

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2200/0F1	
2.	Proposed Development:	DEMOLITION OF EXISTING PUBLIC HOUSE; ERECTION OF A PETROL FILLING STATION; ALTERATIONS TO EXISTING STORE INCLUDING SINGLE STOREY REAR EXTENSION, REMOVAL OF EXISTING CANOPY, AND ERECTION OF ENTRANCE RAMP; AND ASSOCIATED WORKS INCLUDING CAR PARKING	
3.	Location:	SPAR, 1 MAIN STREET, FRIZINGTON	
4.	Parish:	Arlecdon and Frizington	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Key Species - Bounds of Sensitive Area for Hen Harriers	
6.	Publicity Representations &Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report: Site and Location	<p>This application relates to a site measuring 0.25 hectares located on the corner of Mill Street and Main Street (A5086) within the centre of Frizington. The site comprises of the vacant Griffin Public House, along with its associated external space and car parking areas, and the existing SPAR and post office store which front onto Main Street.</p>	

The site is currently accessed from the south east of the site via Main Street with parking to the side and rear of the site.

Relevant Planning History

4/16/2260/0F1 – Demolition of existing public house and function room and redevelopment of site to create 9 dwellings with associated car parking, landscaping including creation of monument – Approved.

4/21/2029/0F1 – Proposed internal alterations to existing retail building to provide an increase in retail area (use class 1A), provide DDA customer access to full retail area, external repairs to building, external hard landscaping to provide designated customer parking – Approved.

Proposal

This application seeks planning permission for the demolition of the existing public house and the redevelopment of the site to form a petrol filling station and also alterations to the existing retail store.

The Griffin pub is located within the south west portion of the application site, and is currently vacant and in a dilapidated state. Permission has previously been granted in 2018 (ref: 4/16/2260/0F1) to demolish the pub as part of a wider redevelopment of the site.

The demolition of the existing pub will allow for the construction of a petrol filling station and the installation of associated underground tanks. The proposed petrol pumps will be located in the south east corner of the site and will feature two double sided fuel pumps on a brushed concrete base. The pumps will be covered by a single skin canopy measuring 16.1m x 9m with white powder coated fascias and a grey profiled metal roof along with white painted framing. The canopy will have an overall height of 4.4m providing clearance for fuel delivery vehicles and larger farm vehicles. Two double skin compartmented underground tanks of 2m diameter will be installed underneath the proposed concrete surface. A pipe vent stack is to be located to the west of the proposed fuel pumps.

The application also seeks planning permission for the alterations to the existing store including a single storey rear extension, removal of existing side canopy currently used as the main entrance to the store and erection of entrance ramp to south gable. The existing flat roof lean to at the rear of the store will be extended to provide 45.9sq.m of additional stockroom and staff facilities. The internal layout of the store will be improved to include the better integration of the SPAR checkout and the Post Office counter. External alterations are also proposed to the building to improve its overall appearance, including repair/repainting of render, replacement of barrage boards, eaves boards, gutters and downpipes, and windows and doors.

As part of the application the existing access point from Main Street will be widened to allow for improved accessibility for HGVs and other delivery vehicles. HGV's will be able to enter



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and leave the site in a forward gear and will have improved access to the rear of the store for deliveries. The site will also provide a total of 18 parking spaces, including 2 x electric vehicle charging and 2 x disabled parking spaces. An air/water/vacuum bay is also proposed. The circulation areas will be resurfaced in a tarmac finish.

Landscaping is also proposed along the south east and south west boundaries of the site, with a new embankment created and planted with additional trees and low-level hedgerows.

Consultation Responses

Arlecdon & Frizington Parish Council

No comments received.

Cumberland Council – Highway Authority & Local Lead Flood Authority

8th June 2022

Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below.

The vehicular crossing over the footway, including the lowering/realignment of kerbs, shall be carried out to the specification of the Local Planning Authority in consultation with the Highway Authority under a section 278 agreement.

I can confirm that we have no objections to the proposal, subject to the following recommended conditions being included in any Notice of Consent which may be issued: visibility splays, access and egress, surface water drainage, footways and carriageways, and construction traffic management plans.

28th March 2023

Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and additional drainage plan (K38912 20A) submitted to the local planning authority in March 2023. The LLFA welcome that the proposed surface water will exit the site through a connection to an existing surface water system that has been identified. Although we are in favour of this option more investigation needs to be carried out on the existing system to determine the condition, capacity and location of the outfall, as additional water may create a flood risk elsewhere. I have amended condition 3 to suit this requirement.

The vehicular crossing over the footway, including the lowering/realignment of kerbs, shall be carried out to the specification of the Local Planning Authority in consultation with the Highway Authority under a section 278 agreement.

I can confirm that we have no objections to the proposal, subject to the following recommended conditions being included in any Notice of Consent which may be issued:

visibility splays, access and egress, surface water drainage, footways and carriageways, and construction traffic management plans.

25th July 2023

I can confirm that the response made to the previous application should still apply.

5th October 2023

I can confirm that the response made to the previous application should still apply.

14th December 2023

It seems from the condition attached that UU are willing to accept a connection into the existing UU surface water system from the development to which makes condition 3 not relevant anymore. The LLFA would like condition 3 removed from the official response.

25th January 2024

I have just be looking through the documents attached to your email, do we know if the applicant is planning to create a new vehicle access to the rear or is this going to be a pedestrian only access?

My initial thoughts would be that a rear access would be a good idea as an EVA, so the new rear access would be wide enough for an emergency vehicle but would have bollards to stop everyday vehicles into the site, this access would allow pedestrian to enter the site from the estate to the rear.

I just think another vehicle access could make the site dangerous to the public as cars could be coming from all directions.

Once we know what the applicant is proposing, I can then give an official response.

7th February 2024

The LHA welcome the additional detail submitted to the LPA in February 2024 regarding EVA access to the rear of the development and removal of the boundary fence to allow resident access.

I can therefore confirm that we have no objections to the proposal, subject to the inclusion of conditions relating to visibility splays, access and egress, surface water drainage, footways and carriageways, and construction traffic management plans.

United Utilities

25th May 2022

Request the inclusion of a condition to secure a surface water and foul water drainage scheme for the development.

20th October 2022



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Following our review of the submitted Drainage Strategy Ref: K38912 20, dated 01.04.22 there is insufficient information on the detail of the drainage design. Drainage proposals and site layout and levels are intrinsically linked and therefore we recommend that these details are provided as soon as possible to ensure the proposal is deliverable.

As the surface water is proposing to connect to a combined sewer that may surcharge, mitigation measures should be incorporated (for example non-return valves) in order to protect the flow control and attenuation tank.

Should planning permission be granted we request a condition is attached to any subsequent Decision Notice to ensure that the full drainage details are submitted for consideration.

5th April 2023

Following our review of the submitted Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the inclusion of a condition to secure the foul and surface water for the development.

10th August 2023

Following our review of the submitted Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the inclusion of a condition to secure the foul and surface water for the development.

2nd November 2023

Following our review of the submitted Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the inclusion of a condition to secure the foul and surface water for the development.

Environment Agency

6th June 2022

We object to the planning application as submitted, because the risks to groundwater from the development are unknown. The applicant has not supplied adequate information to demonstrate that the risks posed to groundwater can be satisfactorily managed. We recommend that planning permission should be refused on this basis in line with paragraph 170 of the National Planning Policy Framework.

Reasons:

Our approach to groundwater protection is set out in [‘The Environment Agency’s approach to groundwater protection’](#). In implementing the position statements in this guidance we will oppose development proposals that may pollute groundwater especially where the risks of

pollution are high and the groundwater asset is of high value. In this case position statements D1, D2 and D3 apply.

