

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2352/DOC	
2.	Proposed Development:	DISCHARGE OF CONDITIONS 6, 9, 10 AND 13 OF PLANNING APPLICATION 4/24/2044/0F1	
3.	Location:	LAND AT EAST ROAD, EAST ROAD, EGREMONT	
4.	Parish:	Egremont	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM, PROWs - Public Right of Way	
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		
		The Application Site is located on the site of the former East Road Garage located on land at East Road and Wyndham Place, Egremont.	
		The Application Site extends to 0.65ha.	
		The Application Site comprises a currently closed petrol filling station; vehicle repair garage;	

and car dealership, with associated car parking and hardstanding areas. The businesses closed in c. 2020.

The buildings, structures and infrastructure associated with the previous uses remain on the Application Site.

The Application Site is bordered to the west by the A595 beyond which is Egremont Town Centre and to the north, east and south by residential development comprising a mix of traditional terraces along the main roads and newer dwellings in purpose built estates.

The Application Site is enclosed by a combination of timber fencing, palisade fencing and barriers. The boundaries to the former petrol filling station have no physical delineation.

Existing points of vehicular and pedestrian access exist at East Road and Wyndham Place.

A pedestrian subway crossing the A595 is located adjacent to the western boundary of the Application Site. This links the Application Site to the south of Main Street.

National Cycle Route 72 is located adjacent to the east boundary of the Application Site.

The Application Site is not located within but comprises part of the setting of the Egremont Conservation Area.

There are no listed buildings on or directly adjacent to the Application Site.

The Application Site is located in Flood Zone 1, which is the lowest category of flood risk.

Directly Relevant Planning Application History

4/92/0468/0 – Improvements to Forecourt and Petrol Pumps, Retaining Wall and Resurface Parking Area - Approved.

4/92/0892/0 – Redevelopment of Existing Petrol Filling Station – Approved.

4/93/0093/0 – Canopy Fascia Signs; Shop Fascia Sign and Free, Standing Sign – Approved.

4/95/0082/0 – Improvements to PFS and Garage Inc. Partial Demolition – Approved.

4/05/2737/0 – One Internally Illuminated Double Sided Free Standing Display Unit – Refused.

4/06/2019/0 – Illuminated Wall Mounted and Free Standing Sign – Approved.

4/24/2044/0F1 – Demolition of existing buildings and erection of a discounted food store, alterations to vehicular and pedestrian access, provision of car and cycle parking, servicing area, hard and soft landscaping and associated works – Approved by Members of the Planning Panel.

4/25/2424/DOC - Discharge of Conditions 3, 5, 7 and 8 of Planning Application

4/24/2044/0F1 – Ongoing.

4/25/2366/DOC – Discharge of Conditions 4 and 11 of Planning Application 4/24/2044/0F1 – Ongoing.

Proposal

In March 2025, planning permission (ref: 4/24/2044/0F1) was granted by Members of the Planning Committee for the demolition of existing buildings and erection of a discounted food store, alterations to vehicular and pedestrian access, provision of car and cycle parking, servicing area, hard and soft landscaping and associated works.

This current application seeks to discharge planning conditions 6, 9, 10 and 13 attached to planning approval 4/24/2044/0F1. These conditions state the following:

6. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority.

The CTMP shall include details of:

- 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

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 with the provisions of Policy CO4 of the Copeland Local Plan 2021-2039.

Drainage

9. No development shall commence until details of a sustainable surface water drainage and a foul water drainage scheme have been 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 shall 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 shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development in accordance with the provisions of Strategic Policy DS6 and Policy DS7 of Copeland Local Plan 2021-2039.

Construction Management

10. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP shall include:

- details of the means of access and parking for construction traffic and vehicles;
- procedures for the loading and unloading of plant and materials;

- hours of delivery;
- details of the storage of plant and materials used in construction;
- details of measures to control dust, emissions, sediments and pollutants arising from the development;
- a scheme for recycling/disposing of waste resulting from construction works; and,
- measures to control noise and vibration.

The approved CEMP shall be adhered to throughout the construction period.

Reason

To protect amenity and to protect the environment from pollution in accordance with Policy DS9 of the Copeland Local Plan 2021-2039.

13. No development shall commence until a Construction Ecological Method Statement (CEMS) has been submitted to and approved in writing by the Local Planning Authority.

The approved CEMS shall be adhered to throughout the construction period.

Reason

For the avoidance of doubt and to prevent harm to biodiversity in accordance with the provisions of Policy ENV3 of the Copeland Local Plan 2021-2039.

The information submitted to support this application comprises of the following:

- Application Form, received by the Local Planning Authority on the 17th October 2025.
- Proposed Drainage Layout, Scale 1:250, Drawing No: -1000, Revision: C01, received by the Local Planning Authority on the 17th October 2025.
- Construction Ecological Method Statement, Prepared by Total Ecology, received by the Local Planning Authority on the 17th October 2025.
- Construction Environmental and Management Plan, Prepared by Forge Construction Management Limited September 2025, received by the Local Planning Authority on the 17th October 2025.
- Flood Risk and Drainage Assessment, Prepared by Hydrock March 2024, Doc Ref: 29348-HYD-XX-XX-RP-C-0500, received by the Local Planning Authority on the 26th November 2025.
- Phase 2 Ground Investigation Report, Prepared by Stantec December 2025, received by the Local Planning Authority on the 18th December 2025.
- Email Response to United Utilities, received by the Local Planning Authority on the

26th November 2025.

