

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2149/DOC	
2.	Proposed Development:	DISCHARGE OF CONDITIONS 3, 4, 5, 7, 8, 11 AND 12 OF PLANNING APPLICATION 4/23/2313/0F1	
3.	Location:	LAND TO THE SOUTH OF DALEVIEW GARDENS, EGREMONT	
4.	Parish:	Egremont	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM	
6.	Publicity Representations &Policy	Neighbour Notification Letter	No
		Site Notice	No
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report: Site and Location	<p>The Application Site comprises of a parcel of agricultural land located on the southern periphery of Egremont. The site is located to the east of Uldale View, is irregular in shape and covers an area of approximately 7.78 hectares. The site comprises of two fields defined by hedgerows at their margins, and slopes downwards towards the northern and eastern boundaries. The site is bounded to the north by residential properties at Daleview Gardens and Daleview Close, to the west by residential properties at Uldale View, and to the south and east by agricultural land.</p>	

There are no Conservation Areas or Listed Building on or directly adjacent to the Application Site. The nearest designated assets comprise the Grade I Listed and Scheduled Ancient Monument Egremont Castle and the Grade II Listed structures within the Castle grounds (the Drinking Fountain and Western Sundial) located approximately 400m to the north.

The Application Site is located within Flood Zone 1. The site also has a low risk of surface water flooding.

The Application Site is not located within a river catchment affected by nutrient neutrality and comprises Grade 3 agricultural land.

There are no Public Rights of Way on the Application Site. A pedestrian footpath runs along the western side of Uldale View providing to access Egremont by foot.

Directly Relevant Planning History

4/23/2313/0F1 – Full planning permission for the residential development of 164 dwellings (use class C3), vehicle access from Uldale View, landscaping, SUDS, and associated infrastructure works – Approved by Planning Committee subject to S106 Agreement.

Proposal

In February 2025, planning permission was granted (ref: 4/23/2313/0F1) by Members of the Planning Committee for a residential development of 164 dwellings (use class C3), vehicle access from Uldale View, landscaping, SUDS, and associated infrastructure works.

This current application seeks to discharge conditions 3, 4, 5, 7, 8, 11 and 12 of planning permission 4/23/2313/0F1. These conditions state the following:

Pre-Commencement Conditions:

3. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme must be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
 - (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
 - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;

- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes must also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation 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 the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

4. No development must commence until a construction surface water management plan has been agreed in writing with the local planning authority.

Development shall be carried out in accordance with the approved details at all times thereafter.

Reason

To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems.

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 commences on site. No work must be commenced until a full specification has been approved. These details must be in accordance with the standards laid down in the current Council Design Guide. Any works so approved must be constructed before the development is complete.

Reason

To ensure a minimum standard of construction in the interests of highway safety in accordance Policy DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

7. Development must not commence on site 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);
- specific measures to manage and limit the impact on the school, including working hours, any special measures to accommodate pedestrians [Note: 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].

The development must be completed in accordance with these approved details at all times thereafter.

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 Policy DM22 of the Copeland Local Plan and the relevant provisions of the National Planning Policy Framework.

8. No development must take place until a site-specific Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting during the construction phase. The development must be carried out in accordance with the approved details at all times thereafter.

Reason

In the interests of the amenities of surrounding occupiers during the construction of the development in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

11. No development must commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

This written scheme will include the following components:

- i) An archaeological evaluation;
- ii) An archaeological recording programme the scope of which will be dependant upon the results of the evaluation;
- iii) Where significant archaeological remains are revealed by the programme of archaeological work, there shall be carried out within one year of the completion of that programme on site, or within such timescale as otherwise agreed in writing by the LPA: a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the LPA, completion of an archive report, and submission of the results for publication in a suitable journal.

Reason

To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains in accordance with Policies ENV4 and DM27 Copeland Local Plan 2013 - 2028.

12. Prior to the commencement of each phase of the development details of a Phasing Plan for the development shall be submitted to and approved in writing by the Local Planning Authority unless a Phasing Plan has previously been submitted to and approved in writing by the local planning authority for the whole site.

The Phasing Plan will provide the following information;

- The boundary of the land within that phase, previous and subsequent phases;
- The number of market dwellings in that phase; and,
- The number of affordable dwellings in that phase.

