Cumberland Council

CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION

1.	**Reference No:**	4/25/2424/DOC
2.	**Proposed Development:**	DISCHARGE OF CONDITIONS 3, 5, 7 AND 8 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: Yes 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 4/24/2044/0F1 – Approved.

Cumberland Council

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

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 3, 5, 7 and 8 attached to planning approval 4/24/2044/0F1. These conditions state the following:

3. No development excluding demolition shall commence until details, including longitudinal/cross sections of the carriageway, footways, footpaths have been submitted to and approved in writing by the Local Planning Authority. Any works so approved shall be constructed in accordance with the approved details before the development is complete.

   Reason

   To ensure a minimum standard of construction in the interests of highway safety in accordance with the provisions of Policy CO4 of the Copeland Local Plan 2021- 2039.

5. No development excluding demolition shall commence until full design details of a scheme for the junction between East Road and Wyndham Terrrace / Wyndham Place has been submitted to and approved in writing by the Local Planning Authority. Such details shall form part of an agreement with the Highways Authority under Section 278 of the Highway Act 1980.

   Reason

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

7. No development excluding demolition shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority.

   This strategy will include the following components:

   1. A site investigation scheme, based on the Hydrock Ground Investigation Report to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved.

Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in accordance with the provisions of Policy DS8 of the Copeland Local Plan 2021-2039.

8. The development hereby approved shall not include the use of vibro-stone foundations unless it can be demonstrated to the satisfaction of the Local Planning Authority that their use will not cause or exacerbate the transmission of contamination into underlying strata and groundwater.

Vibro-stone foundations or piling using penetrative methods shall not be used other than with the written consent of the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

Reason

To ensure that the site does not pose any further risk to the water environment in accordance with the provisions of Policy DS8 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 18th December 2025.
- Phase 2 Ground Investigation Report, Prepared by Stantec December 2025, received by the Local Planning Authority on the 18th December 2025.
- Piling Risk Assessment, Prepared by Stantec December 2025, received by the Local Planning Authority on the 18th December 2025.
- Remediation Strategy & Verification Report (Amended), Prepared by Stantec January 2026, received by the Local Planning Authority on the 28th January 2026.
- Adoption Plan (Amended), Scale 1:500, Drawing No: AMA-48019-D-001, Rev: C01, received by the Local Planning Authority on the 29th January 2026.

Cumberland Council

	- S278 Works – Land Dedication Plan (Amended), Scale 1:500, Drawing No: AMA-48019-D-002, Rev: C01, received by the Local Planning Authority on the 29th January 2026. - S278 Works – General Arrangement (Amended), Scale 1:500, Drawing No: AMA-48019-D-100, Rev: C01, received by the Local Planning Authority on the 29th January 2026. - S278 Works – Site Clearance (Amended), Scale 1:200, Drawing No: AMA-48019-D-200, Rev: C01, received by the Local Planning Authority on the 29th January 2026. - S278 Works – Pavement Construction (Amended), Scale 1:250, Drawing No: AMA-48019-D-700, Rev: C01, received by the Local Planning Authority on the 29th January 2026. - S278 Works – Finished Surface Levels (Amended), Scale 1:500, Drawing No: AMA-48019-D-710, Rev: C01, received by the Local Planning Authority on the 29th January 2026. - S278 Works – Kerbing and Edgings (Amended), Scale 1:500, Drawing No: AMA-48019-D-100, Rev: C01, received by the Local Planning Authority on the 29th January 2026. - S278 Works – Road Markings & Signage (Amended), Scale 1:500, Drawing No: AMA-48019-D-1200, Rev: C01, received by the Local Planning Authority on the 29th January 2026. - S278 Works – Cross Sections, Scale 1:500, Drawing No: AMA-48019-D-720, Rev: C01, received by the Local Planning Authority on the 29th January 2026. - S278 Works – Drainage & Ironworks (Amended), Scale 1:500, Drawing No: AMA-48019-D-500, Rev: C01, received by the Local Planning Authority on the 29th January 2026. - Proposed Drainage Layout, Scale 1:250, Drawing No: 1000, Revision: C02, received by the Local Planning Authority on the 18th December 2025. - Proposed Levels Plan, Scale 1:250, Drawing No: 2000, Revision: C02, received by the Local Planning Authority on the 18th December 2025. - Proposed Build Ups and Kerb Layout, Scale 1:250, Drawing No: 4000, Revision: C02, received by the Local Planning Authority on the 18th December 2025. - Ramp Sections, Scale 1:100, Drawing No: 7000, Revision: C01, received by the Local Planning Authority on the 18th December 2025. - Highways Sections, Scale 1:100 & 1:200, Drawing No: 7001, Revision: P01, received

