

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2313/0B1	
2.	Proposed Development:	VARIATION OF CONDITIONS 4, 5, 6, 7, 8 AND 9 OF PLANNING APPROVAL 4/22/2200/0F1 - 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	This application relates to a site measuring 0.25 hectares located on the corner of Mill Street and Main Street (A5086) located 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. The existing two storey pub is in a dilapidated state and has previously been granted planning permission for its demolition. 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.

4/22/2200/0F1 – 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 – Approved.

Proposal

In February 2024, planning permission (ref: 4/22/2200/0F1) was granted for the demolition of the 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.

This current application seeks to vary the following conditions attached to planning approval ref: 4/22/2200/0F1:

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.

Reasons

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

Consultation Responses

Arlecdon and Frizington Parish Council

No comments received.

Cumberland Council – Highway Authority & Lead Local Flood Authority

Cumberland 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.

Condition 4,5,7 and 8:- The LHA and LLFA have no objections to the variation of conditions 4,5,7 and 8.

Condition 6:- The LHA and LLFA are content with the information provided within the CTMP for the above application, therefore Condition 6 can be discharged.

Condition 9:- Condition 9 is not for the LHA and LLFA to discharge.

United Utilities

Whilst United Utilities has no objection to the proposed variation of condition 4 to enable demolition to commence, we would like to take this opportunity to reiterate the drainage condition we requested in our version 6 letter dated 2 November 2023 to planning application reference: 4/22/2200/0F1 (our ref: DC/22/1618).

We request that the Council considers this wording for condition 4.

Environment Agency

No comments received.

Natural England

No comments received.

Cumberland Council – Environmental Health

Environmental Health has no objections to the above proposed variation.

As regards the Construction Transport Management Plan, Environmental Health would request that:

- (a) any site welfare facilities are located as far away from residential dwellings as is practicable to avoid possible noise / fumes from generator plant, and
- (b) the use of portable acoustic barriers is considered, if noisy plant equipment is required on the site for any prolonged period of time during works.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to 63 properties.

Two letters of objection have been received raising the following concerns:

- I am against the demolition of the Griffin pub to make way for a parking area and petrol garage as an extension of the current spar shop in Frizington.
- Its demolition is an environmental failure, it is also I feel, a danger to children on the busy mini roundabout where children cross all the time, and where they will be going for sweets at the spar shop, also many pensioners going to the shop for supplies, especially at night time when other shops are closed as the shop does not close till 10.30pm.
- The Griffin pub is iconic to Frizington, and has been in situ for years, lots of photos exist of it on the top of mill St with men going down the road with flat caps and boots from bygone times.
- I feel it would be a big loss to Frizington, and it would be much better to transform it into a house or a social hub, so that it's history can be maintained.
- The pub should be saved from demolition.
- I would like to make comment on the height of Heras type fencing and the use of such fencing, being at a low level (1.8 meters) during demolition of the Griffin pub, and at such a height is insufficient to prevent egress of waste material, dust and other debris from the building to fall within the scope of properties close to demolition and onto local roads including Mill street and its associated pavement.
- Locals have had no information when such works are to begin noting that the planning was agreed upon some six months previously and the harass fencing that's up now is insufficient the area has severe deteriorated and is causing traffic to park illegally along the length of Main street, there seems to be nothing in the new factors to

prevent this even now.

- The access point from Griffin Close has been cut off with harras fencing and according to council maps and Google maps this is a right of way or seems to be I would like planning to look into this please.

One letter of support has been received raising the following comments:

- Excellent news that approval has been granted. Let's hope the work commences ASAP!

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 2021 - 2039 (LP):

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

Planning approval 4/22/2200/0F1 was determined under the previous Local Plan, however this current variation of conditions application is being considered under the Copeland Local Plan 2021-2039 as this now forms the development plan.

The following policies are relevant to this application:-

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Policy DS5: Hard and Soft Landscaping

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Policy DS8: Soils, Contamination and Land Stability

Strategic Policy E1: Economic Growth

Strategic Policy E2: Location of Employment

Strategic Policy R1: Vitality and Viability of Town Centres and Villages within the Hierarchy

Strategic Policy R2: Hierarchy of Town Centres

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2: Local Nature Recovery Networks

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

Other Material Planning Considerations

National Planning Policy Framework (2024)

National Design Guide (NDG)

National Planning Policy Guidance (NPPG)

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

Under Section 73 of the Town and Country Planning Act 1990, an application can be made to vary or remove a condition associated with a permission. The effect of an application under Section 73 is the issue of a new permission sitting alongside the original permission, which remains intact and unamended. The NPPG outlines that to assist with clarity it states that decision notices should also repeat the relevant conditions from the original permission



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unless they have already been discharged. As a Section 73 application cannot be used to vary the time limit for implementation this condition must remain unchanged from the original permission.

In terms of the conditions attached to the previous decision notice (ref: 4/22/2200/0F1), development has not commenced on site therefore condition 1 will be amended to ensure timescales for commencement are clearly outlined. Conditions 3, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23 will be repeated to ensure that works are carried out as per the approved details. Condition 10 will be repeated as these conditions require formal discharge.

Condition 2 will be amended to reflect the amended information submitted with this current application.