Reason

To ensure a high level of design quality and minimise impacts upon neighbouring residents in accordance with the provisions of Policy ST1 and Policy DM10 of the Copeland Local Plan 2013-2028.

The information submitted in support of the application comprises the following:

- Application Form, received by the Local Planning Authority on the 25th April 2025.
- Surface Water Management Plan (Amended), Prepared by Ergo Environmental Limited May 2025, Report Ref: 24-2204-SWMP-REVA, received by the Local Planning Authority on the 29th May 2025.
- Drainage Layout, Scale 1:500, Drawing No: 23127-GAD-00-00-DR-C-1000, Rev: P09, received by the Local Planning Authority on the 25th April 2025.
- Flood Exceedance Routes (Amended), Scale 1:500, Drawing No: 23127-GAD-00-00-DR-C-1005, Rev: P09, received by the Local Planning Authority on the 3rd July 2025.
- Highways Layout, Scale 1:500, Drawing No: 23127-GAD-00-00-DR-C-1500, Rev: P03, received by the Local Planning Authority on the 25th April 2025.
- Highway Longsections Sheet 1, Scale 1:100 & 1:500, Drawing No: 23127-GAD-00-00-DR-C-1511, Rev: P04, received by the Local Planning Authority on the 25th April 2025.
- Highway Longsections Sheet 2, Scale 1:100 & 1:500, Drawing No: 23127-GAD-00-00-DR-C-1512, Rev: P04, received by the Local Planning Authority on the 25th April 2025.
- Highway Longsections Sheet 3, Scale 1:100 & 1:500, Drawing No: 23127-GAD-00-00-DR-C-1513, Rev: P04, received by the Local Planning Authority on the 25th April 2025.
- Highway Longsections Sheet 4, Scale 1:100 & 1:500, Drawing No: 23127-GAD-00-00-DR-C-1514, Rev: P04, received by the Local Planning Authority on the 25th April 2025.
- Highway Longsections Sheet 5, Scale 1:100 & 1:500, Drawing No: 23127-GAD-00-00-DR-C-1515, Rev: P04, received by the Local Planning Authority on the 25th April 2025.
- Highways Details, Scale 1:20, Drawing No: 23127-GAD-00-00-DR-C-1530, Rev: P01, received by the Local Planning Authority on the 25th April 2025.
- S38 Adoption Plan, Scale 1:500, Drawing No: 23127-GAD-00-00-DR-C-1590, Rev: P04, received by the Local Planning Authority on the 29th May 2025.
- Archaeological Evaluation: Uldale View, Egremont, Prepared 2024, received by the Local Planning Authority on the 25th April 2025.
- Building Phase Plan, Scale: NTS, Drawing No: 2118-BPP-01, Revision: -, received by the Local Planning Authority on the 25th April 2025.
- Construction Traffic & Environmental Management Plan (Amended), Prepared by Frank Teggarty February 2025, Revisions: Version 3, received by the Local Planning



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Authority on the 30th June 2025.

- Health and Safety Procedure (026) Noise, received by the Local Planning Authority on the 25th April 2025.
- Health and Safety Procedure (035) Environmental, received by the Local Planning Authority on the 25th April 2025.
- Health and Safety Procedure (040) Management of Construction Dust, received by the Local Planning Authority on the 25th April 2025.
- Construction Environmental Management Plan, Prepared by Ascerta February 2025, Ref: P.1723.22, received by the Local Planning Authority on the 29th May 2025.
- Traffic Management Plan, Scale: NTS, Drawing No: 2118-TMO-01, Revision: -, received by the Local Planning Authority on the 25th April 2025.
- Basin Sections (1), Scale 1:50, Drawing No: 23127-GAD-00-00-DR-C-1081, Rev: P03, received by the Local Planning Authority on the 3rd July 2025.
- Basin Sections (2), Scale 1:50, Drawing No: 23127-GAD-00-00-DR-C-1082, Rev: P03, received by the Local Planning Authority on the 3rd July 2025.
- Basin Sections (3), Scale 1:50, Drawing No: 23127-GAD-00-00-DR-C-1083, Rev: P03, received by the Local Planning Authority on the 3rd July 2025.
- Basin Sections (1), Scale 1:50, Drawing No: 23127-GAD-00-00-DR-C-1084, Rev: P03, received by the Local Planning Authority on the 3rd July 2025.

