



Cumberland Council
Cumbria House
107-117 Botchergate
Carlisle
Cumbria CA1 1RD
Telephone 0300 373 3730
cumberland.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) – SECTION 73.

NOTICE OF GRANT OF PLANNING PERMISSION

Smith & Love Planning Consultants
Rational House
32 Winckley Square
Preston
PR1 3JJ
FAO: Mr Mike Hughes

APPLICATION No: 4/24/2313/0B1

**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**

SPAR, 1 MAIN STREET, FRIZINGTON

M & L Richardson & Sons Ltd

The above application dated 18/09/2024 has been considered by the Council in pursuance of its powers under the above mentioned Act and PLANNING PERMISSION HAS BEEN GRANTED subject to the following conditions:

Standard Conditions:

1. The development hereby permitted must be commenced before the 23rd February 2027.

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.
- 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 grow 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 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 2013-2028.

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 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 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.

Reasons

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.

Reasons

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 make 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>>

Statement:

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

Please read the accompanying notice



Nick Hayhurst
Head of Planning and Place
Inclusive Growth and Placemaking

20th December 2024

**APPROVALS
(OUTLINE, FULL RESERVED MATTERS & HOUSEHOLDER)**

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2015**

PART 2

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

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

Purchase Notices

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