewhere. To conform with the requirements of PPG25 planning applications for development on the site must be accompanied by a Flood Risk Assessment and must incorporate any works deemed necessary by such an assessment.”

The Proposals Map is amended as shown on the attached plan.

Allerdale Local Plan First Alteration: Lonsdale Park, Workington



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 Allocation WKL1 (a) For Sport and Recreation Uses

18. **TOURISM : CARAVAN PROPOSALS IN SOLWAY COAST AONB** (Page 224)

A new criterion is added to Policy TM2 as follows:

“(v) in areas at risk of flooding, a flood risk assessment has been prepared which, shows that any resultant flood risk is acceptable, and, any works deemed necessary by such assessment are included in the proposals.”

Paragraph 11.2.2 is deleted and replaced by the following:

“11.2.2:

The impact of caravan sites within the Solway Coast Area of Outstanding Natural Beauty on the character and amenity of the area is already significant. Consequently, proposals for new sites in the AONB will be rigorously assessed against the above criteria. Small scale extensions to existing sites in the AONB may be acceptable in appropriate circumstances.”

19. **TOURISM : HOLIDAY ACCOMMODATION** (Page 226)

A new section is added to the Tourism Chapter after paragraph 11.4.2 as follows:

“Policy TM7(a)

Outside the Development Limits defined on the Proposals Map, planning applications for the provision of holiday accommodation by way of either conversion or extension will be approved, subject to other relevant policies of this Local Plan, and where:

- (i) in the case of conversion(s) the building is of permanent, substantial and traditional construction; and**
- (ii) the location, scale, design and number of units proposed is compatible with the character of the locality, with the capacity of local infrastructure, and in the case of conversions, with the character of the building. Where an approval is considered appropriate, it will be conditioned to ensure that the relevant units will remain available for holiday purposes only.**

11.4.3

Policy TM1 is relevant to such proposals but does not give sufficient guidance on issues such as design, infrastructure and the length of lettings. Accordingly, the above policy gives further guidance on such proposals. The character of the relevant building is important, it will not be appropriate to convert temporary or insubstantial buildings. The character of the locality is also important especially in the open countryside. It may not be appropriate to approve, for instance, proposals in isolated, remote, yet prominent, locations which do not relate well to other buildings and the character of the landscape.

11.4.4

The capacity of local infrastructure is also important. It is essential that proposals can be accommodated without straining or overloading local services such as foul and surface water drainage and sewage treatment. Where public foul sewerage is unavailable or connection to it is impracticable proposals for non-main sewerage must be in accordance with the requirements of Circular 3/99. All proposals will be required to conform with Policy HS9 and the requirements of paragraph 5.4.37. Also, the conversion of traditional buildings can be detrimental to their character and historic fabric. It is important that the conversion of traditional buildings will be subject to the relevant conservation policies. Within development limits proposals will be assessed against policies TM1 and HS5.”

20. **WORKINGTON RETAIL : LAUNDRY FIELD : (Page 237)**

Paragraph 12.9.2 is deleted and replaced by the following:

“12.9.2

The following analysis, policies and proposals have been developed in response to PPGs 13 and 25, and PPS6, and the West Cumbria Retail Study 2003 together with earlier consultants reports.”

Paragraphs 12.9.22 to 12.9.25 are deleted and replaced by the following:

“12.9.22

The town centre has seen some qualitative improvements in recent years but not quantitative. There is considered to be a crucial lack of choice in key retail sectors, especially in comparison durable outlets, and this is confirmed by the West Cumbria Retail Study showing a significant loss of such expenditure to Carlisle and other centres. There has been some welcome redevelopment recently but a great deal more needs to be done.

12.9.23

The West Cumbria Retail Study Review 2003 has shown that there is not sufficient convenience goods expenditure to justify any extra foodstore floorspace over and above that existing or committed as at October 2003. This conclusion contradicts the Review of 1996 which identified a need for more convenience floorspace beyond the year 2001. The explanation for this is that the '96 Study was based on the assumption that there would be some population growth in Allerdale, the 2001 Census has shown such an assumption to be ill-founded. Therefore, a new foodstore in Workington can only be justified if it results from the relocation of an existing store with the guarantee of the cessation of convenience retailing at that existing store. Such a proposal would go a long way towards redressing the imbalance between town centre and out of centre retail floorspace in Workington.

