

Full planning application for the demolition of existing public house, erection of a petrol filling station and single storey extension to existing store with associated works including car parking

1 Main St, Frizington CA26 3SA

Planning and Design & Access Statement

M&L Richardson & Sons Ltd

April 2022

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PLANNING CONSULTANTS

1 Introduction

- 1.1 This Planning and Design & Access Statement has been prepared by Smith & Love Planning Consultants on behalf of M&L Richardson & Sons Ltd in support of its full planning application for a new petrol filling station (PFS) and extension to the existing SPAR store and post office at 1 Main St, Frizington CA26 3SA.
- 1.2 This Statement sets out the background and context of the application, provides a description of the site and surroundings, explains the proposed development scheme and summarises the relevant policies of the statutory development plan and other policy considerations. It then assesses the merit of the planning application against the identified policies within the Copeland Council Local Plan, the decision-making framework and national policy in the National Planning Policy Framework, and all other material considerations.
- 1.3 It demonstrates that the proposed development is in accordance with the relevant spatial development, and general technical and development management policies of the adopted Copeland Local Plan viewed as a whole.
- 1.4 Consequently, having regard to the development plan and all material considerations, there is a clear and compelling case for planning permission to be granted without delay, in accordance with the first part of the presumption in favour of sustainable development at Paragraph 11c of the National Planning Policy Framework.

Supporting information

- 1.5 This Statement should be read together with the following list of plans and supporting documents submitted with the application;
- a) Application drawings:
- Location Plan
 - Drawing TRI-3662-01 Topo Survey
 - 453-16-P3 Site Plan and Elevations
 - 453-17-P3 Tracking
 - 453-18-P3 Building Plan and Elevations
- b) Application documents:
- Noise Impact Assessment
 - Ecological Survey and Assessment (including a Daylight Licensed Bat Survey)
 - Flood Risk Assessment and Drainage Strategy
 - Proposed Lighting Information
 - Transport Statement
 - Phase 1 Contamination Desk Study

2 Site and surroundings

- 2.1 The application site measures 0.25ha site and is located at the corner of Mill Street and Main Street (A5086) in Frizington village centre. The site comprises the vacant Griffin public house and its associated external seating and parking areas as well as the existing SPAR and Post Office store. The site is currently accessed from Main Street via an existing dropped kerb. The site is shown edged in red on Figure 1 below.
- 2.2 The existing public house is a two-storey building with a single storey extension. The site is currently protected by a temporary fence. There is some existing and informal customer car parking shared on the site. There are no marked bays but there are approximately 10 spaces. The nature of the parking arrangement means that cars park in an ad hoc arrangement and often block access for delivery vehicles that require access to the rear of the store.
- 2.3 The site is surrounded predominantly by residential properties on Main Street to the north and east, Mill Street to the south and by those on Griffin Close to the west.



Figure 1: Site Location

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Planning History

- 2.4 A review of the planning history of both the vacant Griffin public house and the existing Spar Store has been undertaken and the following applications are considered relevant to this proposal.
- 2.5 With regards to the Spar store, the most recent application was ref: 4/21/2029/0F1 for proposed internal alterations to the existing retail building to provide an increase in net sales area (use class E) along with the provision of Disability Discrimination Act (DDA) customer access to full retail area, external repairs to building and external hard landscaping to provide designated customer parking. This application was approved in April 2021.

- 2.6 With regards to the former Griffin public house, application ref 4/16/2260/0F1 proposed the demolition of the existing public house and function room and redevelopment of the site to create 9 dwellings with associated car parking and landscaping. The application was approved in January 2018 and has now expired.

3 Proposed development (inc. Design & Access Statement)

- 3.1 The application seeks full planning permission for the demolition of an existing public house and the erection of a petrol filling station and the installation of underground tanks along with a single storey extension to the existing store with associated works including car parking.

Design & Access Statement

Use

- 3.2 The proposal comprises the demolition of an existing public house and the erection of a petrol filling station and the installation of underground tanks along with a single storey extension to the existing store with associated works including car parking.