Consultation Responses

Cumberland Council – Highway Authority & Lead Local Flood Authority

9th May 2025

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows:

Condition 3 - Surface water drainage scheme and a foul water drainage scheme

I have noted the following which needs clarification or further details:

- The exceedance route plans for the surface water network need to clearly show flow routes resulting from rainfall in excess of a 1 in 100 year rainfall event. I imagine that it will be the flow control features that will be overwhelmed first due to the capacity restrictions. Are these designed with overflows or grid covers or will the exceedance take place from the basins? In which case there should be an engineered low point on the crest. Please clarify.

This condition is not considered to be satisfied.

Condition 4 - Construction surface water management plan

This plan is comprehensive and contains all the necessary measures that could be deployed to protect watercourses and minimise pollution run-off from the construction activity. This includes minimising the topsoil strip, retaining vegetation, providing silt fencing, temporary discharge points, silt mats and headwall protection.

I note that settling ponds may be used but these are not shown on the drawings. These ponds could be a key element in the management of surface water unless it is intended to use the permanent basins, in which case they will need cleaning out before final commissioning. The areas downstream and in the vicinity of the wheel wash (location not shown) should be well catered for with measures to be included in the plan.

The above points should be mentioned / accommodated in the plan to provide added reassurance that all possible risks to uncontrolled SW run-off and all sources of potential watercourse pollution are included and mitigated.

This condition is not considered to be satisfied.

Condition 5 - Carriageway, footways, footpaths and cycleways design

I have noted the following which needs clarification or further details:

- There is no highway lighting design submitted, despite there being a key on the S38 adoption drawing.
- The carriageway and footway construction cross-section details are not in accordance with the CC Standard Details in various aspects. However, since these details will be reviewed at the S38 adoption technical review stage there is no need for these details to be addressed through this DoC.
- The S38 adoption plan does not reflect the agreed plan from the Full application. The loop road between Plots 127 and 133 has been omitted and this is considered a functional public asset which will be key to a circulatory route especially for deliveries and refuse collections. Also, please note that this loop road section should have a footway to one side or at the very least a 2m wide service strip.
- Some sections of the 0.5m clearance strip have been omitted from the S38 area.
- The S38 plan does not clearly show the extent of the adopted highway drainage infrastructure. It is shown as blue in the key but there is no blue drainage on the plan.
- The colour coding of the S38 drawing is incorrect.

This condition is not considered to be satisfied.

Condition 7 - Construction Traffic Management Plan

Temporary Construction Access:

I note the proposed construction and delivery access is from the southern access (the future



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EVA). This would cause an unnecessary and unreasonable amount of inconvenience, noise, dust and mud disruption to residents of No's 1-16 Uldale View. There is the main site access to the north that can be utilised that would cause far less harm and inconvenience to those residents.

Considering much of the construction and delivery traffic will be low loaders, HGVs etc it is even possible that with the residential on-road parking on Uldale View that parking would have to be suspended to accommodate manoeuvres, causing even more inconvenience.

The LHA consider the proposed construction access/delivery access proposal unacceptable.

Wheel Washing and Road Sweeping Provision:

I note and welcome measures in the CTMP for keeping the highway clear of mud and dust. However, it is felt that these could be more robust. I note that site vehicles will only use hard site surfaced areas which will help keep mud and dust from the spreading onto the highway.

The wheel wash relies on the driver using a bowser and stiff brush, but is questionable how much this will be used if the weather is poor and the drivers are under time pressure. Is there a more automated / pressure washing system that could be employed?

Also, there is an allowance for a daily road sweep if necessary. Please include an allowance for more frequent sweeping as deemed necessary by the LHA.

The nearby residents could be blighted by mud and dust for over 5 yrs from the construction activity and the highway authority wants robust and reactive measures to minimise the mess. I do appreciate and welcome dust monitoring by the site manager in conjunction with daily weather reports and the wind direction to determine the requirement for damping down the site with particular attention being paid to the school timings of breaks and outdoor events.

This condition is not considered to be satisfied.

Condition 8 - Construction Environmental Management Plan

No comment

Condition 11 - Programme of archaeological work

No comment

Condition 12 - Phasing Plan

This is acceptable. The LHA has no objection to this condition being discharged.