Groundwater is particularly sensitive in this location because the proposed development site:

- has no depth of water table identified, and so any below ground aspects are potentially sub-water table
- is located above a secondary A aquifer

To ensure development is sustainable, applicants must provide adequate information to demonstrate that the risks posed by development to groundwater can be satisfactorily managed. In this instance the applicant has failed to provide this information and we consider that the proposed development may pose an unacceptable risk of causing a detrimental impact to groundwater quality because the development is potentially subwater table and there is insufficient information provided regarding the storage tanks.

Overcoming our objection:

In accordance with our [approach to groundwater protection](#) we will maintain our objection until we receive information that demonstrates that the risks to groundwater posed by this development can be satisfactorily managed.

This information needs to be focused on the above position statements. This would include why the storage needs to be below ground, and if so, the depth of the water table beneath the site and the proposed installation details of the underground fuel storage. For instance, the tanks, tank surround, associated pipework and monitoring system.

17th March 2023

We object to the planning application, as submitted, because the risks to groundwater from the development are unacceptable. The applicant has not supplied adequate information to demonstrate that the risks posed to groundwater can be satisfactorily managed. We recommend that planning permission should be refused on this basis in line with paragraph 174 of the National Planning Policy Framework.

Reasons

Our approach to groundwater protection is set out in 'The Environment Agency's approach to groundwater protection'. In implementing the position statements in this guidance we will oppose development proposals that may pollute groundwater especially where the risks of pollution are high and the groundwater asset is of high value. In this case position statements D1, D2 and D3 apply.

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- has no depth of water table identified, and so any below ground aspects are potentially sub-water table

- is located above a secondary A aquifer

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Overcoming our objection:

In accordance with our approach to groundwater protection we will maintain our objection until we receive a information that demonstrates that the risks to groundwater posed by this development can be satisfactorily managed.

This information needs to be focused on the above position statements. This would include why the storage needs to be below ground, and if so, the depth of the water table beneath the site and the proposed installation details of the underground fuel storage. For instance, the tanks, tank surround, associated pipework and monitoring system.

25th July 2023

We have reviewed the necessary documents. The additional information addresses the queries outlined in our previous responses dated 6 June 2022 (NO/2022/114492/01-L01) and 17 March 2023 (NO/2023/115127/01-L01).

A specific borehole has been drilled to identify that no shallow water table occurs beneath the site. The storage will therefore not be sub-water table. The fuel storage risk assessment outlines appropriate underground tank/pipework design for this facility, and so a similar condition is not required. No surface water will be infiltrated to ground, and so there are no issues with this aspect.

We are therefore able to withdraw our objection to the proposed development.

1st November 2023

We have reviewed the Drainage Strategy prepared by R G Parkins(ref: K38912.DS/001A, amended September 2023) and we have no further comments to add to our previous response on 25 July 2023, referenced NO/2023/115127/02-L01.

Cumberland Council – Flood and Coastal Defence Engineer

31st May 2022

No objection to the proposed development based on flood risk.

9th March 2023

With regards to the Additional and Amended Information for the above Planning Application, I

have a couple of points to make:

- The Drainage Strategy provide at the initial consultation stated that the surface water will be disposed of to the combined sewer.
- The Drainage Strategy has not been updated since the original consultation.
- The Drainage Layout Plan has been updated since the initial consultation, as a drainage survey has been undertaken in the area.
- The updated Drainage Layout Plan now shows the surface water discharge from site going to a surface water sewer.
- It isn't clear whether this system is adopted or not.
- The updated Drainage Layout Plan shows that drainage survey was abandoned due to coarse settled deposits within the system and states that the system is to be cleared and re-surveyed prior to construction.
- The proposal to discharge the surface water from site to a surface water sewer is a preferable option than the original proposal.
- However, further information is required on the surface water sewer and the Drainage Strategy updated following the clearing and re-surveying of the system.

Looking at the United Utilities layer on GIS, there is an adopted surface water sewer to the rear of properties further north of the site, which appears to go nowhere and another to the south of the site in Lingley Road, which discharges into Lingla Beck. The surface water sewer shown on the updated Drainage Layout Plan could be the link between the two systems shown on GIS.

More information is required on the surface water sewer that the drawing shows the surface water being discharged into.

It was proposed to re-survey this following clearing of debris.

Once this has been undertaken and it has been demonstrated that this is where the surface water is to be discharged, the Drainage Strategy needs to be updated to reflect this.

14th July 2023

Both the drainage plan submitted in March 2023 – Superseded and July 2023 (Amended), are the same version, being revision A.

Therefore at this stage there is nothing for me to comment on.

To my knowledge, my previous comments have still not been responded to.

30th October 2023

As far as I could tell my comments from the previous consultation had still not been addressed, which were that my comments from the previous consultation had not been addressed.

Consequently, I felt that making another formal response was a waste of time.



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The updated investigations into the downstream surface water system that will be used have not been submitted.

However, this could be the adopted surface water sewer, but the drainage plan does not fully align with our GIS plans of UU sewers.

1st December 2023

I can confirm that am no longer have any concerns about this site following contact from the drainage consultant. It has been confirmed that the connection is into the UU system and UU have agreed to this.

Cumberland Council – Environmental Health

17th August 2022

The proposal includes useful supporting and technical information, including modelling for external lighting and noise from the development.

No adverse findings were made and, as such, I have no objections to this proposal.

I would request that the following observations are noted and suggested conditions may be applied:

- Land Affected by Contamination – Reporting of Unexpected Contamination – In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. A suitable investigation and risk assessment will then be agreed upon by the Council and the developer and where remediation is necessary a remediation scheme must be prepared and submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors

- Noise Assessment – the attached noise assessment by E3P Acoustic Consultants recommends that a 2 metres high close boarded timber fence should be constructed along the northern site boundary of the car park. The fence must be sealed at the base, be free from holes and have a minimum mass of 10 kg/m², as marked on the plans provided. I would also like to see no deliveries being made to the shop / PFS between the hours of 22.00 – 06.00 to avoid night time disturbance.

Reason: To protect the amenity of residents from excessive noise transmission

- Demolition Method Statement – I would request that demolition works are confined to the hours of 08.00 – 18.00 Monday to Friday and 08.00 – 13.00 Saturday, with no noisy activity beyond the site boundary outside of these hours at any time. I would also request that debris mesh netting is provided to harras fencing to prevent wind-blown debris going off site during works. Mobile crushing plant should not be used on site during the works.
- Informative – The operator of the petrol filling station will be required to obtain an Environmental Permit under Part B Local Authority Pollution Prevention and Control Act 1999 and Environmental Permitting Regulations (England and Wales) Regulations 2016 from the Council in the event that the development goes ahead.

20th February 2024

Environmental Health have no objections to the amended site plans and proposed phases of work.

The updated noise assessment is noted – one minor item of contention is the 75 db maximum level rating for a vehicle door being slammed that is cited.

This would be a gentler slam of a car door, we monitored several car door slams with slightly more force at between 80 – 90 db.

The more elevated levels are also seen on numerous online planning applications.

The loss of part of the proposed northern boundary acoustic fence is also noted.

However, the proposed hours of opening of the premises remain at 06.00 – 22.00 each day and there is no objection from Environmental Health to this.

Despite the conclusion of the revised noise assessment that “noise need not be a material consideration in the granting of planning permission...”, Environmental Health would wish that the suggested condition about prohibiting deliveries outside of opening hours is retained.

Natural England

17th March 2023

No objection.

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England’s generic advice on other natural environment issues is set out at Annex A.



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Cumbria Fire Service

10th June 2022

Following examination of plans in connection with the above application, I have to inform you that the Fire Authority has no objections to this application.