Amount & Scale

- 3.3 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.

Layout

- 3.4 The proposed petrol pumps will be located in the south east corner of the site, it will feature two double-sided fuel pumps on a brushed concrete base. The pumps will be covered by a Single skin canopy (16.1m x 9m) with white powder coated fascias and a grey profiled metal roof (white underside) along with white painted framing. The height of the canopy is 4.4m providing clearance for fuel delivery vehicles and larger farm vehicles.
- 3.5 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.

Appearance

- 3.6 Externally, existing render will be repaired and repainted white. A dark moss green band will be painted at the junction of wall and pavement. Existing barge boards and eaves boards will be replaced with oak stained timber. All gutters & downpipes will be replaced with black UPVC.
- 3.7 In addition, windows and doors will be replaced with powder coated aluminium frames in grey (RAL 7037). Finally, a new ramp access to the store will be created ensuring access for all to the store.
- 3.8 The proposed canopy for the petrol station will not be internally illuminated but there are lights to be mounted on the supporting pillars of the canopy that will provide light only to the forecourt.

- 3.9 The store opening hours of the existing shop are 7am – 10pm. It is proposed that the petrol filling station will be open from 6am -10pm. The PFS will take advantage of a well-used mobile app to operate a pay at the pump system.

Access

- 3.10 The existing access point off Main Street will be widened to allow for an improved accessibility for HGV and other delivery vehicles. The swept path analysis shows that the HGV's will be able to enter and leave the site in a forward gear and will have improved access to the rear of the store for deliveries.
- 3.11 A total of 18 parking spaces will be provided within the site, this figure includes for 2no. electric vehicle charging bays and 2no. disabled parking spaces. An air/water/vacuum bay is also proposed. Circulation areas will be resurfaced in a tarmac finish.

Landscaping and associated works

- 3.12 Landscaping is proposed along the south east and south west perimeter of the site. A new embankment will be created along the perimeter and this will be planted with additional trees and low-level hedgerow landscaping which has been incorporated to limit any impact from car headlights within the site on the residential properties opposite on Mill Street.
- 3.13 In addition, a new compound is proposed for new modern plant equipment to replace the existing 4 condensers. This will not only improve the acoustic amenity for neighbours but will also improve the appearance of the site.

4 Planning policy

- 4.1 Relevant policy is provided in the statutory development plan for Copeland and in the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG) which are important material considerations.

Development plan

- 4.2 The Core Strategy and Development Management Policies DPD (adopted 5 December 2013) forms the main part of the Development Plan for the borough. The 'saved' policies of the Copeland Local Plan 2001-2016 (adopted 2006) must also be considered where relevant.
- 4.3 The following policies of the Copeland Local Plan are relevant to the determination of this application.

Copeland Local Plan 2013-2028 Core Strategy and Development Management Policies

- 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 Principal Town Centre, Key Service Centres, Local Centres and Other Service Areas: Roles and Functions
- Policy ER9 The Key Service Centres, Local Centres and Other Smaller Centres
- Policy SS4 Community Cultural and Services
- Policy T1 Improving Accessibility and Transport
- Policy ENV1 Flood Risk and Risk Management
- Policy ENV 3 Biodiversity and Geodiversity
- Policy ENV5 Protecting and Enhancing the Boroughs Landscapes
- Policy DM10 Achieving Quality of Place
- Policy DM11 Sustainable Development Standards
- Policy DM21 Protecting Community Facilities
- Policy DM22 Accessible Developments
- Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Other relevant policy-related considerations

National Planning Policy Framework 2021

- 4.4 The NPPF sets out the Government's planning policies for England and how they should be applied. Relevant sections of the NPPF include;

Paragraph 7 The purpose of the planning system is to contribute to the achievement of sustainable development;