25th June 2025

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows for the outstanding conditions:

Condition 3 - Surface water drainage scheme and a foul water drainage scheme

- The exceedance route plans for the surface water network need to clearly show flow routes resulting from rainfall in excess of a 1 in 100 year rainfall event. I imagine that it will be the flow control features that will be overwhelmed first due to their capacity restrictions. Are these designed with overflows or grid covers or will the exceedance take place from the basins? In which case there should be an engineered low point on the crest. Please clarify.
- The revised plans do show exceedance routes everywhere instead of just from the point in the system which is overwhelmed by the volume of a >1:100 yr storm. I expect the overflow from the flow control chambers or basin (lowest point on the system prior to the flow restriction probably) as explained above but this is not clearly shown.
- The plan seems to show exceedance routes flowing down driveways and also not always from the lowest points on the road.
- I am concerned that if the exceedance flows are not directed / engineered down a 'safe' route away from driveways etc, damage to the infrastructure and flooding could occur.
- I welcome direct discussion with the applicant to resolve this

This condition is not considered to be satisfied.

Condition 4 - Construction surface water management plan

The plan now addresses the outstanding issues.

This condition is considered to be satisfied. I have no objection to it being discharged,

Condition 5 - Carriageway, footways, footpaths and cycleways design

I have noted the following which needs clarification or further details:

- The lighting columns locations are acceptable. These must be in the hard-standing areas of the footway. The engineering / lighting details / specification of the adopted columns will be reviewed through the S38 process.
- The carriageway and footway construction cross-section details are not in accordance with the CC Standard Details in various aspects. However, since these details will be reviewed at the S38 adoption technical review stage there is no need for these details to be addressed through this DoC.
- The S38 adoption plan does not reflect the agreed plan from the Full application. The loop road between Plots 127 and 133 has been omitted and this is considered a functional public asset which will be key to a circulatory route especially for deliveries and refuse collections. I note this layout has not changed but the LHA cannot insist on the adoption of this link and it is designed to acceptable standards so the LHA has no objections to this element.



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- The S38 plan has been revised as per the previous comments.

This condition is now considered to be satisfied. I have no objection to this condition being discharged.

Condition 7 - Construction Traffic Management Plan

Temporary Construction Access

I note the temporary construction access is routed through the northern (main) access. Thus is acceptable to the LHA

I have no objection to this condition being discharged.

26th June 2025

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows:

Condition 3 - Surface water drainage scheme and a foul water drainage scheme

- The exceedance route plans for the surface water network need to clearly show flow routes resulting from rainfall in excess of a 1 in 100 year rainfall event. I imagine that it will be the flow control features that will be overwhelmed first due to their capacity restrictions. Are these designed with overflows or grid covers or will the exceedance take place from the basins? In which case there should be an engineered low point on the crest. Please clarify.
- The revised plans do show exceedance routes everywhere instead of just from the point in the system which is overwhelmed by the volume of a >1:100 yr storm. I expect the overflow from the flow control chambers or basin (lowest point on the system prior to the flow restriction probably) as explained above but this is not clearly shown.
- The plan seems to show exceedance routes flowing down driveways and also not always from the lowest points on the road.
- I am concerned that if the exceedance flows are not directed / engineered down a 'safe' route away from driveways etc, damage to the infrastructure and flooding could occur.
- I welcome direct discussion with the applicant to resolve this

This condition is not considered to be satisfied.

Condition 4 - Construction surface water management plan

The plan now addresses the outstanding issues.

This condition is considered to be satisfied. I have no objection to it being discharged,

Condition 5 - Carriageway, footways, footpaths and cycleways design

I have noted the following which needs clarification or further details:

- The lighting columns locations are acceptable. These must be in the hard-standing areas of the footway. The engineering / lighting details / specification of the adopted columns will be reviewed through the S38 process.
- The carriageway and footway construction cross-section details are not in accordance with the CC Standard Details in various aspects. However, since these details will be reviewed at the S38 adoption technical review stage there is no need for these details to be addressed through this DoC.
- The S38 adoption plan does not reflect the agreed plan from the Full application. The loop road between Plots 127 and 133 has been omitted and this is considered a functional public asset which will be key to a circulatory route especially for deliveries and refuse collections. I note this layout has not changed but the LHA cannot insist on the adoption of this link and it is designed to acceptable standards so the LHA has no objections to this element.
- The S38 plan has been revised as per the previous comments.

