

Application Reference Number:	4/24/2044/0F1
Application Type:	Full Planning Application
Application Address:	Land at East Road, Egremont
Proposal	Demolition of existing buildings and erection of a discount food store, alterations to vehicular and pedestrian access, provision of car and cycle parking, servicing area, hard and soft landscaping and associated works.
Applicant	Aldi Stores Ltd
Agent	Avison Young (UK) Ltd
Valid Date	7 th February 2024
Case Officers	Christie Burns and Nick Hayhurst

Cumberland Area and Region

Copeland and Egremont.

Relevant Development Plan

Copeland Local Plan 2021-2039.

Reason for Determination by the Planning Committee

The development is in the opinion of the Head of Planning and Place of strategic significance.

Recommendation

That the application is granted subject to the conditions outlined at the end of this report, with the Assistant Director of Inclusive Growth and Placemaking being given delegated authority to add to and/or make any amendments to the conditions as considered appropriate and further delegates to the Assistant Director of Inclusive Growth and Placemaking authority to agree the final terms and conditions of the section 106 agreement, which as detailed in this report are proposed as

- A financial contribution of £6,600 for the review of the Travel Plan Monitoring reports.

If the section 106 agreement is not entered within 6 months of the date of this Planning Committee or any other extension of the determination period mutually agreed with the Applicant, delegate authority to the Assistant Director of Inclusive Growth and Placemaking to refuse the planning permission on the grounds that the planning obligations required to make the proposed development acceptable in planning terms have not been legally secured.

1.0 Site and Location

- 1.1 The Application Site is located on the site of the former East Road Garage located on land at East Road and Wyndham Place, Egremont.
- 1.2 The Application Site extends to 0.65ha.
- 1.3 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.
- 1.4 The buildings, structures and infrastructure associated with the previous uses remain on the Application Site.
- 1.5 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.
- 1.6 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.
- 1.7 Existing points of vehicular and pedestrian access exist at East Road and Wyndham Place.
- 1.8 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.
- 1.9 National Cycle Route 72 is located adjacent to the east boundary of the Application Site.
- 1.10 The Application Site is not located within but comprises part of the setting of the Egremont Conservation Area.
- 1.11 There are no listed buildings on or directly adjacent to the Application Site.
- 1.12 The Application Site is located in Flood Zone 1, which is the lowest category of flood risk.

2.0 Proposal

- 2.1 Full Planning Permission is sought for the following development:
 - Erection of a Use Class E foodstore.

- Provision of 86no. car parking spaces including: 5no. accessible spaces and 9no. parent and child spaces. 4no. parking spaces are to be equipped with Electric Vehicle Charging Points.
 - 8no. short-stay bicycle parking spaces are proposed for customers. Long stay bicycle parking spaces are proposed within the foodstore warehouse for staff.
 - Soft and hard landscaping.
 - Servicing provision i.e. a dock-levelling system.
- 2.2 The proposed foodstore is a 'blade roof' Aldi foodstore design. The proposal has a mono-pitched roof. It is proposed to finish the building externally with silver and grey cladding, aluminium windows, steel doors and glazing. A canopy wraps above the shop frontage which runs along the north and west elevations.
- 2.3 The gross external floor area of the proposed foodstore is 1933 square metres.
- 2.4 Vehicular access is proposed via an upgraded priority-controlled T junction from Wyndham Place. Upgrades are proposed to the highway including: the carriageway width of Wyndham Place; and, formalisation and upgrades to the Wyndham Place / Wyndham Terrace junction and the Wyndham Place / East Road junction.
- 2.5 Customer walking and cycling access is provided via the junction from Wyndham Place and the creation of an additional point of access on the southwestern boundary adjacent to the existing subway crossing the A595.
- 2.6 A dedicated servicing area is proposed the southwest of the foodstore. Delivery vehicles will be required to manoeuvre through the car park to a dedicated and demarcated delivery area that is designed to accommodate an articulated HGV.
- 2.7 The proposed refrigeration plant is located at ground level to the southwest of the foodstore.
- 2.8 It is proposed to dispose of foul water to the public main sewer and surface water to the public main sewer via a scheme of attenuation and pumping station.
- 2.9 The following opening hours are proposed:
- 08:00 hours to 23:00 hours – Mondays to Saturdays; and
 - 10:00 hours to 16:00 hours – Sundays – Current Sunday trading laws mean that the foodstore can only open for up to six hours on a Sunday.
- 2.10 The Applicant has confirmed that the development will employ 20 full time equivalent employees.
- 2.11 In addition, Full Planning Permission is also sought by Aldi Stores Limited for the erection of discount foodstore on Land at Preston Street, Preston Street,

