

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2141/0F1
2.	Proposed Development:	CHANGE OF USE FROM PLACE OF WORSHIP TO GENERAL STORE, OFF LICENCE & CUSTOMER PARKING (REVISED SCHEME FOR WITHDRAWN APPLICATION REFERENCE 4/25/2386/0F1)
3.	Location:	GOSPEL HALL, FRIZINGTON ROAD, FRIZINGTON
4.	Parish:	Arlecdon and Frizington
5.	Constraints:	ASC Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations & Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: INTRODUCTION This application relates to the former place of worship, known locally as the Gospel Hall, situated on Frizington Road, Frizington. The church ceased use in 2021 and has been vacant since. There is no formal car parking for the church, but the application site includes parking for three cars within the adjacent land which is currently used as a car washing facility. This is under the same ownership as the Application Site.	

PROPOSAL

This application seeks full planning permission for the change of use and conversion of the property to from a place of worship a general store and off license.

The proposal will retain the same internal layout with a retail space to the front of the building and the retention of the existing kitchen, store and WC areas to the rear.

Externally, there will be no changes apart from the addition of a functional sign on the front elevation.

RELEVANT PLANNING APPLICATION HISTORY

Replacement of flat roof over kitchen with pitched roof, approved in August 1991 (application reference 4/91/0392/1 relates);

Change of use from place of worship to general store and off licence, withdrawn in February 2026 (application reference 4/25/2386/0F1 relates);

Amended scheme of withdrawn application 4/25/2386/0F1 for change of use from place of worship to general store, off license and customer parking, withdrawn in May 2026 (application reference 4/26/2072/0F1 relates).

CONSULTATION RESPONSES

Arlecdon and Frizington Parish Council

1st response

With regard to the above application, and after having read the changes to the application that have been made, Arlecdon and Frizington Parish Council still have the following concerns:

- We are concerned the placement of this site would cause an increase in antisocial behaviour, especially given the car wash next door is dark and empty at night and would be a good area to loiter.
- There is no parking at the site, so this will cause trouble in an area that is already experiencing parking issues.
- It also creates competition to the two existing shops which already sell the same items; it is the view of the parish council that Frizington does not need another off licence.
- Lastly, the quarry junction is already a bottlenecked area and adding another reason to stop here could be potentially dangerous, as well as the danger to pedestrians, it is an area that also has problems with speeding.

2nd response

Following on from our meeting, the parish council have the following comments:

Although the response from the designer comments that the points raised are nothing to do with the planning application, we feel strongly that that is not the case. Changing the use of the building is wider reaching than simply going from one type of building to another, especially when the plans involve making a shop.

The property faces a row of terraced houses on a busy main road in an area that provides access to local recycling facilities; when you add to this the Sellafield traffic daily, it is a cause of concern that people will stop their vehicles to access the shop. The parking that is to be made available outside of the shop is not considered realistic and traffic would certainly then be blocking the roads/pavements.

It is also the view of the parish council that the shop being open will increase noise, light pollution and traffic in an area not well suited to accommodate it.

Our Chair, Linda Jones-Bulman, who is also a Cumberland Councillor is going to request a planning site visit to demonstrate our concerns.

Highways and Local Lead Flood Authority

The Local Highway Authority and Lead Local Flood Authority can confirm that we have no objections to the proposal, we would however recommend that the following conditions are included in any consent you may grant:

Condition 1 :

A detailed plan showing a fence/wall structure to the perimeter of the car parking area to a height not exceeding 1.05 metres (0.6 metres within the visibility splay) above the carriageway level,, details are to be submitted to the Local Planning Authority to be approved before development commences and shall not be raised to a height exceeding 1.05 metres (0.6 metres within the visibility splay) thereafter.

Reason: In the interests of highway safety.

Condition 2 :

The vehicular crossing over the footway, including the lowering of kerbs, shall be carried out to the specification of the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure a suitable standard of crossing for pedestrian safety.

Condition 3 :

The use shall not be commenced until the access and parking requirements have been constructed in accordance with the approved plan. Any such access and or 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.

Information :

Any works within or near the Highway must be authorised by the Council and no works shall be permitted or carried out on any part of the Highway including Verges, until you are in receipt of an appropriate permit from the LHA Streetworks team.

<https://www.cumberland.gov.uk/parking-roads-and-transport/streets-roads-and-pavements/street-licences-and-permits/street-permit-and-licence-fees-and-charges>

Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.