Cumbria Fire and Rescue Service is committed to reducing the impact of fire on people, property and the environment. For this reason, it is recommended that the applicant should give consideration to the inclusion of a sprinkler system within the design of the premises.

There is clear evidence that sprinklers and other forms of automatic fire suppression systems can be effective in the rapid suppression of fires and therefore play an important role in achieving a range of benefits for both individuals and the community in general.

This is because sprinklers can significantly help to:

- Improve the time available to escape from a fire
- Reduce death and injury from fire
- Reduce the risks to fire fighters who we ask to fight the fires
- Protect property
- Reduce the effects of arson
- Reduce the environmental impact of fire

These benefits may far outweigh the installation costs of new sprinkler systems.

For more information on sprinklers, visit the British Automatic Fire Sprinkler Association at www.bafsa.org.uk.

16th March 2023

I wish to inform you that following an inspection of your submission plans I have no additional comments to make with regard to;

BUILDING REGULATIONS 2010

Other than the comments made by yourself

Where a building is erected or extended, or has undergone a material change of use, and the Regulatory Reform (Fire Safety) Order applies to that building or extension, Regulation 38 (previously Regulation 16B) of the Building Regulations requires that a package of fire safety information must be assembled and given to the person responsible for the premises. This is in the form of 'as built' information that records the fire safety design of the building or extension.

The information provided should include accurate details of all fire safety design measures to assist the responsible person to operate and maintain the building in reasonable safety.

Where a fire safety strategy or a preliminary fire risk assessment has been prepared, these

should also be included. The exact amount of information and level of detail necessary will vary depending on the nature and complexity of the building's design. Further guidance on what information should be provided is given in Appendix G of ADB Volume 2.

The following comments are a requirement to ensure compliance with;

THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005

The applicant should take the opportunity to review their Fire Risk Assessment following the alterations, in line with the requirements of the Regulatory Reform (Fire Safety) Order 2005.

ADVISORY

Additionally, Cumbria Fire and Rescue Service is committed to reducing the impact of fire on people, property and the environment. For this reason, it is recommended that the applicant should give consideration to the inclusion of a sprinkler system within the design of the premises.

There is clear evidence that sprinklers and other forms of automatic fire suppression systems can be effective in the rapid suppression of fires and therefore play an important role in achieving a range of benefits for both individuals and the community in general.

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For more information on sprinklers, visit the British Automatic Fire Sprinkler Association at www.bafsa.org.uk.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to fifty-three properties.

Three letters of objection have been received in relation to the statutory notification procedure raising the following concerns:

- The development should be dismissed by the Council as it fails to address the Council's own agenda.
- The development will cause an influx of traffic and noise but will also bring further anti-social behaviour to the area.



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- There will be possibilities that the council will have to police area due to road parking and the local police as it leaves the area open to theft.
- Excessive traffic generation.
- Traffic data by the applicant was produced while there were UK covid rules so few journeys would have been recorded.
- the applicant has expressed that most journeys are done by foot or cycle so why grant a fuel station grant the upgrade of a convenience store but not fuel station.
- The Council is aware of speed problems in the area.
- Lack of highway safety in the village.
- The current access the shops parking area is already too close to the mini roundabout, yet the new plans move the access even closer to it.
- The construction of the petrol station will make it impossible to see traffic coming towards the mini roundabout from Mill Street.
- I have concerns over the delivery path used by the Spar delivery vehicles to the site. I have worked as a Transport Manager for a number of years and hold a current LGV license. It is not possible for an articulated vehicle to enter the site and follow the lines on the plans, the vehicle will have to go on the wrong side of the road to make the turn into the site.
- The store deliveries arrive between 0730 and 0830 which is the busiest time of the day when children are walking to the bus stops. The village is served by six full size school buses every morning which adds some scope to the amount of children in the proximity of the shop. Their road safety is totally disregarded in the planning application.
- More accidents at the mini roundabout.
- Will create a danger to local children who play in the area increasing their chances of being in a road traffic accident.
- Inadequate loading and turning at main street roundabout for articulated lorry.
- More pollution in the area, not only for the public, but also the cost to the general environment and world implication of the effects of global warming.
- There is a high concern of benzene release towards nearby communities that not even advanced technology resources can rectify.
- Loss of light and overshadowed.
- Loss of privacy.
- Noise and disturbance resulting in use in particular the hours of opening.
- Homes on mill street will have vehicle headlamps shining into living and bedroom spaces as the proposal outline area is an inadequate height.
- The proposal lies within close proximity on all sides to residential property and in close proximity to a doctors surgery, surrounded fields are home to livestock.
- The area for building the petrol filling station is on a steep inclination and any fuel spills would travel to properties in Mill Street.
- The applicant has given only one proposal for the site and has done very little to improve the area since ownership.

- The area will lose its dark sky due to opening times
- There was a petrol station located in Frizington Road and this closed and is a car wash now, so need is not required, there's plenty of fuel stations nearby to support the area and beyond. The U.K. government is banning petrol and diesel vehicles within Eight years, so this application has short lifespan.
- Present private companies and food outlets would be affected.
- There is no proposal for future increase of employment from proposal.
- I feel that the original planning permission which has now lapsed was far more fitting than ones for a petrol station. Frizington would benefit far more from new housing than a petrol station, when there is one only 2 miles away.

Four letters of support have also been received raising the following comments:

- I am not originally from Frizington but I think that the prospective plans would benefit the village greatly.
- This will be amazing and will bring a well needed service to the people of Frizington and the surrounding areas.
- Great idea, just what is needed.
- The current site is an eye sore.
- This will greatly improve the area. The Griffin is an eyesore and the only shop serving the village is in desperate need of a makeover.
- The flow of traffic through the village is consistent being a main route from Keswick and Cockermouth to Sellafield so the ability for the village to cater to and prosper from this only makes sense.

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Following the submission of amended information for this application three letters of objection have been received raising the following concerns:

- My comments remain the same.
- I am wholly against the proposal it will create noise, and traffic chaos, as it is so near to a mini roundabout, it will be a big pollutant to the atmosphere, and will create anti social behaviour, and would also be a danger to local children who play in that area, as they run the risk of being in a road traffic accident, due to the volume of vehicles entering such a small area.
- The proposal would be a catastrophe for the people of Frizington, and the environment.
- I have lived in Frizington for 52 years, so all of my life, and do not want such a monstrosity disrupting such a quiet village. Frizington is not a town, it is a village, and I would like it to stay, exactly the way it is now.
- Loss of dark sky affect within my lifestyle.
- No provision for containment of vermin.
- No provision for natural wildlife at present within the chimney of said property namely The Griffin.



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- Ecology affect to other wildlife namely sheep in two fields close to petrol vent pipes wind direction.
- Car park space spectrum to great I.e. to many allocated spaces for proposed turnover Frizington doesn't need a large petrol station there is enough within four miles, including a new nisa fuel station and a shell station both don't have car parking for eighteen spaces.
- I ask the council as I have over forty years experience working within the motor trade and fuel stations that this is not a good idea, considering the vast increase in electric vehicles There are other options for this land and none put forward, like a post office hub and a better larger than proposed spar, for passing trade.
- What will happen to the existing vermin (rats) before and after demolition. I would certainly hope the subject be investigated fully, before any action takes place, as there are cats and dogs and sheep resident near by, poison couldn't be used after the building has been taken down and only the obvious place for any Vernon to take up a new residence would be directly opposite to the site, known as the houses in Mill Street.

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Two letters of support have also been received raising the following comments:

- I wholeheartedly support this application.
- The current site is an eyesore and something needs to be done to improve both the look of the village and the facilities.
- The Spa and Post Office are very well supported by the local community and any improvement to these is most welcome.
- With new houses being constructed within the Frizington the customer base is increasing therefore the demand for improved facilities is also improving.
- The sooner this application is approved and the work commences the better as far as I am concerned.

