

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2366/DOC	
2.	Proposed Development:	DISCHARGE OF CONDITIONS 4 AND 11 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.

4/25/2352/DOC – Discharge of Conditions 6, 9, 10 and 13 of Planning Application



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4/24/2044/0F1 – Approved.

4/25/2424/DOC - Discharge of Conditions 3, 5, 7 and 8 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 4 and 11 attached to planning approval 4/24/2044/0F1. These conditions state the following:

4. No development shall commence until visibility splays providing clear visibility of:

- 1) 43 metres measured 2.4 metres down the centre of the access road and the nearside channel line of Wyndham Place carriageway edge AND
- 2) 43 metres (south) and 30m (north) measured 2.4 metres down the centre of the Wyndham Place and the nearside channel line of East Road carriageway edge have been provided at the junction of the access road with the public highway.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays.

The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason

In the interests of highway safety in accordance with the provisions of Policy CO4 of the Copeland Local Plan 2021-2039.

11. Notwithstanding the submitted details, no development excluding demolition shall commence until a detailed scheme of soft landscape works has been submitted to and approved in writing by the Local Planning Authority.

These shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers / densities; an implementation

programme and a five-year maintenance plan.

The agreed scheme shall be carried out as approved to the agreed timetable.

Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted.

Reason

To safeguard and enhance the character of the area and secure high quality landscaping in accordance with the provisions of Policy DS5 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 28th October 2025.
- 5 Year Landscape Maintenance & Management Plan, Prepared by Smeeden Foreman October 2025, Document No: 21341_SFW_R01, received by the Local Planning Authority on the 28th October 2025.
- Landscape Plan, Scale 1:200, Number: 1001, Rev: P01, received by the Local Planning Authority on the 28th October 2025.
- Adoption Plan, Scale 1:500, Drawing No: AMA-48019-D-001, Rev: 002, received by the Local Planning Authority on the 28th October 2025.
- Proposed Site Access Visibility Splays, Scale 1:500, Drawing No: AMA-48019-SK004, Rev: P02, received by the Local Planning Authority on the 9th January 2026.

Consultation Responses

Cumberland Council – Highway Authority & Lead Local Flood Authority

3rd November 2025

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

Condition 4 - Visibility Splays:

No development shall commence until visibility splays providing clear visibility of:

1. 43 metres measured 2.4 metres down the centre of the access road and the nearside channel line of Wyndham Place carriageway edge AND
2. 43 metres (south) and 30m (north) measured 2.4 metres down the centre of the Wyndham Place and the nearside channel line of East Road carriageway edge have been provided at the junction of the access road with the public highway



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I note Adoption Plan AMA-48019-D-001 Rev. P02 shows the visibility splays from Wyndham Place onto East Road. These are acceptable and compliant with the requirements of the second part of the condition.

However, the first part of the condition relates to visibility splays from the store access onto Wyndham Place of 2.4m x 43m in each direction. There is no evidence submitted to address this requirement.

This condition should not be discharged.

Condition 11 - Scheme of Soft Landscaping Works:

No comment

12th January 2025

The Local Highway Authority (LHA) has reviewed the additional drawing AMA-48019-SK004 'PROPOSED SITE ACCESS VISIBILITY SPLAYS' and can confirm as follows:

Condition 4 - Visibility Splays

No development shall commence until visibility splays providing clear visibility of:

1. 43 metres measured 2.4 metres down the centre of the access road and the nearside channel line of Wyndham Place carriageway edge AND
2. 43 metres (south) and 30m (north) measured 2.4 metres down the centre of the Wyndham Place and the nearside channel line of East Road carriageway edge have been provided at the junction of the access road with the public highway

I note Adoption Plan AMA-48019-D-001 Rev. P02 shows the visibility splays from Wyndham Place onto East Road. These are acceptable and compliant with the requirements of the second part of the condition.

Drawing 'AMA-48019-SK004' shows the required 43m splays onto Wyndham Place for the store access.

I have no objection to this condition being discharged.

Arboricultural Consultant – Treescapes Consultant

DISCUSSION

We have the following comment/observation to make on the submitted documents. Planning condition No.11 applies to the planting new trees and shrubs as part of the proposed development of the site.

Landscaping

11. Notwithstanding the submitted details, no development excluding demolition shall

commence until a detailed scheme of soft landscape works has been submitted to and approved in writing by the Local Planning Authority.

These shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers / densities; an implementation programme and a five-year maintenance plan.

The agreed scheme shall be carried out as approved to the agreed timetable.

Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted.

Reason

To safeguard and enhance the character of the area and secure high quality landscaping in accordance with the provisions of Policy DS5 of the Copeland Local Plan 2021-2039.

The applicant has submitted a Landscape Plan (Dwg. No.21341 SFW XX XX DR L 1001 Rev.P01 dated 10/25), which includes a plant specification and details for establishing and maintaining the trees and shrubs. This document contains the necessary details to fulfil the requirements of condition 11.

RECOMMENDATIONS

Inform the applicant that the submitted information discharges the requirements of condition 11. The specifications and details contained in these documents should be carried out in full to satisfy the requirements of the conditions.

Public Representation

Two letters of support have been received to this application raising the following comments:

- Supportive of provision of Aldi store in Egremont.
- I believe it to be an extremely good idea that will benefit everyone in Egremont due to the lack of affordable choices within the area.
- It will also mean a derelict site will transform into a presumably well kept area and it is at a perfect site being next to a roundabout.
- If you do not want this there is something wrong with you.

Planning Policy

Planning law requires that applications for planning permission must be determined in



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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 2001-2016.

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 4 and 11 attached to planning approval 4/24/2044/0F1.

Condition 4

This condition seeks to discharge the requirement for the development to provide details of visibility splays. Following the submission of additional information to support this application,



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	<p>the Highway Authority have confirmed that this condition can be discharged.</p> <p>It is therefore confirmed that condition 4 can be discharged.</p> <p><u>Condition 11</u></p> <p>This condition seeks to discharge the requirement for the development to provide a detailed scheme of soft landscaping. Based on the information submitted for this application the Council's Arboricultural Consultant has confirmed that the condition can be discharged.</p> <p>It is therefore confirmed that condition 11 can be discharged.</p> <p><u>Conclusion</u></p> <p>It is therefore confirmed that conditions 4 and 11 can be discharged.</p>	
8.	<p>Recommendation:</p> <p>Approve discharge of conditions 4 and 11.</p>	
Case Officer: C. Burns		Date : 13.01.2026
Authorising Officer: N.J. Hayhurst		Date : 13.01.2026
Dedicated responses to:- N/A		