- Paragraph 11 The presumption in favour of sustainable development lies at the heart of the Framework. For decision-taking this means (c) approving development where it accords with an up-to-date development plan, or (d) where there are no relevant policies or the policies which are most important for determining an application are out-of-date, granting permission unless i) the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing development, or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
- Paragraph 82 This confirms the Government is committed to securing economic growth and that the planning system should positively and proactively encourage sustainable economic growth.
- Paragraph 92 Planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible, and enable and support healthy lifestyles.
- Paragraph 104 Transport issues should be considered from the earliest stages of development so the potential impacts of development on transport networks can be addressed and to encourage opportunities to promote walking, cycling and public transport use.
- Paragraph 111 Development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe;
- Paragraph 119 Planning decisions should promote an effective use of land, while safeguarding and improving the environment and ensuring safe and healthy living conditions;
- Paragraph 124 Development should make efficient use of land taking into account the need for different types of housing and other development and the availability of suitable land; market conditions and viability; availability and capacity of infrastructure; the scope to promote sustainable travel; the desirability to maintain the character and setting of an area or promote regeneration; and the importance of creating well-designed, attractive, healthy and safe places;
- Paragraph 126 Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable.
- Paragraph 130 Planning decisions should ensure that developments: a) function well and add to the quality of areas; b) are visually attractive with good architecture, layout and effective landscaping; c) are sympathetic to local character and history, while not preventing innovation or change; d) establish strong sense of place, using streets, spaces, building types and materials to create attractive places to live, work and visit; e) optimise the potential of the site to accommodate and

sustain an appropriate amount and mix of development; and f) create safe, inclusive and accessible places and which promote health and well-being.

Paragraph 134 Development that is not well designed should be refused and where it fails to reflect local design policies and government guidance. Conversely, significant weight should be given to: a) development which reflects local design policies and government guidance; and/or b) outstanding or innovative designs which promote high levels of sustainability, or help raise design standards more generally so long as they fit in with the form and layout of their surroundings.

Paragraph 183 Development sites should be suitable for proposed use/s taking account of ground conditions and any risks arising from instability and contamination.

4.5 In determining planning applications, the NNPF expects local planning authorities to;

Paragraph 38 Approach decisions in a positive and creative way. They should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.

Paragraph 55 Consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition, and;

Paragraph 57 Planning obligations must only be sought where they meet tests of being; a) being necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.

5 Planning assessment

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 requires regard to be had to the provisions of the development plan, so far as material to the planning application, and to any other material considerations.
- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers to the development plan as a whole, and states that 'if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise'. Section 39 of this Act also requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development. These requirements are embodied in the 2021 NPPF which is a principal material consideration and should be given substantial weight.
- 5.3 On this basis, the main issues to be considered in determining this planning application are;
- The demolition of the public house;
 - The principle of development;
 - Environmental and technical considerations;
 - noise and lighting
 - biodiversity
 - drainage and flood risk
 - accessibility and transport
 - land contamination

Demolition of the Public House

- 5.4 With regards to the loss of the existing pub it was accepted within the previous application (4/16/2260/0F1) for 9 dwellings that the pub had been struggling for some time. The officer's report for that application states *"Although the loss of the public house is unfortunate it has struggled to survive as a viable business over the past few years and there is also alternative provision still available within the village. On this basis the proposal is considered to comply with Policy SS4 and DM21 of the Local Plan"*.
- 5.5 With the pub now vacant and on the basis that the principle of its loss has been established in the granting of planning permission 4/16/2260/F1, the proposed redevelopment of the site is in accordance with Policies SS4 and DM21 of the Local Plan.

The principle of development

- 5.6 The application site is located within Frizington village which is designated as a local centre within the settlement hierarchy as set out in the Local Plan. With regards to permissible development in Local Centres, Policy ST2 iii) identifies that the Council will permit appropriately scaled

development in defined Local Centres which helps to sustain services and facilities for local communities.