Planning Policy

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ER4 – Land and Premises for Economic Development

Policy ER6 – Location of Employment

Policy ER7 – Principle Town Centre, Key Service Centres, Local Centres and other service areas: Roles and Functions

Policy ER9 – The Key Service Centres, Local Centres and other small centres

Policy ER11 – Developing Enterprise and Skills

Policy SS4 – Community and Cultural Facilities

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM3 – Safeguarding Employment Areas

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM22 – Accessible Developments

Policy DM21 – Protecting Community Facilities

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Emerging Copeland Local Plan 2021 – 2038 (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January



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2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the NPPF.

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS2PU: Reducing the impacts of development on Climate Change

Strategic Policy DS3PU: Settlement Hierarchy Strategic

Policy DS4PU: Settlement Boundaries

Policy DS6PU: Design and Development Standards

Policy DS7PU: Hard and Soft Landscaping

Strategic Policy DS8PU: Reducing Flood Risk

Policy DS9PU: Sustainable Drainage

Policy DS10PU: Soils, Contamination and Land Stability

Policy DS11PU - Protecting Air Quality

Strategic Policy E1PU: Economic Growth

Strategic Policy E2PU: Location of Employment

Strategic Policy E5PU: Employment Sites and Allocations

Policy SC5PU: Community and Cultural Facilities

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2PU: Local Nature Recovery Networks

Strategic Policy N3PU: Biodiversity Net Gain

Strategic Policy N6PU: Landscape Protection

Strategic Policy N9PU - Green Infrastructure

Strategic Policy R1PU: Vitality and Viability of Town Centres and villages within the Hierarchy

Policy R5PU: Retail and service provision in rural areas

Strategic Policy CO4PU - Sustainable Travel

Policy CO5PU - Transport Hierarchy

Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Planning Considerations

National Planning Policy Framework (2023)

National Design Guide (NDG)

Cumbria Development Design Guide (CDG)

The Conservation of Habitats and Species Regulations 2017 (CHSR)

Wildlife and Countryside Act 1981

Copeland Economic Development Needs Assessment (EDNA)

Assessment

The key issues raised by this application relate to the principle of the development; loss of community facility; growth of existing business; impact on settlement character and landscape and visual impact; scale, design and impact on residential amenity; flood risk and drainage; access and highway safety; ecology; impact on heritage assets; archaeology; and ground conditions.

Principle of Development

Policy ST1 of the Copeland Local Plan seeks to support development that provides or contributes to the Borough's social and community infrastructure enabling everyone to have good access to jobs, shops, services, and recreational/sport facilities.

The application site is located within the centre of Frizington, which is classified as a Local Centre under Policy ST2 of the Copeland Local Plan. Policy ST2 seeks to support appropriately scaled development in defined Local Centres which helps to sustain services and facilities for local communities. This policy seeks to retain employment and existing services within Local Centres and encourages the provision of convenience shopping to meet day-to-day needs.

Within the Emerging Local Plan, under Policy DS3PU Frizington continues to be identified as a Local Service Centre where the focus will be to support the retention and small scale growth of existing services and businesses. Policy DS4PU of the ELP defines the settlement boundaries for all settlements within the hierarchy and states that development within these boundaries will be supported, in principle, where it accords with the Development Plan unless material considerations indicate otherwise. The application site continues to be located within



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the proposed settlement boundary for Frizington.

On this basis, it is therefore considered that the development would be in accordance with the aims and objectives of the NPPF which set a presumption in favour of sustainable development as well as the relevant policies of the adopted Copeland Local Plan and Emerging Local Plan. The principle of development is supported subject to site-specific matters.

Loss of Community Facility

Policy ST1, SS4, DM12 and DM21 seek to encourage and retain good quality services and facilities which meet the needs of the local community. These policies also state that developments or change of uses which would result in the loss of a community facility will be resisted unless the demand for the facility is like to be met elsewhere.

Within the Emerging Local Plan Policy R5PU states that the loss of existing village shops, post offices and public houses through new development requiring planning permission will only be permitted where it can be clearly demonstrated, to the satisfaction of the Council, that its continue use is no longer feasible having had regard to appropriate marketing, or sufficient alternative provision is made elsewhere which is equally accessible and of the same quality or better than the facility being lost.

As part of this application it is proposed to demolish the existing Griffin Pub located within the south west of the application site. The pub is currently vacant and in a dilapidated state. Permission has previously been granted in 2018 (ref: 4/16/2260/0F1) to demolish the pub as part of a wider redevelopment of the site, therefore the principle for the loss of this community facility has already been established. Within the Council's 2021 Village Service Survey, the Griffin Pub was not listed as part of the services available within the village, however two other pubs were identified within the village. These are considered to provide alternative provision within the area.

On this basis, it is not considered that the development will result in the loss of an existing community facility in accordance with the provisions of Policies ST1, SS4, DM12 and DM21 of the Copeland Local Plan, Policies R5PU of the Emerging Local Plan and provisions of the NPPF.

Growth of Services

Policy ST1, and ST2 of the Copeland Local Plan seek to facilitate grow of the Borough's local economy.

Policy ER7 requires development 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. This policy seeks to ensure that Local Centres maintain essential shops and services to meet the needs of the local community. Policy ER9 also encourages retail and service development which promotes the vitality and viability of rural settlements, without damaging their environment or amenity.

Policy ER11 seeks to promote the diversification of the Borough's economy by working with partners to support new and expanding employment sectors. This policy also seeks to support the development of commercial units, which meet the needs of business, encourage start up and promote further expansion in order to retain enterprise, jobs and skills within the Borough.

Within the Emerging Local Plan, Policy E1PU states the economy of Copeland Borough will be strengthened and broadened to provide a diverse range of employment and economic opportunities that will attract new key industries and provide the flexibility to accommodate existing businesses and new initiatives by maintaining, enhancing, regenerating and where appropriate extending the employment base in our towns and settlements in accordance with the Development Strategy.

Emerging Policy R1PU states that the vitality and viability of town centres and villages identified within the settlement hierarchy will be enhanced by working with partners and applicants to support a network of healthy, vibrant and resilient town centres, comprised of a diverse range of retail, residential, leisure and other main town centre uses, that can effectively respond to change, ensure that proposals for new development are consistent in terms of scale and function with the size and role of the centre, encourage new national retailers to relocate to Copeland's towns, and support and enhance the independent offer, and broaden the offer of Copeland's town centres to increase footfall, and encourage extended lengths of stay, for both the daytime and evening economy. Emerging Policy R2PU support retail, residential, leisure and other main town centre development where it is appropriate to its role, function and position within the settlement hierarchy

The NPPF also states 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.

The proposed development seeks to alter the existing Spar store located within the centre of the village. The proposed alterations seek to extend the store to provide additional stockroom and staff facilities which will also result in an improved layout for the existing shop to better integrate the Spar checkouts and Post Office counter. External alterations are also proposed to enhance the external appearance of the existing store. The redevelopment of the site will also include the erection of a petrol filling station. This will enhance the facilities within this Local Centre, increase the viability of the area, and will provide an additional service for the community and the surrounding area.

On this basis, it is considered that the development will assist in enhancing an existing facility and providing an additional service to this Local Service Centre in accordance with the provisions of Policies ST1, ST2, ER6, ER11 of the Copeland Local Plan, Policies E1PU, R1PU and R2PU of the Emerging Local Plan and provisions of the NPPF.

