



Town and Country Planning Act 1990 (As amended).

4/18/2545/OB1

NOTICE OF GRANT OF PLANNING PERMISSION

**AMENDED DECISION NOTICE**

**THIS CANCELS AND SUPERSEDES THE PREVIOUS DECISION NOTICE**

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

**VARIATION OF CONDITION 10 OF PLANNING PERMISSION REFERENCE 4/18/2313/0F1  
RELATING TO A NEW PETROL FILLING STATION AND CONVENIENCE STORE TO ALLOW THE  
PROVISION OF CAR PARKING AND ACCESS FOR THE NEW PETROL FILLING STATION AND  
CONVENIENCE STORE ONLY  
IVY MILL SITE, MAIN STREET, HENSINGHAM, WHITEHAVEN  
James Hall and Company Limited**

The above application dated 17/12/2018 has been considered by the Council in pursuance of its powers under the above mentioned Act and PLANNING PERMISSION HAS BEEN GRANTED subject to the following conditions:

1. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-
  - Location Plan 1, Scale 1:1250, received by the Local Planning Authority on the 19<sup>th</sup> July 2018.
  - Existing Site Survey, Scale 1:200, Drawing No TRI-0709-01, received by the Local Planning Authority on the 19<sup>th</sup> July 2018.
  - Existing Site Plan, Scale 1:200, Drawing No EX-02, received by the Local Planning Authority on the 19<sup>th</sup> July 2018.
  - Site Elevations, Scale 1:100, Drawing No PL-103, received by the Local Planning Authority on the 19<sup>th</sup> July 2018.
  - Proposed Site Plan (Amended), Drawing No PL-102, Rev E, received by the Local Planning Authority on the 16<sup>th</sup> August 2018.
  - Proposed Alterations to Existing Buildings, Scale 1:100, Drawing No PL-105, received by the Local Planning Authority on the 19<sup>th</sup> July 2018.

- Proposed Forecourt and Canopy Details, Scale 1:100, Drawing No PL-101, received by the Local Planning Authority on the 19<sup>th</sup> July 2018.
- Proposed Building Plans and Elevations, Scale 1:100, Drawing No PL-100, received by the Local Planning Authority on the 19<sup>th</sup> July 2018.
- Noise Assessment of Proposed New Service Station, Prepared by AEC Ltd, received by the Local Planning Authority on the 19<sup>th</sup> July 2018.
- Environmental Site Investigation, Prepared by GEO2 Remediation Limited, received by the Local Planning Authority on the 19<sup>th</sup> July 2018.
- Desk Study, Prepared by GEO2 Remediation Limited, received by the Local Planning Authority on the 19<sup>th</sup> July 2018.
- Design and Access Statement, received by the Local Planning Authority on the 19<sup>th</sup> July 2018.

Reason

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

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

Reason

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

3. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public surface water sewer must be no greater than the existing runoff rate for any storm event (including allowance for climate change).

Reason

To promote sustainable drainage, secure proper drainage and to manage the risk of flooding.

4. Prior to the commencement of development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning Authority and agreed in writing. The sustainable drainage and management plan shall include as a minimum:

- The arrangements for adoption by an appropriate body or statutory undertaker, or management and maintenance by a suitable Management Company; and
- Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason

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

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

Reason

In the interests of highway safety.

6. Full details of the surface water drainage system shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason

In the interests of highway safety and environmental management.

7. The whole of each of the access areas bounded by the carriageway edge and the splays to the petrol filling station and new store shall be constructed and drained to the specification of the Local Planning Authority in consultation with the Highway Authority. Development shall be carried out in accordance with the approved details and shall be retained at all times thereafter

Reason

In the interests of road safety

8. The Footways shall be provided that link continuously and conveniently to the nearest existing highway footway. Pedestrian facilities, within and to and from the site shall be provided so they are convenient to use. The footway (shown on Drawing no PL-102) shall be in place prior to the use of the petrol filling station and new store commencing and should remain usable thereafter.

Reason

In the interests of highway safety.

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

Reason

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

10. Details of the proposed access and parking/turning during construction for i) the petrol filling station and new store and ii) the conversion works for the existing store on site shall be submitted to and agreed in writing with the Local Planning Authority

prior to development on that phase commencing. This shall include work schedule details to ensure the access and parking/turning area for each phase is substantially constructed before any building work commences on site for that phase takes place so that the construction traffic can park and turn clear of the highway.

Reason

In the interests of highway safety.

11. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority for each phase of the development insofar as i) the petrol filling station and new store and ii) the conversion works for the existing store. The approved Statement relevant for each phase shall be adhered to throughout the construction period. The Statement shall provide for: the parking of vehicles of site operatives and visitors loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding; hours of construction works; wheel washing facilities; measures to control the emission of dust and dirt during construction; a scheme for recycling/disposing of waste resulting from demolition and construction works; phasing of the development works, including timing of any demolition works and commencement of the building work and implementation of the access and parking areas during construction.

Reason

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

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

Reason

To protect the amenity of nearby residents.

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

Reason

To protect the amenity of nearby residents.

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

Reason

To protect the amenity of nearby residents.

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

Reason

To protect the amenity of nearby residents.

16. Notwithstanding the details shown on the approved plan, before the retail store and/or petrol filling station hereby approved are first brought into use, boundary treatment around the site, shall be erected in accordance with a detailed scheme which has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include cross sections and details with regard to the finished height and position of fences, walls and retaining walls and sound barriers in relation to the boundaries. The boundary treatment and sound barriers so approved shall be maintained in accordance with the approved scheme at all times thereafter.

Reason

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

17. Any new external lighting shall be installed and maintained in accordance with accompanying lighting details received by the Local Planning Authority and in accordance with the Guidance Notes for the Reduction of Obtrusive Light (GN01:2011) produced by the Institute of Lighting Professionals. No other external lighting shall be erected within the site without the prior written approval of the Local Planning Authority.

Reason

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

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

Reason

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

19. Before development commences for i) the retail store and petrol filling station and ii) the conversion of the existing retail store to two units, representative samples of the materials to be used on the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and so maintained thereafter.

Reason

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

**Informative(s):**

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

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

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

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

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



being approved is done entirely at the developers own risk and could be subject to change.

Should this planning application be approved the applicant should contact United Utilities regarding a potential water supply or connection to public sewers. Additional information is available on our website <http://www.unitedutilities.com/builders-developers.aspx>.

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

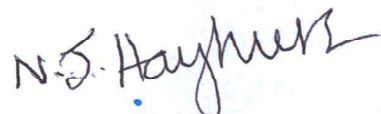
Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)  
<<http://www.gov.uk/government/organisations/the-coal-authority>>

**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

05/02/2019



Pat Graham  
Chief Executive

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