This condition is now considered to be satisfied. I have no objection to this condition being discharged.

Condition 7 - Construction Traffic Management Plan

This condition has the following requirements:

1. A 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

- A full highway dilapidation survey is proposed in the plan as required.

2. Details of proposed crossings of the highway verge;

- The revised routing plan shows no other accesses across the verge except for the main site access

3. Retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;

- These areas are shown satisfactorily on the TMP

4. Cleaning of site entrances and the adjacent public highway;

- Road sweeping is included as necessary

5. Details of proposed wheel washing facilities;



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- Wheel washing facilities are included in the plan

6. The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;

- There is no specific mention of this requirement. The plan should be amended to state this will be complied with.

7. Construction vehicle routing;

- I note the temporary construction access is routed through the northern (main) access. This is acceptable to the LHA

8. The management of junctions to and crossings of the public highway and other public rights of way/footway;

- There is no specific mention or allowance of the management of the footways and junctions near the site. It is likely that some footways and junctions will be disrupted / temporarily or partially closed during the works and there should be some statement explaining the process / method to ensure disruption and inconvenience to the general public using the highway is minimised.

9. Details of any proposed temporary access points (vehicular / pedestrian);

- The revised routing plan shows no other accesses across the verge except for the main site access

10. Specific measures to manage and limit the impact on the school, including working hours, any special measures to accommodate pedestrians [Note: 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].

- There is no reference to this specific and important requirement. It is critical that this provision is accommodated in the CTMP.

The CTMP is lacking information in relation to points 6, 8 and 10. The CTMP should be revised as necessary to address these points. This condition is not considered to be satisfied and should not be discharged.

8th July 2025

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows. Please note this is an updated response including just the outstanding matters relating to Conditions 3 and 7 from my previous response of 26 June 2025.

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows:

Condition 3 - Surface water drainage scheme and a foul water drainage scheme

- I note and welcome the clearer exceedance route plans and sections of the various basins clarifying the levels. These help explain the exceedance routes which I can now see do not increase the flood risk to any of the site nor properties down stream.

This condition is now considered to be satisfied. I have no objection to this condition being discharged.

Condition 7 - Construction Traffic Management Plan

This condition has the following requirements:

1. The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;

- This is now addressed satisfactorily.

2. The management of junctions to and crossings of the public highway and other public rights of way/footway;

- Any work to the external footways, accesses and crossings of the verge is covered by streetwork permits and /or the S278 works.

3. Specific measures to manage and limit the impact on the school, including working hours, any special measures to accommodate pedestrians [Note: 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].

- The revised plan includes allowances and specific measures to control traffic movements and dust to limit the impact on Bookwell School. The requirements of this condition are now considered to be addressed.

These two conditions are now considered to have been met and we have no objection to them being discharged.

16th July 2025

I have suggested a clause for the CTMP below, go with that and see what Gleeson say. I assume they will object to the times, but it's a starting point. The most important thing is that are aware of the times and if they really need to work in the restrictive periods they must seek approval and also liaise with the school.

Traffic Restrictions in relation to Bookwell School: Deliveries and movement of equipment on the road network surrounding the site must not take place during the restricted hours of school drop off and pick up times, including breakfast and after-school clubs. These are 07.30-09.00 and 14.30 -17.00 on school days, except for special days (i.e. early finish at end of term). It is acknowledged that the contractor



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may need to make certain deliveries or traffic movements on the road network within the restricted hours and must seek approval from the planning authority for these planned events. The contractor should also liaise with the school (Contact: Russell Hardy – Head Teacher head@bookwell.cumbria.sch.uk or Contact: School Office admin@bookwell.cumbria.sch.uk 01946 820408) on a regular basis. Please see 2025/26 term times attached.

United Utilities

Further to our review of the submitted Drainage Layout (ref 23127 - GAD - 00 - 00 - DR - C - 1000, Rev P09, dated 15/11/2024), United Utilities has no objection to condition 3 being discharged.

The applicant should be made aware that if they intend to offer the drainage forward for adoption by United Utilities, changes to the design will be required which will need to be resubmitted through planning.