Whitehaven – application ref. 4/23/2314/0F1. This is considered in a separate Agenda item.

3.0 Community Consultation

- 3.1 The Applicant and supporting project team have undertaken pre-application consultation involving the local community and key stakeholders at various meetings, a virtual exhibition, a consultation website, neighbour engagement through in-person door knocking, and reply cards. The results of the consultation are reported in a Statement of Community Involvement (SCI).
- 3.2 The SCI confirms high levels of support for the proposals from local residents: with 96% of respondents noting their support via the reply card exercise and virtual feedback from the consultation website. The reply cards sought the opinions on a range of additional themes that would be able to inform proposals. The two key themes of concern identified were: access and traffic, level of parking provision; impact on local stores; and, residential amenity.

4.0 Directly Relevant Planning Application History

App. Ref. 4/06/2019/0 Illuminated Wall Mounted and Free Standing Sign - Approved February 2006.

App. Ref. 4/05/2737/0 One Internally Illuminated Double Sided Free Standing Display Unit - Refused November 2005.

App. Ref. 4/95/0082/0 Improvements to PFS and Garage Inc. Partial Demolition - Approved April 1995.

App. Ref. 4/93/0093/0 Canopy Fascia Signs; Shop Fascia Sign and Free, Standing Sign - Approved August 1993.

App. Ref. 4/92/0892/0 Redevelopment of Existing Petrol Filling Station - Approved January 1993.

App. Ref. 4/92/0468/0 Improvements to Forecourt and Petrol Pumps, Retaining Wall and Resurface Parking Area - Approved August 1992.

5.0 Consultation Response and Public Representations

Egremont Town Council

27th February 2024

Overall Councillors are in support of the new business to replace the current derelict building / site and believe it would be an asset to the town.

Councillors would welcome engagement on the Section 106 requirements, used to mitigate the impact of the development on the local community and hope that the

developer is committed, not just at the planning stage but through the construction and retail, including employment opportunities for local residents.

Pedestrian access to the site is of high importance and it should be highlighted that the underpass, the main pedestrian access, is an area where there is frequent antisocial behaviour. Councillors would expect the developer to adopt the underpass and ensure it is kept clean, safe and well lit.

The Town Council is willing to discuss these in more detail and at the appropriate time.

13th November 2024

No objections - The Council's own independent Retail Impact Assessment shows no significant adverse impact on Egremont town centre. Furthermore, there is no reason to refuse planning permission based on national or local planning policy in relation to retail.

There are no longer any objections from Highways England as of 30th October nor Cumberland Council's highway department (28th October) Egremont Town Council are in support of the redevelopment of a brownfield site that has overwhelming support from the local community, will create jobs and investment in Egremont and is supported by national and local planning policy.

Cumberland Council - Conservation and Design Officer

The Application Site would appear to lend itself well to redevelopment as proposed.

No direct impact on designated heritage assets.

Potential impacts on setting of non-designated heritage assets; however, this is likely to be neutral given the existing appearance of the Application Site.

The Application Site is at a main gateway into Egremont and the Egremont Conservation Area. It is also adjacent to a very busy area, with lots of people passing. As such, the design may benefit from a more ambitious vision, which has served Aldi stores well in other locations.

The grey, two-tone cladding system may appear rather austere if executed without relief.

Timber cladding and brick have both been successfully employed in conjunction with such cladding at other Aldi sites, achieving greater warmth and visual interest.

