



Town and Country Planning Act 1990 (As amended).

4/20/2283/0B1

NOTICE OF GRANT OF PLANNING PERMISSION

Smith and Love Planning Consultants Ltd
Rational House
32 Winckley Square
PRESTON PR1 3JJ
FAO Ms Sonja Swift

**S73 APPLICATION TO REVISE APPROVED PLANS FOR A NEW RETAIL STORE BUILDING AND PETROL FILLING STATION AND THE CONVERSION OF THE FORMER SPAR STORE INTO TWO NO. RETAIL UNITS RELATING TO REVISED ELEVATIONS OF THE NEW STORE, CAR PARK LAYOUT, FUEL STATION CANOPY HEIGHT, PLANT AREA, RETAINING WALLS, INSTALLATION OF ROOF MOUNTED SOLAR PANELS AND VARIATION OF CONDITION 16 FOR BOUNDARY TREATMENT DETAILS
IVY MILL, MAIN STREET, HENSINGHAM, WHITEHAVEN**

James Hall and Company Limited

The above application dated 24/07/2020 has been considered by the Council in pursuance of its powers under the above mentioned Act and PLANNING PERMISSION HAS BEEN GRANTED subject to the following conditions:

1. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-
 - Location Plan 1, Scale 1:1250, received by the Local Planning Authority on the 19th July 2018.
 - Existing Site Survey, Scale 1:200, Drawing No TRI-0709-01, received by the Local Planning Authority on the 19th July 2018.
 - Existing Site Plan, Scale 1:200, Drawing No EX-02, received by the Local Planning Authority on the 19th July 2018.
 - Site Elevations, Scale 1:100, Drawing No PL-103, received by the Local Planning Authority on the 19th July 2018.
 - Proposed Site Plan, Drawing No BR-100, Rev No C2, received by the Local Planning Authority on the 24th July 2020.
 - Proposed Alterations to Existing Buildings, Scale 1:100, Drawing No PL-105, received by the Local Planning Authority on the 19th July 2018.

- Proposed Canopy Details, Scale 1:100, Drawing No BR-105, Rev No C1, received by the Local Planning Authority on the 24th July 2020.
- Proposed Elevations, Scale 1:100, Drawing No BR-002, Rev No C3, received by the Local Planning Authority on the 24th July 2020.
- Noise Assessment of Proposed New Service Station, Prepared by AEC Ltd, received by the Local Planning Authority on the 19th July 2018.
- Environmental Site Investigation, Prepared by GEO2 Remediation Limited, received by the Local Planning Authority on the 19th July 2018.
- Desk Study, Prepared by GEO2 Remediation Limited, received by the Local Planning Authority on the 19th July 2018.
- Design and Access Statement, received by the Local Planning Authority on the 19th July 2018.
- Kingspan Rooftop Solar Panel Detail, received by the Local Planning on the 6th August 2020.
- Proposed Roof Plan, Scale 1:50, Drawing No BR-009, received by the Local Planning Authority on the 24th July 2020.
- Proposed Boundary Treatment, Scale 1:200, Drawing No Br-109, Rev No C2, received by the Local Planning Authority on the 24th July 2020.
- Free Standing Screen Details, Scale 1:50 & 1:100, Drawing No BR-108, Rev No C1, received by the Local Planning Authority on the 24th July 2020

Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. Foul and surface water shall be drained on separate systems.

Reason

To secure proper drainage and to manage the risk of flooding and pollution.

3. The development hereby approved must be carried out in accordance with the surface water drainage proposals approved as part of condition 3 of permission 4/18/2545/OB1, as detailed within correspondence dated 4th August 2020. Only the approved scheme shall be implemented prior to first occupation and thereafter maintained.

Reason

To secure proper drainage and to manage the risk of flooding and pollution.