- 5.7 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. This will result in a new total gross internal floorspace of 334.6sq.m. The internal layout of the store will be improved to include better integration of the SPAR checkout and the Post Office counter. The minor increase in floorspace will help the store to provide more stock for customers and further reduce the need for local residents to drive further afield for convenience goods.
- 5.8 Policy ST1 of the Local Plan states that the Council will *“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 and sports facilities”*.
- 5.9 The proposed petrol filling station will meet the day to day needs of local residents and farmers within the immediate area and will also attract passing trade from visitors and tourists.
- 5.10 The development of the petrol filling station and the redevelopment of the existing Spar Store will provide temporary jobs during construction and additional posts within the existing store.
- 5.11 With regards to specific development within local centres, Policy ER9 b) states that *“the provision of shops and services will be maintained to ensure they continue to serve their small catchment areas with basic goods and services. Retail and service development which promotes the vitality and viability of rural settlements, without damaging their environment or amenity, will be supported”*.
- 5.12 Finally, Policy ER7 d) advises that the Council will *“seek to ensure that the Local Centres and neighbourhood centres maintain essential shops and services to meet the needs of local communities”*.
- 5.13 Redevelopment of the existing store will ensure it remains a vital facility in the village for residents. In addition, the petrol filling station will be beneficial for residents ensuring they don’t have to drive away from the village to fill up with fuel. The nearest petrol station to the village is located in Cleator Moor approximately 3km drive from Frizington. The proposed development is therefore in accordance with Policy ER7 d) of the Local Plan which seeks to ensure that the local centres and neighbourhood centres maintain essential shops and services to meet the needs of local communities.
- 5.14 The development will promote the vitality and viability of the settlement without damaging the environment or the amenity of local residents. The proposed development is therefore in compliance with Policies ST1, ST2 (iii) and ER9 b) of the Local Plan.
- 5.15 The proposed development involves the re-use of a brownfield site within the village centre and represents sustainable development by definition. Its redevelopment will visually enhance the appearance of the site and its surroundings. The site has also previously benefitted from planning

consent for additional housing indicating that the principle of redevelopment of the site is acceptable in principle.

- 5.16 In summary, the application is compliant with Policies ST1, ST2, SS4, ER7, ER9 and DM21 of the Copeland Local Plan and with paragraph xxx of the NPPF. The principle of redevelopment of the site is acceptable in principle.

Environmental and technical considerations

- 5.17 In considering the suitability and sustainability of the application site for the proposed housing development, the following environmental and technical matters have been assessed.

- a) Noise and lighting
- b) Biodiversity
- c) Drainage and flood risk
- d) Transport
- e) Geo-technical Information

- 5.18 Surveys and impact assessments have been commissioned in connection with these matters and are submitted with the planning application. A summary of the conclusions and recommendations of the reports is outlined below.

a) Noise and lighting

- 5.19 The development has been designed to ensure that any impact on local residents is limited. A 2m high close boarded fence is proposed around the northern and western perimeters of the site closest to the existing store as recommended in the accompanying Noise Impact Assessment (NIA).
- 5.20 The NIA confirms that no adverse impact is predicted day or night at the identified receptors due to existing background noise levels within the area.
- 5.21 On this basis, the proposed development ensures the safe guarding of existing levels of residential amenity in accordance with Policy ST1 of the Local Plan.
- 5.22 A Noise Impact Assessment undertaken by E3P has been submitted as part of this planning application. The survey was undertaken to identify, measure and assess the potential impact of any proposed sound sources associated with the development upon existing and proposed receptors in the immediate vicinity of the Site.
- 5.23 The measurement and assessments consider noise from the adjacent road network, and other local noise sources.
- 5.24 An unattended background and ambient sound survey has been undertaken out of a 1st floor window of the existing building in the south western area of the Site, The Griffin, in a position

representative of surrounding residential receptors.