The car park situated to the north appears rather lacking in tree cover. Both the grass verge shown on the plan between the car park and the main road, and within the car park itself, may be good locations for a planting scheme featuring trees to soften the appearance of the tarmac and building.

Environment Agency

The previous use of the Application Site as a fuel filling station and garage presents a risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a Secondary A Aquifer.

Vibro-stone column foundations can result in risks to groundwater quality causing/enhancing risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.

The Hydrock Ground Investigation recommendations support the need for further investigations to assess hydrocarbon contamination in the superficial deposits. The additional proposal for deeper boreholes to monitor groundwater conditions is required to refine risk and determine geotechnical considerations for foundation proposals.

The proposal for vibro-replacement stone columns is currently unacceptable due to the uncertainty of risk and potential for the structures to cause or exacerbate contamination transmission into underlying strata and groundwater. This unacceptable risk could be reviewed with a proposal for an alternative methodology / design i.e. piled foundations and /or if the source of contamination is removed or remediated to an acceptable standard.

Initially objected to the planning application on the basis that there was insufficient information to demonstrate that the risk can be appropriately managed; however, following receipt of additional information from the Applicant confirming that they will be undertaking further investigations regarding the suitability of foundation proposals, it was confirmed that the objection was withdrawn subject to the imposition of planning conditions requiring the submission, approval and implementation of a remediation strategy in relation to ground contamination, the submission of verification report demonstrating completion of the remediation works and controlling the use of vibro-stone foundations.

Cumberland Council - Arboricultural Officer

The Application Site does not contain any significant trees. Trees are located on adjacent land to the south-west, south, and west. These trees are already protected by boundary fencing and a minor road.

The submitted Arboricultural Impact Assessment and Arboricultural Method Statement details four tree groups. The report categorises two of these tree groups as moderate-quality (Nos.2 & 4) and two (Nos.1 & 3) as low-quality.

For group 3C the report states: 'This group is in conflict with the proposed design and will need to be removed to facilitate the development.' The Arboricultural Method Statement goes on to describe how to protect the retained trees during the construction of the proposed development.

The applicant has also submitted a Landscape Plan (Drawing No. NSH 015 P101). The plan provides a specification for the plants and trees but does not give details for the planting and future maintenance of the landscaping scheme.

Planning conditions are requested securing implementation of the provisions of the Arboricultural Method Statement and the submission, approval and implementation of detailed planting and maintenance schedule giving a detailed planting method statement and a five-year maintenance plan.

United Utilities

The proposals are acceptable in principle; however, request further evidence to confirm where the ultimate point of connection is for the proposed foul water. It is shown to drain to an existing private manhole that appears to have previously only been used for surface water. Concerned if the connection is to a public sewer which has a higher cover level than the on-site manholes/FFL's - this should be avoided to prevent potential risk of sewer surcharge.

Planning conditions are requested requiring the submission, approval and implementation of a detailed drainage scheme and an associated maintenance and management scheme.

Natural England

Not able to provide specific advice on this application and therefore has no comment to make on its details.

Although we have not been able to assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes, we offer the further advice and references to Standing Advice.

Cumberland Council - Highways

Transport Assessment

No objection to the access onto East Road which is an adopted, but unclassified road. Due to the low flow on East Road it is not envisaged that there will be a capacity issue at this particular junction.

The main issue with traffic impact will be on the A595 roundabout. Due to the very heavy tidal peak flows on the A595, the links and roundabout are at or near capacity at certain times of day. Note that the Transport Assessment has modelled the roundabout for an uplifted 2024 scenario and it shows if working with minimal queuing. Taking into account the existing use of the site and other traffic that uses East Road, do not consider that the forecasted trips will have a material impact on the local network. The impact will be more acute on the Trunk Road network.

Travel Plan

The LHA welcome the interim Travel Plan.

Require a Travel Plan monitoring fee of £6,600 be secured via section 106 agreement.