Environmental Health

Although this application has been revised, the response from Environmental Health is largely the same as was issued previously. The premises is a small detached building in reasonable condition, with modern upvc windows and doors, with a small enclosed front forecourt and rear yard. We would not expect noise from inside the store to therefore be problematic. The siting of any external mechanical plant (ventilation / refrigeration condensers for instance) should be mindful of potential noise disturbance to residents. If there are substantial works required to fit out the store, Planners may wish to impose a condition limiting construction working hours.

There is an external artificial light fitting above the front door, and its provision in its current form should not cause nuisance to residents, notwithstanding any security concerns. If a security light is required for the car parking area for instance, it should be angled downwards to illuminate the desired area and shielded if necessary to avoid light spill and glare affecting residential dwellings. Redress from artificial light pollution is also possible through the statutory nuisance provisions of the Environmental Protection Act 1990.

The proposed hours of opening are seen as reasonable by Environmental Health, though the premises would require a Premises Licence and consultation with Cumbria Police, Environmental Health and the Licensing team to ensure the objectives of the Licensing Act 2003 are met. This premises licensing regime can deal with issues of noise disturbance and anti-social behaviour for instance such that specific planning conditions may not be necessary.

For food hygiene purposes, the premises should also register as a food provider.

In conclusion, there are no objections to this proposal from Environmental Health, subject to the following suggested condition and advice:

- Noise from Construction Works Following approval of the development, construction activities that are audible at the site boundary shall be carried out only between the following hours. Monday to Friday 08.00 – 18.00 and Saturday 08.00 – 13.00 and at no time on Sunday or Bank Holiday. Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above unless otherwise agreed with the Local Planning Authority.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.

Informatives:

- The development will require a Premises Licence under the Licensing Act 2003. Further information can be sought from the Licensing team at Cumberland Council.
- The premises will need to register as a food business operator. This can be done from the following link - <https://register.food.gov.uk/new>
- Advice on food hygiene and kitchen design can be sought from the Environmental Health team at Cumberland Council

Conservation and Design Officer

Description: The Gospel Hall in Frizington is a modest single story building with a small front curtilage enclosed by a wall and railings. It is not architecturally significance, but has a small amount of historic and communal value.

Conclusion: No objection

Assessment:

- The proposal would appear to be a viable way of bringing the building back into use.
- The building does not appear to be particularly sensitive to change, and neither are the surroundings.
- This proposal incorporates drawings of the building, showing a front elevation with the addition of a "Frizington Local Store" sign, repeated on the south side elevation. I would suggest that a wooden sign, constructed from a suitable external grade timber and hand lettered would look attractive.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 10 no. properties.

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

- Additional traffic;
- Noise;
- Anti-social behaviour concerns;
- Insufficient off street parking;
- Inaccurate plans;
- Impact on residential amenity;
- No demonstrable need for the facility;
- Obstruction to residents, pedestrians and emergency services;
- The car wash canopy on the adjacent site materially affects vehicle circulation;
- The proposal will not be in keeping with the area;

- The application has not had any community engagement;
- The reduce storage and collection arrangements are not sufficient;
- The application is not compliant with BNG;
- Cumulative concerns relating to the addition of this store next to the existing car wash;
- A religious building should not be changed to a store;
- The building is of historical interest.

1 letter of support has also been received, pleased with the amenity for the community.

PLANNING POLICY

Planning law requires 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 2001-2016.

The policies relevant to this application are as follows:

- Strategic Policy DS1 – Settlement Hierarchy
- Strategic Policy DS2 – Settlement Boundaries
- Policy DS4 - Design and Development Standards
- Strategic Policy E1 - Economic Growth
- Policy R1 – Vitality and Viability of Town Centres and Villages within the Hierachy
- Policy R2 – Hierarchy of Town Centres
- Policy R5 – Retail and Service Provision in Rural Areas
- Policy SC5 – Community and Cultural Facilities
- Policy N3 – Biodiversity Net Gain

- Strategic Policy BE1- Heritage Assets
- Policy BE2 - Designated Heritage Assets
- Policy CO7 – Parking Standards

Other Material Planning Considerations

National Planning Policy (NPPF)

Cumbria Development Design Guide (CDDG)

Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA)

ASSESSMENT

The encouragement and expansion of new businesses is generally supported throughout national and local policy. This application raises issues with regards to the appropriateness of the location, the loss of the community asset and the potential effect on the asset.