Cumberland Council – Environmental Health

22nd May 2025

Environmental Heath has considered condition 3 – the Construction Environmental Management Plan and the various documents linked to this on noise, vibration, dust and site lighting.

These are considered generally satisfactory.

In terms of possible effects from vibration during the construction phase, it is noted that 80 x vibro stone columns are required. This method produces less noise and vibration and is less intrusive to residents nearby than standard piling. Building damage from any resultant vibration is not likely at all, though building occupants can be disturbed by vibration at levels appreciably less than that which causes structural damage.

The following upper guideline levels for vibration are indicative of the risk of nuisance:

- 1 mm/s PPV (Peak Particle Velocity) for occupied residential and educational buildings;
- 3 mm/s PPV for occupied commercial premises.

There is some crossover between the CEMP and CTMP, and the comments from Highways dated 08.05.25 about the site entrance and vehicle wheel washing are noted, in that dust emission from the site's activities may be impacted accordingly.

Condition 3 for the CEMP cannot be discharged at present therefore until the above points are addressed and the CEMP amended.

25th June 2025

The amendments to the CTMP and CEMP are noted and, as such, condition 8 (CEMP) can be discharged.

Cumberland Council – Crime Prevention Officer

Many thanks for your consultation dated 20th June 2025.

I wish to offer the following comments, which I have considered from a crime prevention perspective. This application refers to the discharge of seven conditions imposed on application 4/23/2313/0F1 – only one of which I perceive I am qualified to comment on:

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 commences on site.....

Drawing “S38 Adoption Plan” suggests the location of street lighting columns that shall illuminate the vehicle (and adjacent pedestrian) routes to this development and refers to “SEE SHD LIGHTING DRAWINGS”, which does not appear to be included in the list of published documents....

I presume the SHD DRAWINGS shall depict the chosen columns, lighting sources and the calculated intensity, uniformity and Colour Rendition Index values across the proposed lighting scheme.

From my interpretation of drawing “S38”, the lighting scheme shall only apply and be effective to the various vehicle access roads. It excludes the various “attractive network of footpaths” – particularly the central route that emerges adjacent to Unit 159 - which were highlighted as a key feature of this development (Design and Access Statement).

Without the benefit of a published Lux Plan, it is difficult to assess how these separate routes through the development may benefit from light ‘spill’ from the proposed scheme. I referred to the issue of street lighting (to promote confidence and reassurance in the Public Realm) in my consultation response (7th December 2023).

There is presently insufficient information to confirm that Condition 5 can be Discharged.

I shall be pleased to advise on any crime prevention queries arising from this application.

Cumberland Council and Westmorland & Furness Council – Historic Environment Officer

With reference to condition 11, the applicant has commissioned an archaeological evaluation of the site and submitted the report. The results indicate that it is very unlikely archaeological assets will be disturbed by the construction of the development and so no further archaeological work is required. I therefore consider that the requirements of condition 11

have been fulfilled.

Planning Policy

Planning law requires that 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 2021-2016.

Planning approval 4/23/2313/0F1 was determined under the previous Local Plan, however this current discharge of conditions application is being considered under the Copeland Local Plan 2021-2016 as this now forms the development plan.

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Policy DS5: Hard and Soft Landscaping

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Policy DS8: Soils, Contamination and Land Stability

Strategic Policy H1: Improving the Housing Offer

Strategic Policy H2: Housing Requirement

Strategic Policy H3: Housing Delivery

Strategic Policy H4: Distribution of Housing

Strategic Policy H5: Housing Allocations

Policy H6: New Housing Development

Policy H7: Housing Density and Mix

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2: Local Nature Recovery Networks

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

Other Material Planning Considerations

National Planning Policy Framework (2024)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2021 (SHMA)

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

Copeland Borough-Wide Housing Needs Survey (2020)

Assessment

This current application seeks to discharge conditions 3, 4, 5, 7, 8, 11 and 12 of planning permission 4/23/2313/0F1.

Condition 3:

This condition seeks to discharge the requirement for the development to provide details of the proposed surface water and foul water drainage scheme. Based on the amended information received for this application, the LLFA and UU have confirmed that the condition can be discharged.

It is therefore confirmed that condition 3 can be discharged.

Condition 4:

This condition seeks to discharge the requirement for the development to provide measures



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to prevent surface water discharging onto or off the highway. Based on the amended information received for this application, the Highway Authority have confirmed that the condition can be discharged.