Access, Internal Site Layout & Parking

Numerous issues were raised in relation to the detailed design of the proposed access, footway connections, link to the subway and the junction of Wyndham Place and East Road; however, following receipt of additional information and revised details, these issues have been resolved.

Confirmed no objection to the planning application subject to the imposition of planning conditions requiring the: submission, approval and implementation of detailed highway specifications; delivery and retention of the required visibility splays before development commences; delivery of the parking and turning requirements before development commences; the submission, approval and implementation of a Travel Plan; the monitoring of the Travel Plan; submission, approval and implementation of the Construction Traffic Management Plan; and, submission, approval and implementation of a scheme for the junction between East Road and Wyndham Terrace / Wyndham Place.

Cumberland Council - Lead Local Flood Authority

The Drainage Strategy concludes that the discharge will be to a public surface water sewer. It is accepted that drainage destinations further up the NPPF hierarchy (i.e. infiltration and to a waterbody or watercourse) is not viable/available.

Note that United Utilities have agreed in principle to the discharge rate of 5.8 l/s. This has been verified using the HR Wallingford tool.

Accept that the underground attenuation tanks are appropriate /necessary on this kind of urban / brownfield constrained site. Have completed a storage volume check using the HR Wallingford tool which shows that for 50% climate change and 10% urban creep approximately 580m³ of storage is needed.

The proposed underground tank provides 366m³. Please explain the apparent discrepancy in the storage estimates.

It appears from the underground utility survey that the existing site drains by gravity to the SW sewer to the east whereas the proposed solution relies on a pumping regime with rising main. Do not encourage the use of surface water pumping stations due to the risk of failure / lack of maintenance and the ensuing flood risk; however, am satisfied that due to the constraints of the Application Site a more favourable 100% gravity solution is not viable and the proposed solution is agreed as acceptable.

The proposed treatment measures and exceedance route is satisfactory.

The maintenance schedule does not include any reference to the pump. It is critical that there is a maintenance / testing regime in place for the surface water pump.

A planning condition is requested requiring the submission, approval and implementation of a detailed drainage scheme and an associated maintenance and management scheme.

National Highways

Raised a number of holding objections to prevent the determination of the planning application until further information was provided by the Applicant in relation to the drainage provision and the impact of the development on National Highway assets, specifically the subway under the A595.

Confirmed no objections to the development following the receipt of additional information by the Applicant. Accept the conclusions of the submitted Transport Assessment. Confirm no significant geotechnical implications for National Highways. Confirm that the technical note, ramp site plan and updated ramp section demonstrate that the temporary works pose no detrimental effects on the existing structure.

Environmental Health

The Air Quality Assessment is satisfactory. The Copeland area (and Egremont) enjoys good air quality on the whole. The impact of dust and debris during the demolition/construction phase on local sensitive receptors is noted however, and should be addressed by dust suppression measures during the works.

The Demolition Method Statement is acceptable, though Environmental Health would request the provision of debris mesh netting to site Heras fencing to prevent the escape of any wind-blown debris on the site (such as lightweight insulation foam in cavity walls, ceiling voids etc). The Statement has been updated to include this requirement.

Limiting noise disturbance during the construction works with the imposition of standard construction working hours is requested.

The site was formerly used as a garage and fuel service station and would be deemed as being potentially contaminated land. The application includes several documents relating to ground investigation, and it is clear that further work on this is required.

The Acoustic Report concluded that residential amenity should not be affected by the development; however, concern is raised regarding possible noise disturbance from night time deliveries in particular. An Amended Acoustic report was submitted and confirmed as satisfactory.

Recommend the imposition of planning conditions securing: the submission, approval and implementation of a Construction Environmental Management Plan; limitations on construction hours; the submission, approval and implementation of the Remediation Scheme; and, limitations on opening hours.

Cumberland Council - Ecologist

Biodiversity Net Gain

Biodiversity Net Gain (BNG) is in scope for this development and approves the BNG documents submitted with the application.

Please note that if planning permission is granted this is a planning permission only, and the development will be subject to the biodiversity gain condition.