Settlement Character and Landscape and Visual Impact



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Policy ENV5 states that the Borough's landscapes will be protected and enhanced by: protecting all landscapes from inappropriate change by ensuring that the development does not threaten or detract from the distinctive characteristics of that particular area; that where the benefits of the development outweigh the potential harm, ensuring that the impact of the development on the landscape is minimised through adequate mitigation, preferably on-site; and, supporting proposals which enhance the value of the Borough's landscapes.

Policy DM10 seeks that development responds positively to the character of the site and the immediate and wider setting and enhances local distinctiveness.

Policy DM26 of the Copeland Local Plan stated that where necessary development proposals will be required to include landscaping schemes that retain existing landscape features, reinforce local landscape character, and mitigate against any adverse visual impact. Care should be taken that landscaping schemes do not include invasive non-native species.

Within the Emerging Local Plan, Policy N6PU states that the Borough's landscapes will be protected and enhanced by supporting proposals which enhance the value of the Borough's landscapes, protecting all landscapes from inappropriate change by ensuring that development conserves and enhances the distinctive characteristics of that particular area in a manner commensurate with their statutory status and value. It is stated that proposals will be assessed according to whether the proposed structures and associated landscaping relates well in terms of visual impact, scale, character, amenity value and local distinctiveness and the cumulative impact of developments will be taken into account as part of this assessment and that consideration must be given to the Council's Landscape Character Assessment, Settlement Landscape Character Assessment and the Cumbria Landscape Character Guidance and Toolkit at the earliest stage.

The application site is located within the centre of Frizington. The proposal seeks to demolish a vacant and dilapidated building and alter the existing convenience store which occupies a prominent location within the village. Whilst the proposed petrol filling station will be a prominent feature within the village, it would be viewed in the context of the surrounding properties and would be consistent with the built form in this part of the settlement. It is therefore considered that the proposal will not have a significant detrimental impact on the settlement character of the local landscape in accordance with Policies ENV5, DM10, and DM26 of the Copeland Local Plan, Policies N6PU of the Emerging Local Plan, and the provisions of the NPPF.

Scale, Design and Impact on Residential Amenity

Policy SS1 of the Copeland Local Plan seeks to make Copeland a more attractive place to build homes and to live through requiring new development to be designed and built to a high standard.

Policy DM10 of the Copeland Local Plan expects high standards of design and the fostering of quality places. It is required that development responds positively to the character of the site and the immediate and wider setting and enhance local distinctiveness. It is required that

development incorporate existing features and address vulnerability to and fear of crime and antisocial behaviour.

Policy DS6PU of the Emerging Local Plan requires all new development to meet high-quality standards of design. This includes creating and enhancing locally distinctive places, the use of good quality materials that reflect the local character, including high quality and useful open spaces, providing high levels of residential amenity, adopting active travel principles, creating opportunities for social interaction, and effective use of land whilst maintaining amenity and maximising solar gain.

The application site lies within the centre of Frizington and is surrounded by existing residential properties. A number of concerns have been raised by residents regarding the impact of development on existing residential amenity in terms of loss of privacy, noise, and loss of light.

The application seeks permission for a number of alterations to the existing shop facility currently operating from the site, including a new rear extension and removal of existing canopy and replacement with an access ramp. The proposed alterations are not considered to have a detrimental effect on residential amenity and will improve the external appearance of the area benefitting the overall streetscene. Whilst the rear extension will create a greater footprint to the rear of the site, adequate separation distances will be retained between existing residential properties, and no new openings are proposed within the extension. This element of the development is therefore not considered to result in loss of amenity or overlooking for existing residential properties.

With regard to the proposed petrol filling station. Whilst the development is located within a predominantly residential area, the nearest residential property is located over 18m away from this element of the development. The structure of the petrol station is modest and of a scale consistent with the existing surrounding properties and is therefore not considered to be overbearing for existing dwellings. Whilst concerns have been raised with regard to headlights causing disturbance, the site has previously been operated as a car park for the existing shop. The proposal also includes the installation of a 2m close boarded fence to the rear of the site and additional landscaping to the south east and south west of the application site, including an embankment with planting and trees. These measures will help to screen the development and limit the impacts of the proposal on residential dwellings. The installation of the proposed boundary treatment can be secured by condition. As full details of the landscaping have not been provided as part of this application a landscaping and landscape maintenance plan will also be secured by an appropriately worded planning condition.

The application is supported by a Noise Assessment which concludes that the predicted rating level during the daytime and night-time periods, at most existing receptors, would achieve or fall below the existing background sound level with the proposed close boarded timber fencing installed. However, a slight exceedance was noted at gardens to the north and, as such, an additional 2 m high fence is recommended along the car park edge. The



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agent for this application has therefore submitted a plan to show the location of the recommended fence. The Council's Environmental Health Officer has reviewed this application and has requested a condition to secure the installation and retention of this acoustic fence. The Officer has further confirmed that the fence should be sealed at the base, free from holes and have a minimum mass of 10kg/M2 as marked on the plans provided. A planning condition can be appropriately worded to reflect this detail in order to protect the amenity of the neighbours to the north of the application site from excessive noise transmission.

Following discussion with the agent, an amended Noise Assessment was submitted to support the application. The amended report concludes that there is no adverse impact predicted day or night at the receptors due to commercial/industrial sound. The assessment also determined compliance with night-time criteria at existing receptors but noted a slight exceedance at gardens to the north west. As such, it is proposed to install an acoustic fence along the north of the application site. The plans however have been altered to leave a gap in the north most corner of the application in order to retain access to an existing property. Environmental Health have offered no objections to the amended application however they have requested conditions to continue to restrict operation and delivery times for the site.

The Council's Environmental Health Officer has also requested a number of conditions to limit the deliveries to the site and the hours of demolition to protect the amenity of neighbouring dwellings. Conditions will also be used to control the operation times of the site to further safeguard amenity.

Concerns have also been raised with regard to the impact of lighting from the development. The application is supported by lighting details which confirm the location and specification of the lighting to be utilised within the development. The lighting details confirm that the proposed lighting consists of highly efficient, 150w low energy luminaires, and the proposed canopy lighting has been designed to provide a high degree of illumination control onto the pump island and minimise unwanted light outside the canopy area. The report concludes that the existing and proposed boundary treatments to the adjacent public road and property means that spill levels of light will be negligible, new technology and lighting design will provide a high degree of control eliminating boundary spillage of light, and any spillages of light to the boundaries to the public highway will not exceed street lighting illuminance levels. The Council's Environmental Health Officer has offered no objections to the application based on the lighting information submitted. In order to ensure adjacent residents are protected a condition will be included on any decision notice to ensure the development is carried out in accordance with the approved lighting details.

It is therefore considered that, subject to the inclusion of the requested conditions referenced above, the proposal is of an appropriate scale and design and will not have a detrimental impact on residential amenity in accordance with Policies SS1 and DM10 of the Copeland Local Plan, Policies DS6PU of the Emerging Local Plan, and the provisions of the NPPF.

Flood Risk and Drainage

Policy ST1 of the Copeland Local Plan and paragraph 159 of the NPPF seek to focus development on sites that are at least risk of flooding and where development in flood risk is unavoidable, ensure that the risk is minimised or mitigated through appropriate design for the lifetime of the development.

Policy ENV1 and DM24 of the Copeland Local Plan, and Policy DS8PU of the Emerging Local Plan state that development will not be permitted where: there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.

Policy DM11 of the Copeland Local Plan and Policy DS9PU of the Emerging Local Plan requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate.