	by the Local Planning Authority on the 18th December 2025. **Consultation Responses** <u>Cumberland Council – Highway Authority & Lead Local Flood Authority</u> *6th January 2026* The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows: Condition 3 - Carriageway, footways, footpath details including longitudinal/cross sections: The highway details submitted address the requirements of this condition. I have no objection to this condition being discharged. Condition 5 - East Road and Wyndham Terrrace / Wyndham junction design: The design of the junction is consistent with previous discussions with the applicant and meets the requirements of the LHA. I have no objections to this condition being discharged. Condition 7 - Site Remediation Strategy: No comments Condition 8 - Vibro-stone foundation restriction: No comments *4th February 2026* The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the revised drawings listed below; - Remediation Strategy & Verification Report – Amended January 2026 - Adoption Plan – Amended January 2026 - S278 Works – Land Dedication Plan – Amended January 2026 - S278 Works – General Arrangement – Amended January 2026 - S278 Works – Site Clearance – Amended January 2026 - S278 Works – Pavement Construction – Amended January 2026 - S278 Works – Finished Surface Levels – Amended January 2026 - S278 Works – Kerbings and Edgings – Amended January 202 - S278 Works – Road Markings & Signage – Amended January 2026

Cumberland Council

- S278 Works – Cross Sections – Additional Information January 2026
- S278 Works – Drainage & Ironworks – Additional Information January 2026

and can confirm as follows:

Condition 3 - Carriageway, footways, footpath details including longitudinal/cross sections:

The highway details submitted show the changes to the road markings, adoption / highway dedication areas and highway construction details agreed with the S278 / adoptions team. I have no objection to this condition being discharged.

Condition 5 - East Road and Wyndham Terrrace / Wyndham junction design:

The highway details submitted show the changes to the road markings, adoption / highway dedication areas agreed with the S278 / adoptions team. I have no objection to this condition being discharged.

Condition 7 - Site Remediation Strategy:

No comments

Condition 8 - Vibro-stone foundation restriction:

No comments

<u>Environment Agency</u>

5th January 2026

Thank you for consulting us on the above planning application.

The Detailed quantitative risk assessment (DQRA) has modelled a low risk to the River Ehen with groundwater flow through the superficial deposits. A sensitivity analysis of crucial parameters supports the model resulting in the need for no remediation.

The piling risk assessment is based on the DQRA and surmises low level of risk for this form of foundation design.

Condition 7 - Remediation

In review of the information provided, there are elements of the concept for foundation design and proposals based on DQRA which need to be questioned and we cannot recommend discharge of this condition until mitigation measures to address these concerns are agreed.

The report outlines the potential for unidentified residual hydrocarbon contamination to exist in the vicinity of the underground storage tanks and accepts the presence of elevated polycyclic aromatic hydrocarbons in groundwater and light non-aqueous phase liquid (LNAPL) floating as a layer in the vicinity of BH202.

The LNAPL is localised and there are generic proposals to treat contaminated water pumped

	from excavations within the "watching brief" which outlines the need for a water control system for removal off site within a dedicated water tanker. Confirmation that LNAPL is removed prior to the installation of any foundation is required. The report acknowledges the uncertainty of remnant hydrocarbon contamination being present in the vicinity of the underground storage tanks. There is a presumption that soils will be re-used wherever possible and contaminated soils will be separated for assessment as outlined in P.6.1.2. Confirmation for treatment of contaminated soils is required because the proposals for aeration of contaminated soils in p.6.2.2 may be regarded as a waste treatment activity and will require compliance under Waste management Regulations. The methodology and assessment for aerated treatment will need to be agreed and managed by means of mobile treatment permit or compliance with Regulatory Position Statement 215 Condition 8 - Piling Whilst the concept of the DQRA establishes risk utilising a 50m compliance point with the River Ehen being modelled as primary receptor, it is important to note risk to underlying groundwater in the bedrock of Frizington Limestone aquifer has not been reviewed. This concept drives the assessment and mitigation for piled foundations. The risk piling risk assessment accepts the potential for creation of vertical pathways and presence of hydrocarbons. The measures to verify foundations do not cause preferential pathways and exacerbation of pollution to groundwater are noted in the summary. Such validation is acceptable, but it is dependent on the status of the monitoring infrastructure for sampling and testing during and post construction. There is no information on the depth of piles and therefore it is not possible to determine if monitoring boreholes are deep enough, representative of impacted groundwater and are fit for purpose. Plugging the vertical columns is recommended within the report. This proposal is supported by EA and should be regarded as an essential component to mitigate and prevent any risk. The plugging proposal should integrate the proposal for injection of cement grout as an acceptable mitigation measure. Confirmation for implementation of these additional measures should allow satisfactory discharge of the condition. *5th February 2026* Thank you for re-consulting us on the above planning application. Environment Agency position: The amended Remediation Strategy and verification report has been reviewed in acknowledgement of the previous consultation concerns. We have no objection to the discharge of Condition 7 and Condition 8 of planning application 4/24/2044/0F1.