A Construction Ecological Method Statement needs to be produced to ensure that species groups of conservation concern are safeguarded during the construction phase.

Representations

The application has been advertised by way of site notices, a press notice and notification letters issued to neighbouring dwellings.

Representations have been received from 261no. parties. 8no. parties have submitted representations in objection, 2no. have submitted neutral representations and 251no. parties have submitted representations in support.

The material planning issues raised comprise the following:

Objection

The access to Wyndham Terrace has not been well thought out and will only be detrimental to the people living there.

Access is on a very steep incline and being forced to now have to give way to much heavier traffic on the Wyndham Place access road will lead to issues for large and heavy vehicles, including residents touring caravans, delivery wagons and bin/recycling collections.

Worry about the suitability of the embankment to handle such an increase in traffic that has not been addressed.

No regard has been made for the surface water drain that runs down the hill to Wyndham Terrace and under the gardens to the River Ehen. This often floods and is a constant battle with council and highways to get it unblocked.

The highways are unadopted and not covered by police or council. People can park anywhere and ride unlicensed motorbikes etc. This is actually a lonning road that was tarmacked when the bypass was built but never adopted by anyone.

The junction onto East Road is also extremely hazardous due to cars parked on East Road and vehicles travelling down at 30 miles per hour towards the roundabout which you cannot see coming. I think the road layout and drains needs serious

improvements to be suitable for use and to take account of the residents who will have to use this on a daily basis.

The increased traffic flow into, and subsequently out of the road end to East Road is of concern. At the moment, traffic parks right up to the gable end of the end property on east road making it impossible to 'safely' exit wyndham place without slowly edging out so one can see if there is any oncoming traffic.

The proposed "build-out to the South of East Road" is unnecessary for East Road residents, it is an issue with Sellafield staff parallel parking, when they have an allocated car park and park and ride free bus service.

There are other options for entry into the proposed Aldi for example off East Road.

During the construction or operation of the store, the access road and Wyndham Terrace MUST NOT be used by vehicles conveying contractors for Aldi, residents of homes on Wyndham Place or the Mill houses, or dog walkers accessing piggeries field as a shortcut. It is an unadopted single lane road, with children and elderly people stepping straight out of their front doors onto the road.

Concerns that an Aldi store in Egremont will have a detrimental effect on the trade by the Co-op, Heron Foods and the 2 independent butchers shops. There is a valid need to regenerate the centre of Egremont.

There needs to be consideration given to traffic lights at the Wyndham Place and East Road junction to give priority to residential traffic flow.

As the road is unadopted it is not gritted and will be unsafe in winter to have to stop and start on a steep slope covered in ice.

There is a large volume of traffic on the roundabout especially during school hours and Sellafield start and finishing times.

All previous brownfield land off East Road, Egremont has been designated for housing, why is this the exception.

Don't want to see what happened at Cleator Moor when Coop moved to Leconfield happen to Egremont Main Street.

There has been inadequate public consultation by the Applicant.

As a gateway building to the town of Egremont, the exterior is unattractive for such a key building.

Due to the frequent anti-social behaviour in the pedestrian underpass, pedestrians risk their lives walking across the bypass road. Aldi must adopt the underpass, ensuring that it is lit, vacant and tidy.

The footprint of the proposed building is approximately 10 times larger than the adjacent dwelling Rivendale and with it standing much higher will look really

imposing and take away a lot of the character of the dwelling. Suggest that the store be re-sited where the proposed car park is, which would have a lot less impact. Applicant has suggested it may have been planned this way because of the noise that may be generated by the car park but would much rather have the noise than a big imposing structure 8 meters from my dwelling.

If the structure was to be built in the planned position the foundations for the building will also have to be substantial as the site is built on "made up" ground with an infill of more than 5 meters. If the option was to be for "piling" that would be very concerning due to the effects it could have due to vibration etc..