The application site lies solely within Flood Zone 1. Due to the size of the development site a Flood Risk Assessment is not required. The application is, however, supported by a Drainage Strategy. This strategy confirms that surface water disposal has been considered in line with the hierarchy outlined in the SUDs manual, however due to ground conditions the disposal of surface water via infiltration is unviable. The existing foul and surface water connections from the existing shop will remain. It is proposed that the hardstanding areas will be served by typical highway gullies, ACO KerbDrains, and ACO RoadDrains (or similar approved) with attenuation provided within geocellular crates, and treatment provided by a bypass separator. Roof areas (proposed extension) shall connect to the surface water drainage system downstream of the bypass separator. Discharge shall be restricted via a flow control device, to the pre-development greenfield Qbar rate of 1.7 L/s, thereby providing significant betterment in comparison to the existing drainage situation. Discharge is proposed to the existing surface water sewer within land to the north-west of the site via a new manhole subject to agreement from the asset owner. The strategy also confirms that foul water from the development, including runoff from the forecourt due to high pollutant load, will be drained via gravity to the existing 225mm diameter combined sewer with the site via an existing manhole. Drainage will be maintained by the site owner.

As part of the initial consultation on this application UU confirmed that insufficient information had been submitted to support this application in terms of drainage design, therefore conditions were requested to secure additional information on the proposed drainage for the development. Based on these comments the agent submitted an amended Drainage Strategy for the proposal, therefore UU confirmed that the drainage for the development is acceptable. An appropriately worded planning condition will therefore be utilised to secure that the drainage for the development is carried out in accordance with the approved details.

The LLFA have confirmed that they welcome the proposed surface water strategy which ensures water will exit the site through a connection to the existing surface water system. Whilst the LLFA are in favour of this option more investigation needs to be carried out on the existing system to determine the condition, capacity and location of the outfall, as additional water may create a flood risk elsewhere. The LLFA therefore requested the inclusion of a condition regarding surface water drainage to secure this information. However following



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confirmation from UU that the proposed drainage scheme is acceptable the LLFA have removed their request for this condition.

The Council's Flood and Coastal Defence Engineer also raised concerns regarding the information submitted as part of the proposal for the surface water for the development, however he was also able to remove this objection to the development following the submission of the amended Drainage Strategy and comments from UU confirming the acceptability of the scheme.

No objections have been received from the Environment Agency regard the Drainage Strategy for the development.

It is therefore considered that, subject to the inclusion of the requested conditions, the proposal will not have a detrimental impact on flood risk in accordance with Policies ST1, ENV1 and DM24 of the Copeland Local Plan, Policies DS8PU and DS9PU of the Emerging Local Plan, and the provisions of the NPPF.

Access and Highway Safety

Policy T1 of the Core Strategy requires mitigation measures to be secured to address the impact of major housing schemes on the Boroughs transportation system. Policy DM22 of the Copeland Local Plan requires developments to be accessible to all users and to meet adopted car parking standards, which reflect the needs of the Borough in its rural context.

Policies CO4PU, CO5PU and CO7PU of the ELP promotes active travel.

The application seeks to utilise the existing access point to the site from Main Street. The existing access will be widened to improve accessibility for all users including HGVS and delivery vehicles. The development will provide a total of 18 parking spaces, including 2 x electric vehicle charging and 2 x disabled parking spaces. The circulation areas will be resurfaced in a tarmac finish.

Concerns have been raised by local residents with regard to the impact on highway safety, particularly due to the proximity of the sites access to the mini roundabout located within the centre of the village. The Highway Authority have been consulted on this application and have offered no objections to this application subject to the inclusion of conditions relating to visibility splays, access and egress, surface water drainage, footways and carriageways, and construction traffic management plans.

Amended plans were submitted by the agent to remove part of the proposed acoustic fencing along the north of the application site in order to retain access to an existing property and to include an EVA access to the rear of the site. The Highway Authority have confirmed that they have no objections subject to the inclusion of conditions relating to visibility splays, access and egress, surface water drainage, footways and carriageways, and construction traffic management plans.

It is therefore considered that based the inclusion of any requested conditions, the proposal will not have a detrimental impact on highway safety in accordance with Policies T1 and

DM22 of the Copeland Local Plan, Policies CO4PU, CO5PU and CO7PU of the Emerging Local Plan and provisions of the NPPF.

Ecology and Biodiversity

Policies ST1, ENV3, and DM25 seeks to ensure that new development will protect and enhance biodiversity and geodiversity.

Policy N1PU of the Emerging Local Plan LP defines a mitigation hierarchy.

Policy N3PU of the Emerging Local Plan requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1PU above. This is in addition to any compensatory habitat provided under Policy N1PU. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.

An Ecological Survey and Assessment has been submitted in support of this planning application and provides an assessment of the ecological impacts of the development. The report concludes:

- The proposals will have no adverse effect on statutory or non-statutory designated sites for nature conservation.
- Only common and widespread plant species were found. None of the habitats present are representative of semi-natural habitat. The NVC communities present are typical of the geographical area and conditions present. No Priority Habitats are present. None of the habitats within the site are considered to hold any importance in terms of their geographical context.
- Measures to ensure protection of the garden habitats adjacent to the site are recommended, including temporary protective demarcation fencing during the construction phase of works.
- Montbretia, an invasive species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended), has been detected within the site. 5.4
- Buildings 1 and 2 are considered to be of 'moderate' and 'low' suitability for use by roosting bats respectively. Further surveys are required to determine the presence or absence of roosting bats. Otherwise it is not considered that any other surveys are required to determine the presence or absence of protected species at the site.
- Unsuitable use of lighting at the site has the potential to impact upon the suitability of habitats within the wider area for foraging and commuting bats. Measures to ensure the proposed habitats, and habitats within the wider area, are not adversely impacted by lighting are proposed including direction and screening during construction, and the use of appropriate products and screening within the lighting design.
- Measures to ensure nesting birds are not impacted during the construction phase of the proposed development include working outside the nesting bird survey.
- Recommendations to ensure the works will not impact other wildlife such as

hedgehog, including vegetation strimming, covering of hole and trenches, and relocation of any species detected.

Appropriately worded planning conditions will be attached to any decision notice to ensure the development is carried out in accordance with the ecological appraisal and the additional surveys and mitigation measures identified. As the application is not supported by a full landscaping scheme and maintenance schedule, this will also be secured by an appropriately worded planning condition.

The Ecological Survey and Assessment also includes wildlife enhancement measures to be implemented into the development, which includes:

- The installation of one house sparrow terrace nest box at the renovated building 2.
- Landscape planting to be composed from native species and species known to be of value for the attraction of wildlife.
- Suitable native species wildflower mix is seeded at the verge located at the south-western site boundary and appropriately managed in the long-term to ensure its plant species diversity.
- Installation of one insect box sited on an existing feature such as fence post or wall.

These enhancement measures will also be secured by an appropriately worded planning conditions to ensure the development meets the aims of providing Net Gain in line with the NPPF and Emerging Planning Policies.

Concerns have been raised by local residents regarding rats at the site, however this matter would be dealt with by Environmental Health outside of the planning process.

Subject to the planning conditions set out above the proposal is considered to achieve the requirement of Policies ST1, ENV3 and DM25 of the Copeland Local Plan, Policies N1PU and N3PU of the Emerging Local Plan and the provisions of the NPPF.

Ground Conditions

Policy ST1 of the Copeland Local Plan includes provisions requiring that new development addresses land contamination with appropriate remediation measures.

Policy DS6PU and Policy DS10PU of the Emerging Local Plan includes provisions requiring that development addresses land contamination and land stability issues with appropriate remediation measures.

A Geoenvironmental Phase 1: Desk Top Study Report has been submitted to support this planning application. This report concludes and makes the following recommendations:

- The onsite current and historical activities are not considered likely to present a significant source of land contamination.
- The nearby infill of the dyke is considered to be main contaminative land uses which may have had the potential to impact upon site, however given the distance to this potential source and the proposed hardcover commercial redevelopment of the site,

the risk is considered to be low.