Cumberland Council

The mitigation measures for removal of Light non-aqueous phase liquids and post remedial monitoring are satisfactory sufficient to discharge condition 7.

The proposal to install vibro-replacement stone columns to a depth of 6m and concrete plug across zones of natural strata to minimise potential migration is acceptable and allows discharge of condition 8

Environmental Health

8th January 2026

With regards to the discharge of condition 7 (Site Remediation Strategy), Environmental Health notes the comments from the Environment Agency. Since this relates to a specific Environment Agency RPS, we defer to the EA in this matter.

With regards to asbestos contamination in Made Ground on the site, it is noted (section 8.2.1 of the Phase 2 Ground Investigation Report (Part 1)) that five out of the 11 samples tested for asbestos…returned a positive asbestos identification" and that "without significant additional testing for asbestos and zoning of the site at this stage it must be assumed that the Made Ground is classified as Hazardous".

This stance is not made wholly clear in the Remediation Strategy and Verification Report however.

As Made Ground is present across the entire site, can clarification be made as to whether any further asbestos testing will be made prior to any works starting at all?

With regards to the discharge of condition 8 (Vibro Stone Foundation Restriction), this is primarily a matter for the Environment Agency to comment upon, although Environmental Health would like to see noise and vibration monitoring regimes put in place if it is likely that thresholds may exceed limits set out in BS 5228-1 : 2009 + A1: 2014.

6th March 2026

The issue around possible asbestos fibres contamination on the site has been clarified and it is noted that the Environment Agency are satisfied with the Remediation Strategy and Verification Report.

Accordingly, therefore, Environmental Health are content that condition 7 may be discharged.

Public Representation

Notification of this application has been sent to four residential properties following a request by Members of the Planning Panel when the original application was approved at committee.

One letter of support has been received raising the following comments:

- Do they still intend to lower a drain cover on the section of private road which would

make it a lot safer for us due to the new layout?

- I can see that it will be a better layout than we have now especially if it stops rude parking as myself and my neighbour have caravans and rude parking stops us access and egress. This also has a impact on our waste collection.
- Could I ask that signage is very clear to prevent some chancellors parking.

Public Reconsultation

Following the receipt of amended information for the application a reconsultation was undertaken to the four residential properties and those who had commented previously on this application.

One letter of support has been received raising the following comments:

- I have looked at the amendment on the plans and to be fair my biggest concern is to stop stupid parking blocking access and egress. Which should happen anyway.
- My other concern is a drain sticking up out of the ground which it was said they would lower it but it doesn't mention it on your plans. When the road is split it will become more of a nuisance than it is now.

The agent has confirmed that the drain cover referenced is beyond the extent of the site works, therefore this falls outside of their responsibility and there are no plans to alter this.

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

	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 3, 5, 7 and 8 attached to planning approval 4/24/2044/0F1. <u>Condition 3:</u> This condition seeks to discharge the requirement for the development to provide details, including longitudinal/cross sections of the carriageway, footways, footpaths. Following the submission of amended information to support this application, the Highway Authority have confirmed that this condition can be discharged. It is therefore confirmed that condition 3 can be discharged. <u>Condition 5:</u> This condition seeks to discharge the requirement for the development to provide details, of a scheme for the junction between East Road and Wyndham Terrrace / Wyndham Place. Following the submission of amended information to support this application, the Highway Authority have confirmed that this condition can be discharged. It is therefore confirmed that condition 5 can be discharged. <u>Condition 7:</u> This condition seeks to discharge the requirement for the development to provide a remediation strategy to deal with the risks associated with contamination of the site. Following the submission of amended information to support this application, the

	Environment Agency and Council's Environmental Health Team have confirmed that this condition can be discharged. It is therefore confirmed that condition 7 can be discharged. <u>Condition 8:</u> This condition seeks to discharge the requirement for the development to justify the use of vibro-stone foundations. Following the submission of amended information to support this application, the Environment Agency and Council's Environmental Health Team have confirmed that this condition can be discharged. It is therefore confirmed that condition 8 can be discharged. <u>Conclusion</u> It is therefore confirmed that conditions 3, 5, 7 and 8 can be discharged.
8.	**Recommendation:** Approve discharge of conditions 3, 5, 7 and 8.

Case Officer: C. Burns	**Date :** 09.03.2026
Authorising Officer: N.J. Hayhurst	**Date :** 09.03.2026
Dedicated responses to:- N/A	