12.9.24

The 2003 Study did, on the other hand identify substantial scope for further comparison sector floorspace in Workington. Furthermore, the future trend is positive such that further floorspace provision is justified in the future. It is crucial that proposals in Workington come forward to address this capacity issue in the comparison sector.

12.9.25

At present, Workington has the highest proportion of out of centre retail floorspace of any of the major towns of Cumbria. It is fundamental aim of the Council's Strategy to regenerate Workington town centre that this imbalance should be redressed.”

The seventh bullet point to Paragraph 12.9.28 is deleted and replaced by:

- “To seek to retain a significant element of food shopping in or adjacent to the town centre.”

Policy WKRG1 (the allocation of Central Station Car Park for retail use) and paragraph 12.9.43 are DELETED.

Policy WKRG3 and paragraphs 12.9.46 to 12.9.50 are deleted and replaced by the following:

“Policy WKRG3:

3.9ha of land at Brown Top car park and adjacent, is allocated for retail development in the form of a major convenience outlet, in the period beyond 2004, subject to:

- (i) the store’s retailing offer being predominantly of convenience goods;**
- (ii) relevant retail and other policy tests being satisfied;**
- (iii) satisfactory access and levels of car-parking being provided;**
- (iv) the proposal including a quantified assessment of the need to replace the sports pitch, such assessment to encompass future trends and needs. Subject to the conclusion of such assessment, any replacement facility shall be of an equivalent or better quality and quantity, in a suitable location, subject to appropriate management, and shall be made available to an agreed appropriate timetable.”**
- (v) the submission of a detailed Flood Risk Assessment which demonstrates that the site can be satisfactorily developed for the form of development proposed without it being at unacceptable risk of flooding or creating or exacerbating flooding problems elsewhere.**
- (vi) the satisfactory incorporation of Soapery Beck, which crosses the site, in order to protect, and where possible, enhance, its visual amenity and nature conservation value.**

12.9.46

The adopted Local Plan (1999) included an allocation of land at Laundry Field, Workington for retail purposes, predominantly for convenience goods. The First Alteration First Deposit Draft maintained this allocation but in an enlarged form through the inclusion of the adjacent bowling club. This allocation was in response to the West Cumbria Retail Study 1996 which identified potential capacity for, and the benefits of, securing the development of a major convenience anchor for the town centre. At that time, work undertaken by the Council in connection with the town centre redevelopment suggested an increase in capacity which resulted in the enlarged allocation in the First Alteration (2002).

12.9.47

The responses to the First Alteration First Deposit Draft were contradictory concerning convenience expenditure capacity. Therefore, in order to establish an accurate picture the Council commissioned a full review of the West Cumbria Retail Study. The resultant review, published in October 2003, makes it clear that there is not currently sufficient convenience expenditure capacity to justify any extra foodstore floorspace over and above that existing or committed. Therefore, the justification for the original allocation at Laundry Field no longer applies. The 1996 Retail Study had assumed that the population of Allerdale Borough would grow. This assumption has proven to be ill founded. The 2001 Census has confirmed that the population has actually declined enough to have had a direct impact on the overall capacity available.

12.9.48

Nevertheless, the Council accept that there remains a strong qualitative case for a major convenience store on this site which is considered to be the most sequentially appropriate and sustainable site for such development in Workington. This qualitative case is further strengthened now that the Co-op store, the largest foodstore in the town centre, has closed as a result of the precinct redevelopment. Therefore, the need for a replacement foodstore to support and complement the town centre redevelopment is significant.

12.9.49

The 2003 Retail Study confirms that capacity to support such a development could be created through a combination of improving the market share of the town's convenience outlets together with the closure and relocation of existing outlets. Given that Workington's remaining major foodstores are all in out of centre locations the Council acknowledge that there would be considerable benefits for the town centre should one of these stores close to allow a relocation to this site. It would also go a long way towards redressing the overall preponderance of out of centre retailing in Workington. Obviously, the only two candidates for such a relocation are Safeway (now Morrisons) at Derwent Howe or Tesco at New Bridge Road. Should the Tesco store be the candidate it is acknowledged that further planning benefits could be secured, since the site of the existing store could be used for other purposes, ideally to make a major contribution to the Council's long term aspirations for the Cloffocks/Lower Derwent Valley. These aspirations, the above retail allocation, and the proposed redevelopment of St Johns Precinct are the cornerstones of Allerdale's strategy to revitalise and create a sustainable framework for the future of Workington town centre.