- The risk to human health is considered low, the risk posed to controlled waters and the environment is considered to be low.
- Appropriate guidance should be sought during any redevelopment works and a watching brief should be followed.
- Prior to demolition, an appropriate asbestos demolition survey should be undertaken.
- Whilst undertaking any redevelopment work, it is also recommended that an appropriate site-specific health and safety assessment should be made.
- Given the findings of the Consultants Coal Mining Report, it may be prudent to seek appropriate technical guidance on historic coal mining activity in the area prior to redevelopment.

Following an initial consultation with the Environment Agency, they have confirmed that they object to the planning application as submitted because of the risks to groundwater from the development. The Environment Agency have confirmed that groundwater is particularly sensitive in this location because the proposed development site has no depth of water table identified, and so any below ground aspects are potentially sub-water table and is located above a secondary aquifer.

Based on these comments the agent for this application submitted a letter from Geo₂ Remediation Limited regarding the drilling of deeper boreholes at the site. This letter confirms that no shallow groundwater body is present beneath the site and risks from future underground storage tanks are reduced, although given the sensitivity of the groundwater resource it is considered likely that a Fuel Storage Risk Assessment would be requested during the planning process. A Fuel Storage Risk Assessment has also been submitted to support this application to assess the potential for risks to be posed to the underlying Secondary Aquifers from the proposed USTs and fuel storage infrastructure which are to be installed at the site. This report concludes the following:

- In response to the sensitivity of the site, the tanks must be of double skinned steel GRP composite construction and incorporate a suitable leak detection system.
- Associated pipework must also be double skinned with interstitial monitoring on lines, to detect leaks before any product escapes into the soil and including alarm sensors in chambers.
- The proposed works represent a robust degree of protection to controlled waters.

Based on the submission of this additional information the Environment Agency have confirmed that they can withdraw their objection to the proposed development.

The Council's Environmental Health Team have reviewed the application and have confirmed that they have no objections to the proposal. They have however requested a condition relating to unexpected contamination at the site.

Subject to the planning conditions set out above the proposal is considered to achieve the requirement of Policy ST1 of the Copeland Local Plan, Policies DS6PU and Policy DS10PU



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of the Emerging Local Plan and the provisions of the NPPF.

Planning Balance & Conclusion

The NPPF states that planning 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.

This application seeks permission to allow an existing well-established store to enhance the facilities they currently provide to the local community, create an additional facility for the town, and improve the overall appearance of their site. The redevelopment of the site will enhance the facilities within this Local Centre, increase the viability of the area, and will provide an additional service for the community and the surrounding area.

The application site is located within the centre of Frizington, which is classified as a Local Centre under Policy ST2 of the Copeland Local Plan. Policy ST2 seeks to support appropriately scaled development in defined Local Centres which helps to sustain services and facilities for local communities. The proposal is considered to be of a scale appropriate for Frizington as a Local Centre. The loss of the existing community facility has already been established by the 2018 permission (ref: 4/16/2260/0F1) which sought to demolish the pub as part of a wider redevelopment of the site.

The application site is located within the centre of Frizington. The proposal seeks to demolish a vacant and dilapidated building and alter the existing convenience store within a prominent location within the village. Whilst the proposed petrol filling station will be a prominent feature within the village, it would be of an appropriate scale for the site and would be viewed in the context of the surrounding properties.

Whilst concerns have been raised by residents regarding the impact of development on existing residential amenity in terms of loss of privacy, noise, and loss of light, the Council's Environmental Health Officer has offered no objections to the proposal subject to the inclusion of a number of conditions.

Based upon the advice of the relevant consultees, the proposed development will not result in an unacceptable impact on highway safety, ecology, land contamination, flood risk and drainage subject to the planning conditions proposed.

The proposal is therefore considered to be an acceptable form of sustainable development which is compliant with policies of the Copeland Local Plan and the provisions of the NPPF.

8. **Recommendation:**

Approve (commence within 3 years)

9.

Conditions:

Standard Conditions:

1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission.

Reason

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

2. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them:-
 - Location Plan, Scale 1:1250, received by the Local Planning Authority on the 5th May 2022.
 - Existing Site Layout, Scale 1:200, Drawing Number: TRI-3662-01, received by the Local Planning Authority on the 5th May 2022.
 - Existing Plan & Elevations, Scale 1:200, Dwg No: 06, Rev No: P1, received by the Local Planning Authority on the 15th August 2022.
 - Site Plan & Street Elevations (Amended), Scale 1:100, Dwg No: 16, Rev No: P9, received by the Local Planning Authority on the 6th February 2024.
 - Site Plan & Tracking Plan for Fuel & Stock (Amended), Scale 1:100, Dwg No: 17, Rev No: P5, received by the Local Planning Authority on the 6th February 2024.
 - Proposed Building Plan & Site Elevations, Scale 1:100, Dwg No: 18, Rev No: P3, received by the Local Planning Authority on the 5th May 2022.
 - Plans with Existing Sewer, received by the Local Planning Authority on the 7th November 2022.
 - Lighting Documentation, received by the Local Planning Authority on the 5th May 2022.
 - Ecological Survey & Assessment, Prepared by ERAP Ltd Consultant Ecologist March 2022, received by the Local Planning Authority on the 5th May 2022.
 - Site Specific Demolition Method Statement (Amended), received by the Local Planning Authority on the 19th December 2023.
 - Drainage Strategy (Amended), Prepared by R G Parkins September 2023, Ref: K38912.DS/001A, Version A, received by the Local Planning Authority on the

11th September 2023.

- Drainage Layout Plan (Amended), Scale 1:150, Drawing No: 20, Rev: A, received by the Local Planning Authority on the 13th July 2023.
- Noise Impact Assessment (Amended), Prepared by e3p January 2024, Reference: 50-500-R1-2, received by the Local Planning Authority on the 16th January 2024.
- Transport Statement, Prepared by PSA Design March 2022, Ref: T3765, Rev: 1, received by the Local Planning Authority on the 5th May 2022.
- Phase 1 Desk Study, Prepared by GEO₂ Remediation Limited February 2022, received by the Local Planning Authority on the 5th May 2022.
- Planning and Design & Access Statement (Amended), Prepared by M&L Richardson & Sons Ltd October 2022, received by the Local Planning Authority on the 13th December 2022.
- Filling Station Design Environmental Protection, received by the Local Planning Authority on the 25th July 2022.
- Fuel Storage Risk Assessment, Prepared Geo₂ Remediation Ltd July 2023, Report Ref: 23/1242.3.1, received by the Local Planning Authority on the 13th July 2023.
- Letter Drilling of Deeper Borehole, Prepared by Geo₂ Remediation Ltd June 2023, received by the Local Planning Authority on the 13th July 2023.
- Proposed Phasing of Development, received by the Local Planning Authority on the 16th January 2024.
- Phase 3 Forecourt Development (Amended), Scale 1:100, Dwg No: 21, Rev: P3, received by the Local Planning Authority on the 6th February 2024.

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.

Pre Commencement Conditions:

3. The development must not commence until visibility splays providing clear visibility of 60 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. 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 grown within the general development of the site commences so that construction traffic is safeguarded.

Reason

In the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

4. Full details of the surface water drainage system including connections to existing system, a full drainage investigation of the existing surface water system to its outfall is to be completed and submitted to the Local Planning Authority for review and approval prior to the development being commenced. A maintenance schedule identifying the responsible parties, and agreement from United Utilities to accept the proposed drainage plan must be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works must be implemented prior to the development being completed and must be maintained thereafter in accordance with the schedule.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. To ensure the surface water system continues to function as designed and that flood risk is not increased within the site or elsewhere.

