

18th September 2024

Cumberland Council (Copeland)
Development Management
Market Hall
Market Place
Whitehaven
CA28 7JG

Our Ref: RICH100
PP Ref: PP-13418518

Dear Sir / Madam,

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
SECTION 73: APPLICATION FOR REMOVAL OR VARIATION OF A CONDITION FOLLOWING
GRANT OF PLANNING PERMISSION
RE: PLANNING APPLICATION 4/22/2200/0F1
1 MAIN STREET, FRIZINGTON, CA26 3SA

Please find enclosed an application in accordance with Section 73 of the Town & Country Planning Act 1990 relating to the alteration or removal of planning conditions. This application seeks to vary conditions 4, 5, 6, 7, 8 and 9 of planning permission 4/22/2200/0F1 which approved the 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 at 1 Main Street, Frizington.

This application is submitted to seek to amend the wording of some of the pre-commencement conditions to enable demolition of the existing Griffin public house to take place 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.

On that basis, to facilitate the demolition of the public house we are required to make the following amendments to the existing planning permission;

- Conditions 4, 5, 7 and 8 require amended wording to enable the demolition to take place;
- Condition 6 requires the submission of a Construction Traffic Management Plan and we have therefore submitted one alongside this application, that condition can then be reworded to a compliance condition; and
- Condition 9 requires 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. On that basis a revised wording for the condition is proposed.

The conditions to be revised and the revisions requested are set out below, the revisions proposed are highlighted in yellow;

Condition 4

Existing Wording

C4. 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.

Proposed Wording

*C4. 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.*

Condition 5

Existing Wording

C5. 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.

Proposed Wording

*C5. 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.

Condition 6

Existing Wording

C6. 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.

Proposed Wording

C6. **The development hereby approved must be carried out in complete accordance with the measures set out in the Construction Traffic Management Plan dated August 2024 and received by the Local Planning Authority on the 'insert validation date' unless otherwise agreed in writing by the Local Planning Authority.**

Condition 7

Existing Wording

C7. 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.

Proposed Wording

C7. 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.

Condition 8

Existing Wording

C8. 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

Proposed Wording

C8. 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.

Condition 9

Existing Wording

C9. 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.

Proposed Wording

C9. **In accordance with the submitted Updated Dusk Emergence Bat Survey dated July 2024 received by the Local Planning Authority on the 'insert validation date' if works have not started by May 2025 then updated dusk emergence survey shall be completed at Building 1.**

The correct fee for the application is £293 and this has been paid under separate cover by the applicant. I trust that the application can be registered and progressed at your earliest convenience, however if you have any queries regarding this submission, please do not hesitate to contact me.

Yours faithfully

Mike Hughes MRTPI