

Copeland area Planning Department, Cumberland Council

For the attention of Christopher Harrison

Date: 30 April 2024

Your reference: 4/23/2314/0F1

Dear Christopher Harrison

CONSULTATION ON PLANNING APPLICATION

Appn: 4/23/2314/0F1
Site Address: LAND AT PRESTON STREET, PRESTON STREET, WHITEHAVEN
Proposal: ERECTION OF A DISCOUNT FOOD STORE WITH ASSOCIATED ACCESS, PARKING, HARD AND SOFT LANDSCAPING AND ASSOCIATED WORKS

Thank you for your consultation on 15 April 2024 regarding the above Planning Application.

Cumberland Council as the Local Highway Authority (LHA) has reviewed the recently submitted Transport Note (dated 12 April 2024) in connection with the above planning reference and our findings are detailed below. For ease of reference and transparency I have included my points from my previous response along with the applicant's response and finally my latest response:

(please note these Highway Comments are in addition to those in my responses of 6.12.23 and 20.2.24 and my LLFA comments of 19.2.24)

LHA Comment 1

Any changes to the NCN72 site access arrangements and boundary wall details I note the proposal for the boundary walls to be 600mm high. This will improve visibility of the store and also visibility for footway users to reduce conflict along the frontage, but does not improve the 'through' visibility on the cycle route along the northern boundary of the store.

AMA Response 1

AMA have reviewed this request, and it is proposed to lower the existing boundary wall along the northern boundary of the site from 2.2m to 1.5m to improve through visibility. It is considered that if the boundary wall was to be lowered below 1.5m, a pedestrian site safety assessment would identify risks associated with pedestrians / cyclists tripping or falling over the wall. Aldi intend to mitigate all risks to pedestrians and cyclists wherever possible, and, therefore, this proposal is considered to provide an appropriate resolution to DCC's request.

LHA Response 1

Whilst the proposal to lower the boundary wall to 1.5m (rather than the 600mm suggested), is a compromise, I acknowledge it would still be an improvement over the existing, offering better intervisibility. However, this is still some way off the recommended viewing height of 800 mm for the visibility envelope for recumbent cyclists and children (LTN 1/20) and therefore does not provide the same safety and amenity benefits of a lower wall.

I am also disappointed that this once in a lifetime opportunity to widen the NCN path as well (see Comment 3) within the red-line boundary has not been taken. The widening proposal (and lowering the wall further) would provide a material benefit which the planning authority might want to consider when making their recommendation. However, I have to conclude that proposed scheme would not result in an unacceptable impact on safety or capacity as it is already a well-used existing route and any upgrade or improvement is better than nothing.

LHA Comment 2

Footway access to the NCN72 path.

Noted, but if possible, an access off the path to create a more direct route to the store entrance would be an advantage and this is a good opportunity if it can be included.

AMA Response 2

This suggestion would not only result in a significant loss of car parking, but it would also introduce a conflict point between HGVs and users of the NCN Route 72 which the current layout does not pose. The perceived benefit of routing the NCN route into the site is outweighed by the increased highways safety risk it would cause; the current proposed layout has been designed to ensure that there are no highways safety risks associated with HGVs accessing and egressing the store, with servicing taking place to the rear of the store. The benefit of routing the path into the site is also considered negligible when taking into account the small time saving benefit it would give users; it would reduce users journey length by approximately 100m which equates to a time saving benefit of less than 1 minute.

The proposed site layout incorporates a shared pedestrian / cycle path from Preston Street into the store. This is considered to provide a direct route from the existing NCN Route 72 path into the store via the proposed internal crossing points.

Furthermore, it is not considered reasonable to create, what over time would become, a Public Right of Way (PRoW) through a private site. Over time, this would become an established route which may lead to liability risks on Aldi's part, and as discussed above, only a very small time and distance saving benefit would be achieved. On that basis, it is not proposed to incorporate a route through the Aldi site to accommodate pedestrians / cyclists from the NCN Route, and no further consideration of this point is considered necessary based on the factors set out above

LHA Response 2

I note the argument but believe there would be safe design solution to deliver the more direct path, albeit with some changes required to the car parking and access layout. It is disappointing the path will not be accommodated but I acknowledge the proposal does provide access from the NCN and the diversion / extra distance is not significant enough to recommend refusal. The planning authority however may wish to consider the amenity benefits this link would offer in making their recommendations.

LHA Comment 3

Additional Active Travel Observations and Comments

Firstly, I have been made aware of further information on the LCWIP proposals in the locality. An LTN 1/20 compliant 2-way segregated cycle route linking the harbour to the NCN72 route at the site is being planned using Preston Street as the route to the harbour. This is a 'Priority 1 Route' in the LCWIP and the intention is that this route will provide a high quality sustainable travel option to and from the harbour and town centre to the C2C route and other local and regional destinations. This route will also provide a critical link to provide safe and convenient walking, cycling and wheeling trips to and from the new store connecting the town centre and surrounding areas to the NCN72 and other routes and destinations. A parallel (walking and cycling) signal controlled crossing is proposed just to the north of the store entrance (inline with the entry to the NCN72 path) to facilitate crossing Preston Street.