5. The carriageway, footways, footpaths, cycleways etc must be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, must be submitted to the Local Planning Authority for approval before work commences on site. No work must be commenced until a full specification has been approved in writing by the Local Planning Authority. These details must be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved must be constructed before the development is complete and must be retained at all times thereafter.

Reason

To ensure a minimum standard of construction in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

6. Development must not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The CTMP must include details of:

- pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
- details of proposed crossings of the highway verge;
- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- Details of any proposed temporary access points (vehicular / pedestrian)
- surface water management details during the construction phase
- specific measures to manage and limit the impact on the school, including working hours, any special measures to accommodate pedestrians, deliveries and movement of equipment on the road network surrounding the site must not take place during school muster times in the interests of road safety.

Reason

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

7. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These works must include hard surfacing, means of enclosure, finished levels or contours etc. Landscaping must be carried out in accordance with the approved details

and retained at all times thereafter.

Reason

To safeguard and enhance the character of the area and secure high-quality landscaping in accordance with the requirements of Policy DM26 of the Copeland Local Plan 2013 – 2028.

8. No development shall take place until a schedule of landscape maintenance has been submitted to and approved in writing by the Local Planning Authority. The schedule must include a specification for new trees and shrubs, a detailed planting design, details for its implementation and a five-year maintenance scheme. Development must be carried out in accordance with the approved schedule at all times thereafter.

Reason

To safeguard and enhance the character of the area and secure high-quality landscaping in accordance with the requirements of Policy DM26 of the Copeland Local Plan 2013 – 2028.

9. Prior to the commencement of any works hereby approved additional protected species survey must be undertaken and submitted to and approved in writing by the Local Planning Authority as set out in the approved document 'Ecological Survey & Assessment, Prepared by ERAP Ltd Consultant Ecologist March 2022, received by the Local Planning Authority on the 5th May 2022'. The development must be carried out in accordance with and implement all of the mitigation and compensation measure set out within this approved document and retained thereafter.

Reason

To protect the ecological interests evident on the site in accordance with Policies ENV3, and DM25 of the Copeland Local Plan 2013-2028.

Prior to Occupation/First Use/Installation Conditions:

10. Prior to their first installation within the development hereby approved, details of the wildlife enhancement measures and timescales for installation identified in the approved document 'Ecological Survey & Assessment, Prepared by ERAP Ltd Consultant Ecologist March 2022, received by the Local Planning Authority on the 5th

May 2022' must be submitted to and approved in writing by the Local Planning Authority. The approved details must be installed in accordance with the approved details and retained at all times thereafter.

Reasons

To protect the ecological interests evident on the site in accordance with Policies ENV3, and DM25 of the Copeland Local Plan 2013-2028.

11. The drainage for the development hereby approved, must be carried out in accordance with principles set out in the approved documents:

- Drainage Strategy (Amended), Prepared by R G Parkins September 2023, Ref: K38912.DS/001A, Version A, received by the Local Planning Authority on the 11th September 2023.
- Drainage Layout Plan (Amended), Scale 1:150, Drawing No: 20, Rev: A, received by the Local Planning Authority on the 13th July 2023.

For the avoidance of doubt surface water must drain at the restricted rate of 2 l/s.

Prior to the first use of the proposed development, the drainage schemes must be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

12. Prior to the first use of the petrol filling station hereby approved the boundary treatment along the east and west boundary must be installed in accordance with the details shown in the approved plan 'Site Plan & Street Elevations (Amended), Scale 1:100, Dwg No: 16, Rev No: P9, received by the Local Planning Authority on the 6th February 2024'. The boundary treatment must be retained in accordance with the approved details at all times thereafter.

Reason

To safeguard the amenity of neighbouring occupiers in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

13. The acoustic fencing along the northern boundary of the site must be installed in accordance with the approved documents:

- Proposed Phasing of Development, received by the Local Planning Authority on the 16th January 2024.
- Noise Impact Assessment (Amended), Prepared by e3p January 2024, Reference: 50-500-R1-2, received by the Local Planning Authority on the 16th January 2024.
- Site Plan & Street Elevations (Amended), Scale 1:100, Dwg No: 16, Rev No: P9, received by the Local Planning Authority on the 6th February 2024.

The acoustic fencing must be fully installed prior to the first use of the petrol filling station hereby approved and must be retained in accordance with the approved details at all times thereafter.

Reason

To safeguard the amenity of neighbouring occupiers in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

Other Conditions:

14. There must be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.

Reason

To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

15. The development must implement all of the mitigation and compensation measures set out in the approved document 'Ecological Survey & Assessment, Prepared by ERAP Ltd Consultant Ecologist March 2022, received by the Local Planning Authority on the 5th May 2022'. The development must be carried out in accordance with the approved document at all times thereafter.

Reason

To protect the ecological interests evident on the site in accordance with Policies ENV3, and DM25 of the Copeland Local Plan 2013-2028.

16. The development hereby approved must be carried out in accordance with the mitigation and compensation measures set out in the approved document 'Noise Impact Assessment (Amended), Prepared by e3p January 2024, Reference: 50-500-R1-2, received by the Local Planning Authority on the 16th January 2024'. The development must be carried out in accordance with the approved document at all times thereafter.

Reason

To safeguard the amenity of neighbouring occupiers in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

17. The external lighting for the development hereby approved must be carried out in accordance with the details set out in the approved document 'Lighting Documentation, received by the Local Planning Authority on the 5th May 2022'. The external lighting must be retained as per these approved details at all times thereafter unless agreed in writing by the Local Planning Authority.

Reason

To safeguard the amenity of neighbouring occupiers in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

18. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the following approved plan:
- Phase 1 Desk Study, Prepared by GEO₂ Remediation Limited February 2022, received by the Local Planning Authority on the 5th May 2022.
 - Fuel Storage Risk Assessment, Prepared Geo₂ Remediation Ltd July 2023, Report Ref: 23/1242.3.1, received by the Local Planning Authority on the 13th July 2023.
 - Letter Drilling of Deeper Borehole, Prepared by Geo₂ Remediation Ltd June 2023, received by the Local Planning Authority on the 13th July 2023.

All mitigation measures identified must be maintained as such at all times thereafter.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013 – 2028.

19. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. A suitable investigation and risk assessment will then be agreed upon by the Council and the developer and where remediation is necessary a remediation scheme must be prepared and submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013 – 2028.

20. Demolition and construction site operating hours must only take place between the following hours:

- 08:00am to 18:00pm Monday to Friday; and
- 08:00am to 13:00 Saturdays

No construction works shall take place at any time on Sundays or Bank Holidays.

Reason

To safeguard the amenity of neighbouring occupiers in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

21. There must be no deliveries made to the shop or petrol filling station hereby approved between the hours of 22:00pm and 06:00am.

Reason

To safeguard the amenity of neighbouring occupiers in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

22. The demolition of The Griffin Pub hereby approved must be carried out in accordance with the approved document 'Site Specific Demolition Method Statement (Amended)', received by the Local Planning Authority on the 19th December 2023'.

Reason

To safeguard the amenity of neighbouring occupiers in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

23. The use of the site hereby approved must only be operational between the following times:

- 06:00am – 22:00pm Monday to Saturday; and
- 06:00am – 22:00pm Sunday and Bank Holidays.

Reason

To minimise potential disturbance to nearby residences and to safeguard the amenities of the locality in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

Informatives

1. The operator of the petrol filling station will be required to obtain an Environmental Permit under Part B Local Authority Pollution Prevention and Control Act 1999 and Environmental Permitting Regulations (England and Wales) Regulations 2016 from the Council in the event that the development goes ahead.
2. 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

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.

Case Officer: C. Burns

Date : 07.02.2024

Authorising Officer: N.J. Hayhurst

Date : 23.02.2024

Dedicated responses to:-