12.9.50

Therefore, the above site has been allocated. The site boundary has been chosen because:

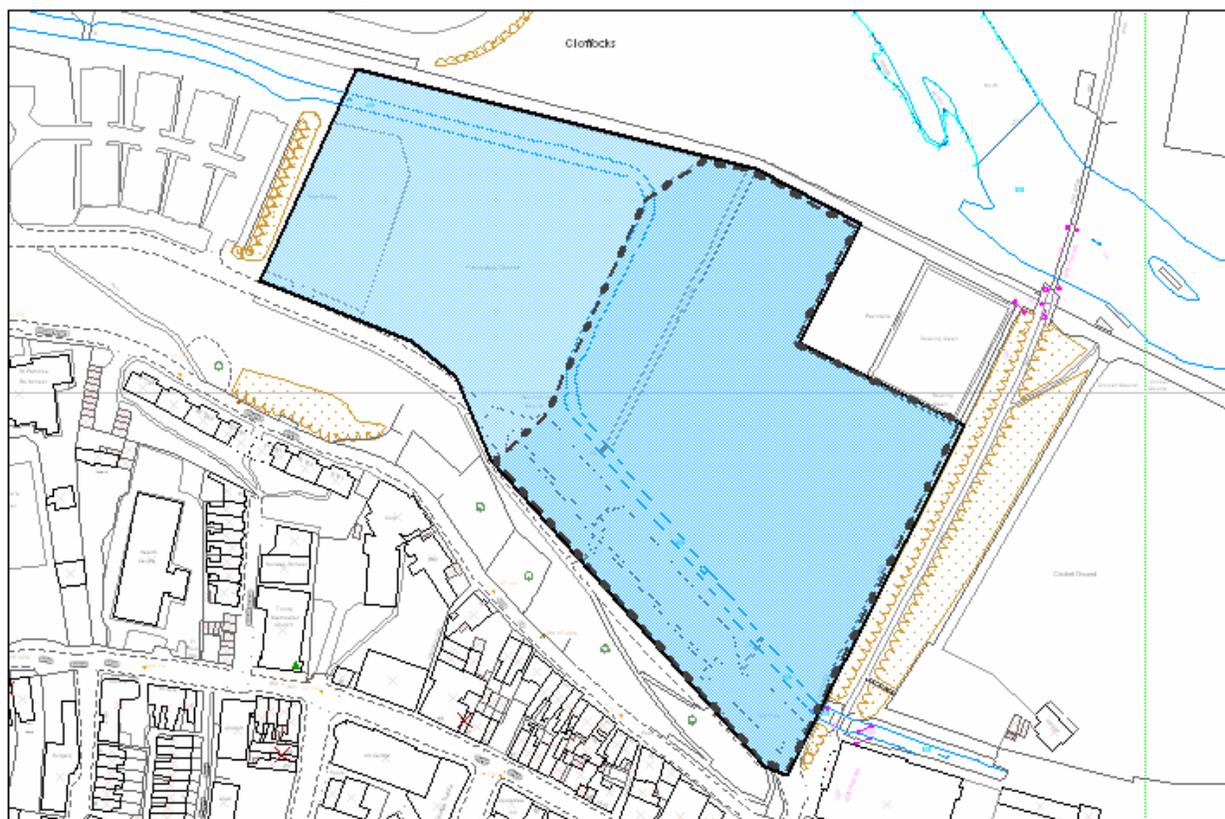
- "It meets the sequential tests of PPS6 and PPG25 as applied to Workington".
- It is an edge of centre site which relates well to the town centre;

- It is potentially big enough to accommodate a large format store;
- The site is available;
- It meets the requirements of modern store operators;
- It meets the requirements of PPS6.

Detailed proposals for the site will need to address the issues of convenience expenditure capacity, access, car parking, the relocation, if necessary, of the sports pitch, the treatment of Soapery Beck, and flood risk. The detailed Flood Risk Assessment under criterion (v) of the above Policy must address the issue of defence and/or mitigation details to protect the development and mitigation/compensation measures in the wider area. The Council has commissioned a preliminary Flood Risk Assessment (FRA) for the Lower Derwent Valley that confirmed that the chosen site for the proposed retail store lies within a high risk flood zone. The consultants recommended that a detailed FRA of the wider area would be needed to assess the impact of flooding both on the proposed retail store and elsewhere within the Lower Derwent Valley. Proposals will also need to demonstrate a close relationship to the town centre with good quality pedestrian links. Enhancement of the underpass through to St Johns Precinct is proposed under Policy WKTR7 to provide an attractive link.”