This current application seeks to vary conditions 4, 5, 6, 7, 8 and 9 of the original planning approval (ref: 4/22/2200/0F1). This application has been submitted to vary the wording of the pre commencement planning conditions to enable the demolition of the existing Griffing Public House prior to the remainder of the redevelopment. The early demolition of the public house is required due to its poor condition and the ongoing maintenance cost of the building.

Condition 4 sought to secure a surface water drainage system for the development. The amendment to this condition is sought to allow for the demolition of the public house. No objections have been received from statutory consultees in relation to the variation of condition 4.

Condition 5 seeks details of the proposed carriageways, footways, footpaths, cycleways, etc. The amendment to this condition is sought to allow for the demolition of the public house. No objections have been received from statutory consultees in relation to the variation of condition 5.

Condition 6 sought the submission of a Construction Traffic Management Plan prior to the commencement of works at this site. The required information has been submitted as part of this application. The Highway Authority have confirmed that the information submitted as part of this application is sufficient for this condition to be discharged. Environmental Health have requested information is updated in terms of site welfare facilities and acoustic barriers. Amendments have been submitted to reflect this. Condition 6 will therefore be reworded to ensure the development is carried out in accordance with these submitted details.

Condition 7 sought details of the proposed hard and soft landscaping to be installed within the development. The amendment to this condition is sought to allow for the demolition of the public house. No objections have been received from statutory consultees in relation to the variation of condition 7.

Condition 8 sought details of the proposed landscape maintenance schedule for the development. The amendment to this condition is sought to allow for the demolition of the public house. No objections have been received from statutory consultees in relation to the variation of condition 8.

	<p>Condition 9 required the submission of an additional protected species survey, this has been carried out and is submitted with this application. The submitted survey demonstrates that there are no roosting bats on site and the only recommendation is that if works have not started by the start of the next bat activity survey season (i.e. May 2025) then it is recommended that an updated dusk emergence survey is completed at Building 1 to ensure these findings remain valid. No comments have been received from Natural England on this application. Condition 9 will therefore be reworded to ensure the development is carried out in accordance with these submitted details.</p> <p>On this basis the proposed revisions to the original planning conditions are considered to be acceptable and will allow the demolition of the former public house to be carried out in a practical timescale before construction works commence on site.</p>
8.	<p>Recommendation:</p> <p>Approve</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions:</u></p> <ol style="list-style-type: none"> 1. The development hereby permitted must be commenced before the 23rd February 2027. <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <ol style="list-style-type: none"> 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:- <ul style="list-style-type: none"> - 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.
- Covering Letter, Prepared by Smith & Love Planning Consultants September 2024, received by the Local Planning Authority on the 18th September.
- Construction Traffic Management Plan (Amended), Prepared by Harry Walters & Livesey Ltd August 2024, Revision 1, received by the Local Planning Authority on the 14th October 2024.
- Updated Dusk Emergence Bat Survey, Prepared by ERAP (Consultant Ecologists) Ltd July 2024, received by the Local Planning Authority on the 18th September.

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 with Policy CO4 of the Copeland Local Plan.

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



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prior to the development (other than the demolition of the Griffin Public House) 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 in accordance with Policies DS6 and DS7 of the Copeland Local Plan.

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 (other than the demolition of the Griffin Public House) commences on site. No work (other than the demolition of the Griffin Public House) 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 with Policy CO4 of the Copeland Local Plan.

6. The development hereby approved must be carried out in accordance with the approved document 'Construction Traffic Management Plan (Amended), Prepared by Harry Walters & Livesey Ltd August 2024, Revision 1, received by the Local Planning Authority on the 14th October 2024' unless otherwise agreed in writing by the Local Planning Authority.

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 CO4 of the Copeland Local Plan.

7. No development (other than the demolition of the Griffin Public House) 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 enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme in accordance with Policy N6 of the Copeland Local Plan.

8. No development (other than the demolition of the Griffin Public House) 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 enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme in accordance with Policy N6 of the Copeland Local Plan.

9. The development must implement all of the mitigation and compensation measures set out in the approved document 'Updated Dusk Emergence Bat Survey, Prepared by ERAP (Consultant Ecologists) Ltd July 2024, received by the Local Planning Authority on the 18th September'. 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.

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



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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.

Reason

To protect the ecological interests evident on the site in accordance with Policies N1 of the Copeland Local Plan.

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 promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policies DS6 and DS7 of the Copeland Local Plan.

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 DS4 of the Copeland Local Plan.

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 DS4 of the Copeland Local Plan.

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 CO4 of the Copeland Local Plan.

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 N1 of the Copeland Local Plan.

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 DS4 of the Copeland Local Plan.

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 DS4 of the Copeland Local Plan.

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 DS8 of the Copeland Local Plan.

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 DS8 of the Copeland Local Plan.

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 DS4 of the Copeland Local Plan.

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 DS4 of the Copeland Local Plan.

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 DS4 of the Copeland Local Plan.

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 DS4 of the Copeland Local Plan.

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
<<http://www.gov.uk/government/organisations/the-coal-authority>>

	<p>Statement:</p> <p>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.</p>	
Case Officer: C. Burns		Date : 18.12.2024
Authorising Officer: N.J. Hayhurst		Date : 20.12.2024
Dedicated responses to:- N/A		