- 5.25 A 3D noise model has been constructed to assess potential commercial sound impact. The model has been used to predict the Rating Level at the receptors which has been compared with the typical background sound level, accounting for any acoustic characteristics associated with the sound in accordance with BS 4142:2014. A worst-case assessment has been undertaken assuming worst-case plant and maximum deliveries in any given, applicable time period. No plant equipment has been specified as yet and this can be secured via a suitably worded planning condition.
- 5.26 The assessment determined that the predicted rating level during the daytime and night-time periods, at existing receptors, would exceed in the rear garden at 41 Main Street. As such, close boarded acoustic fencing is recommended around the north west of the car park area at a height of 2m.
- 5.27 In addition, to ensure residents along Mill Street are not impacted by headlights from the car park or forecourt, a low embankment and hedgerow are proposed along the southern boundary of the site with Mill Street to soften and screen the site.
- 5.28 Overall, the assessment demonstrates that that no adverse impact is predicted day or night at the receptors due to existing commercial/industrial sound. On the basis of the above the proposed development is compliant with Policy ST1 of the Local Plan.

b) Biodiversity

- 5.29 ERAP has undertaken an Ecological Survey and Assessment (including a Daylight Licensed Bat Survey) of the application site presents the results of a desktop study and data search, extended Phase 1 Habitat Survey and a licensed daylight bat survey carried out in January 2022.
- 5.30 The report states that *"Buildings 1 and 2 are considered to be of 'moderate' and 'low' suitability for use by roosting bats respectively"*. Therefore, further surveys are required to determine the presence or absence of roosting bats within the buildings, these surveys are underway and will follow in due course.
- 5.31 Only common and widespread plant species were found. None of the habitats present are representative of semi-natural habitat. The National Vegetation Classification (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.
- 5.32 The survey confirms that the proposals will have no adverse effect on statutory or non-statutory designated sites for nature conservation. Montbretia, an invasive species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended), has been detected within the site.
- 5.33 It is concluded that the preparation of an Invasive Species Management Plan is not necessary in

this case and the Montbretia is grubbed out by the roots during site clearance and disposed of either by burying on site or removal to a suitable tip.

- 5.34 The report makes several recommendations, firstly if a suitable location can be found at the redeveloped site, the installation of one house sparrow terrace nest box is recommended at the renovated Building 2.
- 5.35 Secondly, it is recommended that the landscape planting within the site is composed from native species and species known to be of value for the attraction of wildlife. It is also recommended that trees which support blossom and fruit which will attract insects are incorporated into the landscape planting. It is also recommended that a 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.
- 5.36 Thirdly, it is recommended that one insect box is sited on an existing feature such as fence post or wall. Boxes should ideally be sited around waist or chest height. Boxes should be placed facing south and in a sunny position, near an abundance of flowers and shrubs.
- 5.37 Further surveys are required to determine the presence or absence of roosting bats at the site. The ecological assessment has otherwise demonstrated that the proposed redevelopment at the site is feasible and acceptable in accordance with ecological considerations and the National Planning Policy Framework.
- 5.38 On the basis of the above, the application is in compliance with Policy ENV3 of the Local Plan.

c) Drainage and Flood Risk

- 5.39 The application site is located within Flood Zone 1 as identified on the Environment Agency's flood mapping. Due to the size of the site being less than 1ha no flood risk assessment is required to be submitted with the application.
- 5.40 A Drainage Strategy has been produced by RG Parkins and submitted with the application. The Strategy seeks to avoid, reduce and delay the discharge of rainfall to public sewers and watercourses in order to protect watercourses and reduce the risk of localised flooding, pollution and other environmental damage.
- 5.41 With regards to the surface water drainage design, the strategy confirms that due to the proposed site use as well as predicted ground conditions, it is anticipated that the disposal of surface water via infiltration will be unviable. Runoff will be attenuated as far as practical, with discharge to the United Utilities (UU) public 225mm diameter combined sewer situated within the site, subject to agreement with UU.
- 5.42 In relation to the drainage of foul water, it is proposed that foul water from the development shall be drained via gravity and connected to the existing 225mm diameter combined sewer within the site via an existing manhole.