The proposed trees on the adjoining boundary are an unwanted feature. A solid fence would suffice for privacy. The existing trees on the A595 were supposed to be shrubs to shield noise but have turned out to be 20 meters tall which totally shade the adjacent dwellings by 5pm and cause maintenance issues

"Japanese Knotweed" which grows on the site boundary and would need to be addressed to prevent spread and damage.

With the increase in customer cars and delivery wagons who will be liable for the maintenance to the road leading to the dwellings at Wyndham Place.

A racing pigeon loft is situated on north boundary of Rivendale and house's 150 birds which will be breeding between January to April of each year. All the large scale construction may affect their breeding cycle.

The development will result in a considerable amount of noise and disruption whilst construction takes place.

Support

This will provide a significant investment for Egremont.

The development will help to boost the economy of Egremont and will result in additional benefits to the surrounding villages.

It will create employment opportunities.

It is likely to benefit tourism by attracting visitors to the town.

It will provide enhanced services and facilities within the town which are needed to support the increases in housing numbers that are planned.

It will secure the improvement in the condition of this untidy site which occupies a prominent location adjacent to the A595 at the entrance to the town centre.

A retail store in Egremont will result in the need for less people to travel to the adjoining towns for shopping purposes.

Reductions in the number of vehicle movements will benefit the environment by reducing pollution.

The development will provide more choice for local residents in terms of the current retail offer.

A local retail store will benefit local elderly residents and also non drivers.

The previous use of the site as a petrol filling station attracted a significant amount of traffic movements and the proposed use is unlikely to attract a significant amount of vehicular movements.

The benefits of the proposed development far outweigh the minor impacts that would result from the store.

The level of predicted traffic movements will not have any significant impact on congestion on the A595 which is only an issue at peak times of the day based around Sellafield working hours.

Representation by Cllr Sam Pollen

The new ALDI supermarket would replace a dilapidated site, provide major investment, significant employment opportunities and has the full support of Egremont Town Council and the overwhelming support of our community.

6.0 Planning Policy

- 6.1 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

7.0 Key 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).

8.0 Assessment

Principle of Development

- 8.1 Egremont is identified in Strategic Policy DS1 as a Key Service Centre due to it providing a wide range of services, including convenience and comparison stores, employment opportunities, schools and healthcare. They also act as service hubs for nearby villages. It is stated that the focus for development in Key Service Centres will be for town centre developments, employment development and medium scale housing extensions, windfall and infill development.
- 8.2 The settlement boundary for Egremont is defined in Strategic Policy DS2. It is stated that development within the defined settlement boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise.
- 8.3 Strategic Policy E6 defines a number of Opportunity Sites in and on the edge of the towns of Whitehaven, Cleator Moor, Egremont and Millom as the focus to help regenerate these towns.
- 8.4 Strategic Policy R1 seeks to enhance the vitality and viability of town centres identified in the settlement hierarchy. It seeks to support a network of healthy, vibrant and resilient town centres, comprised of a diverse range of retail, residential, leisure and other main town centre uses, that can effectively respond to change. It seeks to ensure the needs for retail and other main town centre uses are met in full, ensuring that, taking account of commitments as of 1st April 2021, sufficient provision has been made to meet the forecast convenience retail capacity within Copeland up to 2039. Ensure that proposals for new development are consistent in terms of scale and function with the size and role of the centre. It seeks to encourage new national retailers to relocate to Copeland's towns, and support and enhance the independent offer.
- 8.5 Strategic Policy R2 seeks to support retail, residential, leisure and other main town centre development where it is appropriate to its role, function and position. The role and function of the Key Service Centres are identified as convenience and comparison shopping, and a range of other services to serve the settlement and surrounding communities.
- 8.6 Strategic Policy R4 states that development that supports the roles of Cleator Moor, Egremont and Millom as the Key Service Centres, strengthens and diversifies their offer and improves vitality and viability will be encouraged, particularly where it defined criteria are met. These include: builds upon and addresses the strengths, opportunities and challenges associated with each town, as set out in Table 10; provides convenience and comparison shopping, or range of other services, including leisure provision to serve the settlement and surrounding communities; strengthens and diversifies the towns offer; or, promotes the reuse of brownfield land.
- 8.7 Policy R7 states that where an application is for a main town centre use which is neither in a town centre nor in accordance with the Development Plan, applicants must submit details to demonstrate that they have carried out a