Proposals Map Inset 1 is amended as shown on the attached map.

Allerdale Local Plan First Alteration: Workington Retail Allocation WKRG3



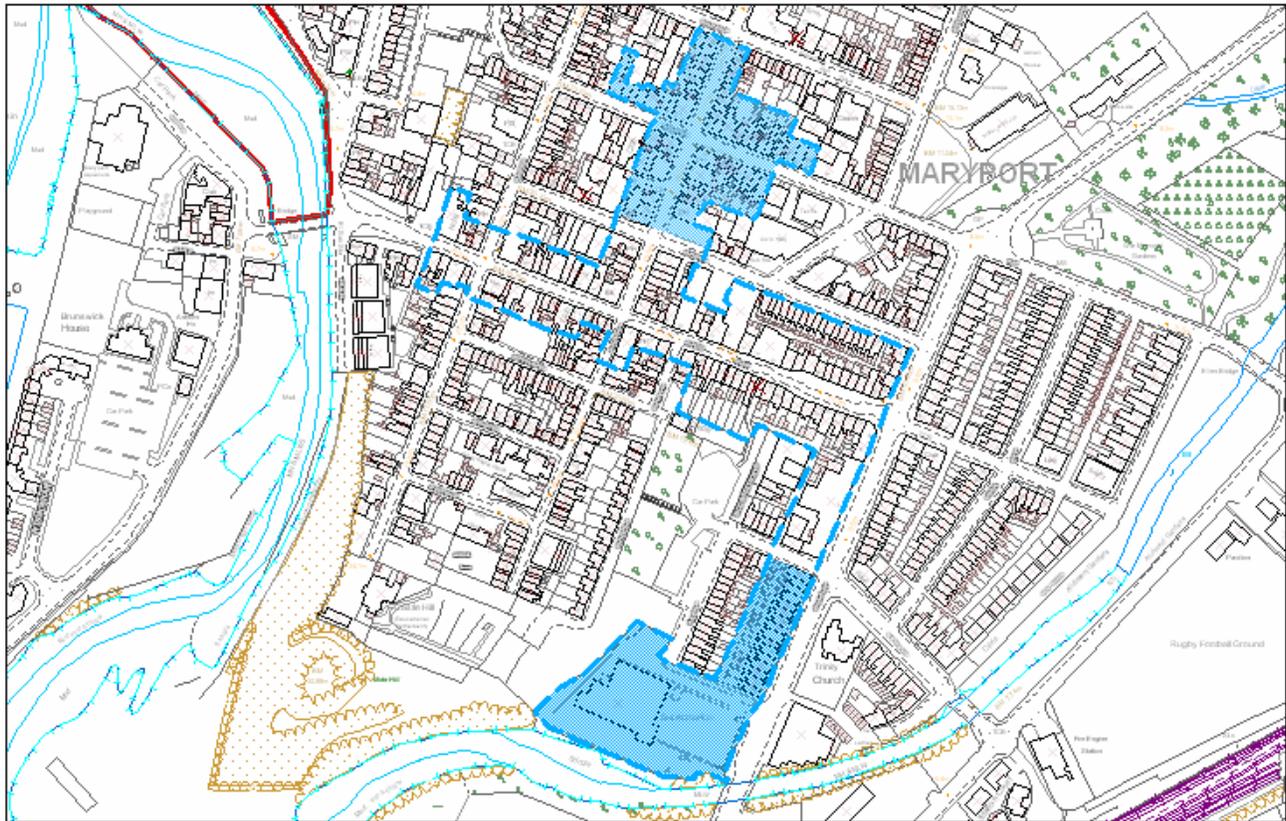
 Adopted Allocation

 Revised Retail Allocation

21. MARYPORT TOWN CENTRE BOUNDARY (Proposals Map Inset 2)

The area north of John Street and the area south of Station Street is excluded from the designated Town Centre of Maryport and the resultant boundary is as shown on the attached plan.

Allerdale Local Plan First Alteration: Maryport Town Centre



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22. GLASSON VILLAGE DEVELOPMENT LIMIT

The Development Limit of Glasson is amended to include land at the properties Ashtree and Solgarth as shown on the attached map.

Allerdale Local Plan First Alteration: Glasson Development Limit