- 5.43 There are potentially two sources of foul water from the proposed site; runoff from the forecourt, and foul waste from the building. The forecourt will be surrounded by ACO Road Drains to collect any runoff from the proposed forecourt. The runoff will then be discharged via a forecourt separator to an existing manhole within the site.
- 5.44 Finally, it is proposed that drainage shall be privately maintained by the site owner/s. An 'Operations & Maintenance Plan' will be made available to the site owners upon request detailing the requirements for future maintenance of the drainage system.
- 5.45 On the basis of the above the proposed development is acceptable in terms of drainage and flood risk and is in accordance with Policy ENV1 of the Local Plan.

d) Accessibility and transport

- 5.46 The application is accompanied by a Transport Statement prepared by PSA Design (March 2022). The Statement provides a description of the local highway network in the vicinity of the site and its accessibility by non-car modes of transport. In addition, the Statement also provides a description of the development proposals, including parking, trip generation and servicing; and a review of the transport implications of the development proposals.
- 5.47 The Statement confirms that the site will utilise the existing vehicle access arrangement from Main Street with the access from Mill Street being permanently closed. It is considered that this will be a benefit to all road users in the area as well as pedestrians using Mill Street.
- 5.48 With regards to deliveries, a service area is provided to the west of the store to ensure conflict between customers and delivery vehicles is minimised. It is envisaged that delivery vehicles will enter the site and reverse into the servicing area and then leave in a forward direction. In addition, whenever possible HGV and fuel deliveries will be restricted to off-peak periods to minimise conflict with vehicles and pedestrians.
- 5.49 In terms of car parking, 18 car parking spaces are proposed which includes 2 EV charging spaces and 2 mobility spaces. It is considered that due to the location of the store within the village, which ensures all residential properties are within easy walking distance, the proposed number of parking spaces will be sufficient to meet the demand of staff and customers and is similar to the provision provided at other Spar operated sites of a similar size.
- 5.50 An examination of the road safety data for the local highway network shows that there is no evidence of a significant road safety problem in the vicinity of the site. The site is also accessible by sustainable transport thereby enabling the potential for customers, and employees, to walk, cycle or use public transport to travel to and from the proposed development.
- 5.51 The proposal has a good walking catchment for local residents and will be easily accessible by visitors to the village. The traffic that is likely to be generated by the proposal has been established and the majority will be traffic that is already travelling on the local road network or visiting the existing store on the site. It is considered therefore, that taking into account the former use of the

site the vehicle trips as a result of the proposed development will not have a material impact on the operation or safety of the local road network

- 5.52 The Statement concludes that the proposed development should not have a material impact in terms of highway operation and safety. Taking the above into account, the proposed development is in accordance with Policy DM22 of the Local Plan.

e) Land Contamination

- 5.53 A Phase I Desk Study was undertaken by Geo2 Remediation Ltd in February 2022 and is submitted with the application. The desk study confirms that onsite current and historical activities are not considered likely to present a significant source of land contamination.

- 5.54 The nearby infill of the dyke is considered to be the 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.

- 5.55 In addition, the risk to human health is considered low along with the risk posed to controlled waters and the environment.

- 5.56 On the basis of the Phase 1 Desk Study the following recommendations are made;
- 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.

- 5.57 Taking the above into account, the proposed development is compliant with Policy ST1 of the Local Plan on contaminated land issues.

6 Summary and conclusion

- 6.1 This Planning Statement has been prepared by Smith & Love Planning Consultants Ltd in support of a full planning application for the demolition of an existing public house, erection of a petrol filling station and single storey extension to existing store with associated works including car parking at 1 Main Street, Frizington.
- 6.2 It assesses the merits of the application against the up-to-date policies of the development plan, the National Planning Policy Framework and all other relevant material considerations, and it demonstrates that the proposed development will help to retain an important local retail facility and also provide Frizington with a new petrol filling station which will benefit the whole community.
- 6.3 The Statement concludes that the proposed development is in accordance with the relevant spatial development, settlement hierarchy, community facilities and services, and general technical and development management policies of the adopted Copeland Local Plan 2013-2028: Adopted Core Strategy and Development Management Policies.
- 6.4 Consequently, and having regard to the development plan and all relevant material considerations, there is a clear and compelling case for planning permission to be granted without delay, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the first part of the presumption in favour of sustainable development at Paragraph 11c of the National Planning Policy Framework.

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