sequential test to the satisfaction of the Council in accordance with national policy. Locations within a town centre must be considered first, followed by edge of centre sites and only if no suitable sites are available will an out-of-town location be supported. The defined centre for retail purposes is taken to be the defined Primary Shopping Area. As such, for retail purposes, edge of centre locations are those well connected to, and up to 300 metres from the Primary Shopping Area. It is stated that in the exceptional cases where new retail development will be supported in out of town locations, where the sequential test has been satisfied, the development must: avoid or mitigate against harm to the natural environment, including biodiversity assets; consider and respect the existing landscape and built environment; and ensure that the highway network is capable of supporting additional traffic linked to the use.

- 8.8 Policy R8 states that an Impact Assessment must be submitted where retail development is proposed outside of a defined centre and the proposed floorspace is equal to or above 300sqm within 800m of the respective Key Service Centre town centre boundary. For retail uses the defined centre is the closest town centre boundary. It is required that the Assessment must be proportionate and appropriate to the scale and type of retail floorspace proposed and that the Assessment should accord with national planning policy and the scope should be agreed between the applicant and Council prior to submission where possible.
- 8.9 The Copeland Borough Council Retail and Leisure Study Update 2021 Final Report identifies a requirement for between 900 sqm and 1,500 sqm of additional new convenience goods sales floorspace at 2035 (dependant on format and operator). It is concluded that there is a clear quantitative deficiency in terms of the convenience goods offer in Copeland and surrounding Whitehaven in particular. The Study does not identify a specific need for additional convenience goods sales floorspace in Egremont specifically.
- 8.10 The Application Site is located within the defined settlement boundary of the Key Service Centre of Egremont for the which the focus of the development includes town centre developments.
- 8.11 The Application Site is identified as Opportunity Site ref. OEG03 – East Road Garage as defined in Strategic Policy E6. Appendix C of the LP defines the preferred uses for the Opportunity Site as being – commercial and employment uses, but residential may also be appropriate - Uses Classes B, C, E(G) and some Sui Generis. The proposed development comprises erection of a Use Class E foodstore and therefore does not comprise a preferred use for the purposes of Strategic Policy E6. It is necessary to note that the referenced uses are preferred only and no uses are specifically required or prevented.
- 8.12 The Application Site is located c.50m east of the defined Egremont Town Centre Boundary. There is no defined Primary Shopping Area within the defined Egremont Town Centre.

- 8.13 The proposed development comprises a retail development that is not within the defined Town Centre; therefore, as per the requirements of Policy R7 a Sequential Test is necessary.
- 8.14 The proposed development has a gross floor area of 1933 square metres; therefore, as per the requirements of Policy R8, a Retail Impact Assessment is required.
- 8.15 A Planning & Retail Statement has been prepared in support of the Full Planning Application. This includes a Sequential Test and Retail Impact Assessment.
- 8.16 The Sequential Test concludes that there are no sequentially preferable development sites within the centres of Egremont or Cleator Moor which could realistically accommodate the scale and form of the retail development proposed - even when demonstrating significant flexibility in terms of developable area.
- 8.17 The Retail Impact Assessment concludes no significant adverse retail impacts would arise in relation to designated centres (being Egremont and Cleator Moor Key Service Centres). It is stated that in considering what this will actually mean for their vitality and viability, it is important to provide a proportionate commentary on their current health, role and function. It is concluded that there are certain functions of these centres that are performing well, and others (like many such centres) that are performing more modestly. In the case of Egremont, the proposed Aldi store will have a positive impact on vitality and viability through the application site's edge of centre location and resulting increased linked trip generation. It is also concluded that there are no implications arising from these proposals in relation to impacts on existing, committed or planned investment in either centre.
- 8.18 In addition to the above, Cumberland Council have commissioned an independent assessment of the retail and town centre policy issues by Nexus Planning - Planning Application Reference 4/24/2044/0F1 - Final Appraisal of Retail and Town Centre Policy Issues – June 2024; and Planning Applications 4/23/2314/0F1 and 4/24/2044/0F1 - Addendum to Appraisal of Retail and Town Centre Policy Issues – September 2024.
- 8.19 In respect of the Sequential Test, the independent assessment confirms that the information submitted by the Applicant has been reviewed and a search for potentially available and suitable units and sites within and on the edge of Egremont and Cleator Moor town centre has also been completed. It is concluded that *"We are unaware of any site which is 'in centre', 'edge of centre', or better connected to a centre, that could support the application proposal in practice"*.
- 8.20 It is concluded that the grant of planning permission for the proposed development would not lead to a significant adverse impact in respect of existing, committed and planned public and private sector investment.