Principle of Development

Frizington is designated as a Local Service Centre within Policy DS1 of the Copeland Local Plan where the retention and expansion of businesses is encouraged. Policy R2 sets out that in Local Services Centres the provision of the sale of food and other convenience goods, and the provision of services to serve the settlement is encouraged.

Policy R5 sets out that in Local Service Centres development will be encouraged where it provides small scale retail and service provision that will support and strengthen sustainability and local community viability and is appropriate in scale to its location.

The re use of the building for a retail offer is encouraged by Local Plan policy and it is considered that its ongoing use will ensure it does not fall into disrepair.

A planning statement has been submitted which includes a justification for the store as well as details of management. It is considered that the Applicant has proven that a retail use in this building is potentially viable.

On this basis the principle of the use is considered to be acceptable and complies with Policies DS1, R1, R2, R5 and SC5 of the Copeland Local Plan.

Design

Policy DS4 of the LP promotes good design and the aspiration that new dwellings will respond positively to their surroundings.

Externally, no alterations are proposed other than the addition of a sign to promote the use of the building. This will require consent under the Advertisement Regulations.

Internally there is sufficient space to create a retail area, a store, staff kitchen and WC..

On this basis, the proposed use and minimal changes are considered to be acceptable and comply with Policies DS4 of the LP.

Loss of the Community Facility

Policy SC5 of the LP seeks to resist the change of use of a community facility where there is evidence that there is a demand for that facility that is unlikely to be met elsewhere.

There are other churches within the vicinity of Frizington and the existing building has not been functioning as a place of worship since 2021. The building has remained vacant and was put up for sale.

On this basis, the loss of the community facility is considered to be acceptable and there is alternative provision available which is sufficient to meet the requirements of Policy SC5 of the LP.

Residential Amenity

Policy DS4 seeks to ensure that new development protects local amenity, creates opportunities for social interaction and incorporates measures to design out crime.

A Planning Statement has been submitted to detail controls relating to noise from the compressor, bin storage and delivery management. The details within the document have been assessed and considered to be acceptable by the Council's Environmental Health team.

Parking

The building currently does not benefit from any off street parking. The application includes the creation of three parking spaces on the adjacent land at the existing car wash which is also under the applicants control. A turning head has also been included to allow cars to enter and exit the site in a forward gear. Furthermore, there is ample on street parking in front of the property – this is common practice along Frizington Road. In relation to the previous use as a place of worship, the use as a shop and off license is expected to reduce vehicle movements on and around the site, therefore creating a potentially less intensive usage.

The Highways Authority has raised no objections to the application, however two conditions have been requested relating to the height of the fencing surrounding the car parking area in order to maintain visibility and that any works to the highway must be undertaken in consultation with the Highway Authority.

Overall, it is considered that the proposal complies with Policy CO7 of the LP and will provide an accessible development.

Effect on the non-designated Heritage Asset

Whilst the proposed building is neither Listed, nor within a Conservation Area, consideration was given as to whether it should be deemed as a non-designated Heritage Asset.

Policies BE1 and BE2 of the LP seek to protect, conserve and where possible enhance heritage assets and their settings.

The LBCA sets out a clear presumption that gives considerable importance and weight to the desirability of preserving a heritage asset and its setting.

Section 16.2 requires that: *'In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*.

Paragraphs 184 – 202 of the NPPF in respect of heritage include a requirement that when considering the impact of development proposals on designated heritage assets such as listed buildings, great weight should be given to the conservation of the asset's significance; however, less than significant harm should be weighed against the public benefits of a development.

The Council's Conservation Officer considered that the building is not architecturally significant but does have a small amount of community and historic value. On consideration of the proposal, it was concluded that the reuse of the building will be beneficial and that it does not seem to be sensitive to change.

On this basis, it is considered that there is unlikely to be any effect on the existing limited heritage significance of the building or its surroundings.

Biodiversity Net Gain

Policy N3 requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1. This is in addition to any compensatory habitat provided under Policy N1. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.

Biodiversity Net Gain became mandatory for small sites in the UK on 01st April 2024.

This application relates to the conversion of an existing building and does not involve the creation of any additional space. The land surrounding the building is all hard surfaced and has traditionally been used as an access and parking area. The proposals will not impact more than 25m² of on-site habitat, i.e. the De Minimis Exemption.