As mentioned in the Travel Plan, 'cycling has the potential to substitute for short car trips'. The TP also states that the store is 'reasonable cycling distance' from areas of population. However, apart from those cycling in from the south, the cycle route northwards would be on-road at present. This current provision is not conducive to attract cycle journeys to the store. To meet sustainable travel targets and attract customers to walk and cycle from the town centre and offices at Albion Square for example, it is essential that the signal controlled crossing is provided so the proposed safe off-carriageway route is accessible. Therefore, the LHA consider it a relevant and necessary improvement as part of this application and we request that the applicant make a financial contribution towards of £60k (the estimated scheme cost to deliver a parallel crossing) to be paid prior to trading.

Secondly, I have been reminded of the existing sub-standard nature of the NCN72 cycleway adjoining the redline boundary to the north of the site. This section running beside the site has been squeezed in to the existing site constraints and is only 2.4m wide, where best practice says it should be 3m wide. In addition the boundary wall is higher than ideal, restricting through and intervisibility along this section with its two sharp corners. The opportunity exists now to widen this path into the site slightly and also improve user experience by lowering / replacing the boundary wall (to 600mm). This will create a higher quality and more pleasant user experience. As well as benefiting the local and long distance cyclists, this route will be used by locals using the store so will

enhance their overall experience as well and possibly encourage its use as a means of accessing the store by sustainable means. We feel that the parallel cycle / pedestrian crossing and improving the existing cycleway adjacent to the site are measures that should be an intrinsic part of the Travel Plan which will help deliver the targets. The LHA welcome further discussion on the matters discussed above.

AMA Response 3

In the interests of promoting and encouraging sustainable travel, Aldi would be happy to contribute the sum of £50,000 towards the provision of a parallel (walking and cycling) signal controlled crossing, to the north of the proposed store entrance, to facilitate crossing Preston Street.

LHA Response 3

The LHA welcomes the financial contribution of £50k towards the delivery of the signal controlled crossing of Preston Street adjacent to the store entrance. As pointed out in Response 1, we are disappointed that the applicant is not prepared to accommodate widening of the NCN path (to 3.0m) within their red-line boundary.

The widening proposal is a one-off opportunity that would provide a material amenity benefit which the planning authority might want to consider when making their recommendation.. However, I have to conclude that proposed scheme would not result in an unacceptable impact on safety or capacity as it is already a well-used existing route and any upgrade or improvement is welcomed.

LHA Summary

I can confirm that the LHA now has no objection to the proposal but suggest that the following obligations and conditions are included in any consent granted:

S106 Obligations

The Highway Authority would not wish to raise an objection to the above application subject to the suggested following Obligations and Conditions:

Highways

1) The applicant to enter into a suitably worded legal agreement with the Council for a financial contribution towards the parallel signal controlled crossing on Preston Street for the improvement of the local Cycle network to the amount of £50k as indicated in the LCWIP. This should be paid prior to work commencing.

2) The applicant to enter into a suitably worded legal agreement with the Council for a financial contribution of £6,600 for the review of the Travel Plan Monitoring reports. This should be paid prior to work commencing.

Conditions

The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, 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 before the development is complete.

Reason: To ensure a minimum standard of construction in the interests of highway safety.

Dropped kerbs shall be provided on each side of every junction to enable wheelchairs, pushchairs etc. to be safely manoeuvred at kerb lines. Details of all such dropped kerbs shall be submitted to the Local Planning Authority for approval before development commences. Any details so approved shall be constructed as part of the development.

Reason: *To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety.*

The development shall not commence until visibility splays providing clear visibility of 43 metres measured 2.4 metres 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 as shown on Drawing Visibility Splay Analysis AMA/48013/SK001). 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, vehicle or object of any kind shall be erected, parked 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.*

Within 6 months of the development (or any part thereof) opening for business, the developer shall prepare and submit to the Local Planning Authority for their

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

Reason: To aid in the delivery of sustainable transport objectives.

The developer shall submit to the Council for review, the pre-moving, 6-month and four subsequent annual reviews as proposed in the Interim Travel Plan. These shall review the effectiveness of the Travel Plan and including any necessary amendments or measures shall be prepared by the developer/occupier and submitted to the Local Planning Authority for approval.

Reason: To aid in the delivery of sustainable transport objectives.

Prior to development commencing, full design details of a scheme for highway modifications of Preston Street (based on Proposed Site Plan) shall be submitted to and approved in writing by the local planning authority in consultation with the Highways Authority. Such details shall form part of an agreement with the Highways Authority under Section 278 of the Highway Act 1980, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and in accordance Policy DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

Prior to trading commencing, the highway modifications for Preston Street , approved in writing under the provisions of Planning Condition xx and as agreed with the Highways Authority under section 278 of the Highways Act 1980, must be constructed and completed to the satisfaction of the local planning authority in consultation with the Highways Authority (unless otherwise agreed).

Reason: In the interests of highway safety and in accordance Policy DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

Advisory Statements

Any works within or near the Highway must be authorised by the Council and no works shall be permitted or carried out on any part of the Highway including Verges, until you are in receipt of an appropriate permit from the LHA Streetworks team.

<https://www.cumberland.gov.uk/parking-roads-and-transport/streets-roads-and-pavements/street-licences-and-permits/street-permit-and-licence-fees-and-charges>

Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.

Yours sincerely

Shamus Giles

Lead Officer - Flood & Development Management