It is therefore confirmed that condition 4 can be discharged.

Condition 5:

This condition seeks to discharge the requirement for the development to provide details of the drainage, construction and lighting to the proposed carriageway, footways, footpaths, and cycleways.

Based on the amended information submitted, the Highway Authority have confirmed that the condition can be discharged.

The Council's Designing Out Crime Officer has however stated that insufficient information has been submitted to discharge this condition.

It is therefore confirmed that condition 5 cannot at this stage be discharged.

Condition 7:

This condition seeks to discharge the requirement for the development to provide a construction traffic management plan. Based on the amended information submitted to support this application, the Highway Authority have confirmed that the majority of the details provided within the plan are acceptable, however further amendments have been requested in relation to deliveries during school hours.

It is therefore confirmed that condition 7 cannot at this stage be discharged.

Condition 8:

This condition seeks to discharge the requirement for the development to provide a Construction Environmental Management Plan. Based on the amended information received for this application, the Council's Environmental Health team have confirmed that the condition can be discharged.

It is therefore confirmed that condition 8 can be discharged.

Condition 11:

This condition seeks to discharge the requirement for the development to provide a programme of archaeological works. Based on the details of the information submitted, the Council's Historic Environment Officer has confirmed that the condition can be discharged.

It is therefore confirmed that condition 11 can be discharged.

Condition 12:

This condition seeks to discharge the requirement for the development to provide a Phasing Plan.

Whilst the submitted Phasing Plan show the location and boundary of each phase along with timescales, additional information has been requested from the applicant as the plan fails to indicate the number of market and affordable dwellings in each phase. This information is still outstanding.

It is therefore confirmed that condition 12 cannot at this stage be discharged.

Conclusion:

Discharge conditions 3, 4, 8 and 11 of planning approval 4/23/2313/0F1 based on the following information:

- Application Form, received by the Local Planning Authority on the 25th April 2025.
- Surface Water Management Plan (Amended), Prepared by Ergo Environmental Limited May 2025, Report Ref: 24-2204-SWMP-REVA, received by the Local Planning Authority on the 29th May 2025.
- Drainage Layout, Scale 1:500, Drawing No: 23127-GAD-00-00-DR-C-1000, Rev: P09, received by the Local Planning Authority on the 25th April 2025.
- Flood Exceedance Routes (Amended), Scale 1:500, Drawing No: 23127-GAD-00-00-DR-C-1005, Rev: P09, received by the Local Planning Authority on the 3rd July 2025.
- Archaeological Evaluation: Uldale View, Egremont, Prepared 2024, received by the Local Planning Authority on the 25th April 2025.
- Health and Safety Procedure (026) Noise, received by the Local Planning Authority on the 25th April 2025.
- Health and Safety Procedure (035) Environmental, received by the Local Planning Authority on the 25th April 2025.
- Health and Safety Procedure (040) Management of Construction Dust, received by the Local Planning Authority on the 25th April 2025.
- Construction Environmental Management Plan, Prepared by Ascerta February 2025, Ref: P.1723.22, received by the Local Planning Authority on the 29th May 2025.
- Basin Sections (1), Scale 1:50, Drawing No: 23127-GAD-00-00-DR-C-1081, Rev: P03, received by the Local Planning Authority on the 3rd July 2025.
- Basin Sections (2), Scale 1:50, Drawing No: 23127-GAD-00-00-DR-C-1082, Rev: P03, received by the Local Planning Authority on the 3rd July 2025.
- Basin Sections (3), Scale 1:50, Drawing No: 23127-GAD-00-00-DR-C-1083, Rev: P03, received by the Local Planning Authority on the 3rd July 2025.
- Basin Sections (1), Scale 1:50, Drawing No: 23127-GAD-00-00-DR-C-1084, Rev: P03, received by the Local Planning Authority on the 3rd July 2025.

Conditions 5, 7 and 12 of planning approval 4/23/2313/0F1 at this stage cannot be



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	discharged.	
8.	Recommendation: Approve discharge of conditions 3, 4, 8 and 11 only.	
Case Officer: C. Burns		Date : 31.07.2025
Authorising Officer: N.J. Hayhurst		Date : 01.08.2025
Dedicated responses to:- N/A		