Objections Received

Local objections have been received to the proposal which raise several issues. Some of these issues relate to the adjacent car wash site and so have not been considered as part of this application. Issues relating to traffic, parking, noise and the use of the building have been considered in the assessment above.

	With regards to concerns regarding anti-social behaviour, it is considered that this cannot be controlled by the Applicant. Should issues occur, they could be considered under other legislation. <u>Planning Balance</u> The loss of the community facility is acceptable as there is alternative provision within the vicinity. This affords neutral weight to the application. The site falls within the settlement boundary of Frizington and the reuse of the premises as a retail shop is consistent with Local Plan policy and will strengthen community viability. The retention and reuse of the building is also a positive benefit of the scheme. The site is located within a sustainable location, and no issues are raised relating to parking provision to serve the proposed use. On balance this is considered to be an acceptable form of development which will be consistent with the details set out in national and local policy.
8.	Recommendation: Approve (commence within 3 years)
9.	Conditions: <u>Standard Conditions:</u> 1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission. 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 shall be carried out in accordance with them:- Application form, received 13th May 2026; Location Plan, scale 1:1250, drawing number 0100 02, received 13th May 2026; Block Plan, scale 1:100, drawing number 01002 02, received 13th May 2026; Existing and Proposed Floor Plans, scale 1:50, drawing number 01003 01, received 13th May 2026; Proposed Elevations, scale 1:50, drawing number 05001 01, received 13th May 2026;

Planning Statement, received 13th May 2026.

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.

Prior to First Use Conditions

3. Prior to the first use of the development hereby approved, a detailed plan showing a fence/wall structure to the perimeter of the car parking area to a height not exceeding 1.05 metres (0.6 metres within the visibility splay) above the carriageway level, must be submitted to and approved by the Local Planning Authority. The approved structure must not be raised to a height exceeding 1.05 metres (0.6 metres within the visibility splay) thereafter.

Reason

In the interests of highway safety and in accordance with Policy CO7 of the Copeland Local Plan 2021-2039.

4. The use must not be commenced until the access and parking requirements have been constructed in accordance with the approved plan. Any such access and/or parking provision must be retained and be capable of use when the development is completed and must 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 in accordance with Policy CO7 of the Copeland Local Plan 2021-2039.

Other Conditions:

5. The vehicular crossing over the footway, including the lowering of kerbs, must be carried out to the specification of the Local Planning Authority in consultation with the Highway Authority.

Reason

To ensure a suitable standard of crossing for pedestrian safety and in accordance with Policy CO7 of the Copeland Local Plan 2021-2039.

6. The areas shown on the approved plans for the parking, turning and manoeuvring of vehicles must be kept available for those purposes at all times and must not be used for any other purpose.

Reason

In the interests of highway safety and to ensure the retention of parking provision associated with the development in accordance with Policy CO7 of the Copeland Local Plan 2021-2039.

7. Following approval of the development, construction activities that are audible at the site boundary shall be carried out only between the following hours:

- Monday to Friday 08.00 – 18.00 and
- Saturday 08.00 – 13.00

There must be no construction activities at any time on Sunday or Bank Holiday.

Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above unless otherwise agreed with the Local Planning Authority.

Reason

In the interests of the amenities of surrounding occupiers during the construction of the development in accordance with DS4 of the Copeland Local Plan 2021-2039.

Informatives Notes:

Biodiversity Net Gain – Exemption Applies

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and
- (b) the local planning authority has approved the plan.

The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

Applicable exemptions: De minimis development.

Coal Standing Advice

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

Highways Permit

Any works within or near the Highway must be authorised by the Council and no works shall be permitted or carried out on any part of the Highway including Verges, until you are in receipt of an appropriate permit from the LHA Streetworks team.

<https://www.cumberland.gov.uk/parking-roads-and-transport/streets-roads-and-pavements/street-licences-and-permits/street-permit-and-licence-fees-and-charges>

Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.

Environmental Health

- The development will require a Premises Licence under the Licensing Act 2003. Further information can be sought from the Licensing team at Cumberland Council.
- The premises will need to register as a food business operator. This can be done from the following link - <https://register.food.gov.uk/new>
- Advice on food hygiene and kitchen design can be sought from the Environmental Health team at Cumberland Council

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.	
Case Officer: Sarah Papaleo		Date : 07/08/2026
Authorising Officer: N.J. Hayhurst		Date : 12/08/2026
Dedicated responses to:- N/A		