4. The development hereby approved must be carried out in accordance with the sustainable drainage management and maintenance plan approved as part of condition 4 of permission 4/18/2545/0B1, as detailed within correspondence dated 4th August 2020. The development must subsequently be completed, maintained and managed in accordance with the approved plan.

Reason

To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.

5. The accesses to the petrol filling station and new store shall be surfaced in bituminous or cement bound materials, or otherwise bound, and shall be constructed and completed before the development is brought into use. The access shall be so maintained thereafter.

Reason

In the interests of highway safety.

6. The development hereby approved must be carried out in accordance with the surface water drainage proposals approved as part of condition 6 of permission 4/18/2545/0B1, as detailed within correspondence dated 4th August 2020. Only the approved scheme shall be implemented prior to the completion of the development and thereafter maintained.

Reason

In the interests of highway safety and environmental management.

7. The development hereby approved must be carried out in accordance with the highway details approved as part of condition 7 of permission 4/18/2545/0B1, as detailed within correspondence dated 4th August 2020. Development must be carried out in accordance with the approved details and must be retained at all times thereafter

Reason

In the interests of road safety

8. Footways must be provided that link continuously and conveniently to the nearest existing highway footway. Pedestrian facilities, within and to and from the site shall be provided so they are convenient to use. The footways (shown on approved plan Proposed Site Plan, Drawing No BR-100, Rev No C2, received by the Local Planning Authority on the 24th July 2020) must be in place prior to the use of the petrol filling station and new store commencing and should remain usable thereafter.

Reason

In the interests of highway safety.

9. The use of the site as a petrol filling station must not be commenced until the access and parking requirements for the petrol filling station and new store have been constructed in accordance with the approved plan. Any such access and parking provision must be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority.

Reason

To ensure a minimum standard of access provision when the development is brought into use.

10. Details of the proposed access and parking/turning during construction for the petrol filling station and new store must be carried out in accordance with the details approved as part of condition 10 of permission 4/18/2545/0B1, as detailed within correspondence dated 13th July 2020. Full details of the proposed access and parking during construction for the conversion works for the existing store on site must be submitted to and agreed in writing with the Local Planning Authority prior to development on that phase commencing. This must include work schedule details to ensure the access and parking/turning area for each phase is substantially constructed before any building work commences on site for that phase takes place so that the construction traffic can park and turn clear of the highway.

Reason

In the interests of highway safety.

11. The development hereby approved must be carried out in accordance with the Construction Method Statement approved as part of condition 11 of permission 4/18/2545/0B1, as detailed within correspondence dated 27th November 2019. Full details of a Construction Method Statement for the conversion works for the existing

store must be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of works on site. The approved Statement relevant for each phase shall be adhered to throughout the construction period. The Statement shall provide for: the parking of vehicles of site operatives and visitors loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding; hours of construction works; wheel washing facilities; measures to control the emission of dust and dirt during construction; a scheme for recycling/disposing of waste resulting from demolition and construction works; phasing of the development works, including timing of any demolition works and commencement of the building work and implementation of the access and parking areas during construction.

Reason

To protect the amenity of residents and the appearance of the site during construction.

12. In accordance with AEC's Noise Impact Assessment (dated 28 April 2016) deliveries, to the new convenience store apart from newspapers and fuel, must not take place outside the hours of 7am to 8pm.

Reason

To protect the amenity of nearby residents.

13. In accordance with AEC's Noise Impact Assessment (dated 28 April 2016), the delivery of fuel, the collection of waste and the operation of air/water facilities for vehicles must not take place outside the hours of 7am to 10pm.

Reason

To protect the amenity of nearby residents.

14. Before i) the retail store and/or petrol filling station and ii) the conversion of the existing store to two retail units are first brought into use a Noise Management Plan for each of these phases of the site will be submitted for approval to the Local Planning Authority. The relevant Noise Management Plan(s) should include the details of any new fixed plant (including air conditioning) to be used, noise levels of the plant, predicted external noise levels, design and construction of the sound barriers, and any installation and maintenance schedules.