Consultation Responses

Cumberland Council – Highway Authority & Lead Local Flood Authority

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

Condition 6 - Construction Traffic Management Plan

The submitted details address the requirements of this condition. I have no objection to this condition being discharged.

Condition 9 - Surface Water Drainage Scheme

The submitted details address the requirements of this condition. I have no objection to this condition being discharged.

Condition 10 - Construction Environmental Management Plan

No comment - all the construction related highway and surface water flood matters are addressed in the CTMP.

Condition 13 - Construction Ecological Method Statement

No comment.

United Utilities

20th November 2025

United Utilities has no comments to make regarding conditions 6, 10 and 13.

Condition 9:

Further to our review of the submitted document, Drawing DA-0541 HYD ZZ XX DR C, Rev C01 - Dated 12.09.2025, United Utilities recommends that condition 9 (Drainage) is not discharged. This is because we have not seen robust evidence that the surface water hierarchy has been fully investigated and appropriately discounted. Additionally, the submitted drainage plan must ensure that finished floor levels are set higher than any public manhole to mitigate potential flooding risks.

5th January 2025

Further to our review of the submitted documents, Drawing DA-0541 HYD ZZ XX DR C, Rev C01 - Dated 12.09.2025, United Utilities has no objection to condition 9 being discharged.

We have no comments to make regarding conditions 6, 10 and 13.

Cumberland Council – Environmental Health

Thank you for the above planning consultation and the submission of the Construction Environmental Management Plan (CEMP). This is satisfactory and, as such, condition 10 may be discharged.

Cumberland Council – Ecology Team

This response pertains to Condition 13. The County Ecologist notes that Condition 12 (Ecology and Biodiversity Net Gain) is yet to be discharged.

Condition 13:

Condition 13 states, “no development excluding demolition shall commence until a Construction Ecological Method Statement (CEMS) has been submitted to and approved in writing by the Local Planning Authority.

The approved CEMS shall be adhered to throughout the construction period.

Reason: For the avoidance of doubt and to prevent harm to biodiversity in accordance with the provisions of Policy ENV3 of the Copeland Local Plan 2021-2039.”

Council Response:

The county ecologist accepts the Construction Ecological Method Statement and its contents.

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 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.

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Strategic Policy DS3: Planning Obligations

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

Policy DS9: Protecting Air Quality

Strategic Policy E6: Opportunity Sites

Strategic Policy R1: Vitality and Viability of Town Centres and villages within the Hierarchy

Strategic Policy R2: Hierarchy of Town Centres

Strategic Policy R4: The Key Service Centres

Policy R7: Sequential Test

Policy R8: Retail and Leisure Impact Assessments

Policy SC1 - Health and Wellbeing

Strategic Policy N1 - Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3 - Biodiversity Net Gain

Strategic Policy N5 - Protection of Water Resources

Strategic Policy N9 - Green Infrastructure

Policy N14 - Woodlands, Trees and Hedgerows

Strategic Policy BE1: Heritage Assets

Policy BE2: Designated Heritage Assets

Strategic Policy CO2: Priority for improving Transport networks within Copeland

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

National Design Guide (NDG).

The Conservation of Habitats and Species Regulations 2017 (CHSR).

Cumbria Development Design Guide (CDDG).

Planning (Listed Building and Conservation Areas) Act 1990 (PLBCA).

Assessment

This application seeks to discharge the requirements of planning conditions 6, 9, 10 and 13 attached to planning approval 4/24/2044/0F1.

Condition 6:

This condition seeks to discharge the requirement for the development to provide a construction traffic management plan. Based on the information submitted for this application the Highway Authority have confirmed that the condition can be discharged.

It is therefore confirmed that condition 6 can be discharged.

Condition 9:

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 additional information received for this application, the LLFA and UU have confirmed that the condition can be discharged.

It is therefore confirmed that condition 9 can be discharged.

Condition 10:

This condition seeks to discharge the requirement for the development to provide a construction environmental management plan. Based on the information submitted for this application the Highway Authority and the Council's Environmental Health Team have confirmed that the condition can be discharged.

It is therefore confirmed that condition 10 can be discharged.

	<p><u>Condition 13:</u></p> <p>This condition seeks to discharge the requirement for the development to provide a construction ecological method statement. Based on the information submitted for this application the Council's Ecology Team have confirmed that the condition can be discharged.</p> <p>It is therefore confirmed that condition 13 can be discharged.</p> <p><u>Conclusion</u></p> <p>It is therefore confirmed that conditions 6, 9, 10, and 13 can be discharged.</p>	
8.	<p>Recommendation:</p> <p>Approve discharge of conditions 6, 9, 10 and 13.</p>	
Case Officer: C. Burns		Date : 07.01.2026
Authorising Officer: N.J. Hayhurst		Date : 13/01/2026
Dedicated responses to:- N/A		