Reason

To protect the amenity of nearby residents.

15. Any new fixed items of plant (including air conditioning units) and sound barriers must be installed in accordance with the details supplied in relation to the Noise Management Plan for that part of the site and maintained in accordance with those details thereafter to ensure that the noise level from the plant does not exceed 25dB L_{Aeq} , the limit agreed in AEC's Noise Impact Assessment (dated 28 April 2016), at the nearest noise sensitive receptor. If this noise level cannot be met the plant in question must not be used outside the hours of 7am to 11pm.

Reason

To protect the amenity of nearby residents.

16. Before the retail store and/or petrol filling station hereby approved are first brought into use, boundary treatment around the site must be erected in accordance with the approved plan 'Proposed Boundary Treatment, Scale 1:200, Drawing No Br-109, Rev No C2, received by the Local Planning Authority on the 24th July 2020. The boundary treatment and sound barriers so approved must be maintained in accordance with the approved scheme at all times thereafter.

Reason

To ensure that the boundary treatment and sound barriers are appropriately finished in the interests of the appearance of the site and the amenity of nearby residents.

17. The development hereby approved must be carried out in accordance with the external lighting details approved as part of condition 17 of permission 4/18/2545/0B1, as detailed within correspondence dated 9th September 2019, and must be installed and maintained in accordance with the approved details at all times thereafter. No other external lighting shall be erected within the site without the prior written approval of the Local Planning Authority.

Reason

To limit light pollution and protect the amenity of nearby residents.

18. Remediation works must be carried out in full accordance with the submitted Remedial Strategy (Version 4. dated July 2018) relevant to each phase of work, namely i) during the construction of the new retail store and petrol filling station and ii) during the conversion of the existing retail store to two units unless otherwise agreed in writing by the Local Planning Authority. Following completion of the remediation measures for each part of the site, a verification report that demonstrates the effectiveness of the remediation carried out for each phase or part of the site must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

19. The development hereby approved for must be carried out in accordance with the materials approved as part of condition 19 of permission 4/18/2545/OB1, as detailed within correspondence dated 13th July 2020. Prior to the commencement of development on the conversion of the existing retail store to two units representative samples of the materials to be used on the external surfaces of the development hereby permitted must be submitted to and approved in writing by the Local Planning Authority. Development must be carried out in accordance with the approved details and so maintained thereafter.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

Informative(s):

1.As a petrol station is being constructed there will be a risk of the land becoming contaminated. UU need to be sure that any new water services to site are laid in protectaline pipe and any old services are properly disconnected before this change of use.

If the applicant intends to obtain a water supply from United Utilities for the proposed development, they strongly recommend they engage with them at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for.

To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at DeveloperServicesWater@uuplc.co.uk.

Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.

2. Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.
3. It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development.
4. A separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999. The applicant should contact United Utilities on Tel 03456723723 regarding connection to the water mains or public sewers.
5. If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for Adoption and United Utilities' Asset Standards. The detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

Should this planning application be approved the applicant should contact United Utilities regarding a potential water supply or connection to public sewers.

Additional information is available on our website

<http://www.unitedutilities.com/builders-developers.aspx>.

6. No work for the construction of this development, including demolition, shall take place on site outside of the hours of 8am to 6pm on Monday to Friday and 8am to 1pm on Saturday. In particular, no work shall be carried out on Sundays or officially recognised public holidays without the prior written agreement of the Local Planning Authority.
7. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

8. In line with the original planning approval (4/18/2313/0F1) must be commenced before the 5th October 2021.

Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Please read the accompanying notice

29th September 2020



PP Pat Graham
Chief Executive

APPROVALS
(OUTLINE, FULL RESERVED MATTERS & HOUSEHOLDER)

DEVELOPMENT MANAGEMENT PROCEDURE (ENGLAND) ORDER 2010

PART 2

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.