- 8.21 In assessing the retail impacts five possible scenarios are identified: i. permission is granted for the Whitehaven proposal only, and no new food retailer occupies the newly vacated unit at Preston Street; ii. permission is granted for the Whitehaven proposal only, and a new food retailer occupies the newly vacated unit at Preston Street; iii. permission is granted for the Egremont proposal only, and the existing Aldi in Whitehaven continues to trade; iv. permission is granted for both the Whitehaven and Egremont proposals, and no new food retailer occupies the newly vacated unit at Preston Street; and v. permission is granted for both the Whitehaven and Egremont proposals, and a new food retailer occupies the newly vacated unit at Preston Street.
- 8.22 In respect of the Retail Impact Assessment, it is concluded that the proposed development either solus or cumulatively per the scenarios outlined, would not lead to a significant adverse impact on the vitality and viability of any defined centre.
- 8.23 The overall conclusion is that the refusal of planning permission for either or both of the applications would not be supported on retail and town centre planning policy grounds alone, subject to planning conditions being imposed to ensure that the proposed development and the development proposed under 4/23/2314/0F1 (Preston Street, Whitehaven) continue to trade as supermarkets in the manner set out in the supporting planning application documents.

Access and Transport

- 8.24 Strategic Policy CO2 supports the allocation and safeguarding of land that facilities improvements to the A595 and improvements to the local and strategic cycle and walking network. It is stated that development that is likely to have a detrimental impact on the highway network will be resisted.
- 8.25 Strategic Policy CO4 requires that proposals must include safe and direct connections to routes that promote active travel, such as cycling and walking routes where appropriate. Support in principle is outlined for developments which encourage the use of sustainable modes of transport, in particular: proposals that have safe and direct connections to cycling and walking routes where appropriate and those that provide access to regular public transport services; proposals that make provision for electric vehicles; and proposals for the integration of electric vehicle charging infrastructure into new developments. It is required that developments that are likely to generate a large amount of movement secure an appropriate Travel Plan and be supported by a Transport Assessment.
- 8.26 The Applicant has prepared a Transport Assessment and Interim Travel Plan in support the planning application.

- 8.27 The Transport Assessment demonstrates that the development proposals are forecast to generate the following vehicular trips during the highway network peak hours:
- Friday PM Peak – 88 Arrivals and 96 Departures – 184 Two-Way Trips
 - Saturday Peak – 117 Arrivals and 133 Departures – 250 Two-Way Trips
- It is confirmed that as the Application Site is located in a central location with a range of surrounding shops and residential areas, the trip rates provide an overly robust assessment of traffic generated. The town centre location will encourage a larger proportion of trips to be undertaken by non-motorised mode
- 8.28 Cumberland Council – Highways have assessed the impact of the development on the local highway network including the junction capacities and traffic flows, the accessibility by active means and the technical specifications of the proposed access junction, development layout, parking provision and servicing area.
- 8.29 No objection is raised to the access onto East Road which is an adopted, but unclassified road. Due to the low flow on East Road it is not envisaged that there will be a capacity issue at this particular junction. It is identified that the main issue with traffic impact will be on the A595 roundabout. Due to the very heavy tidal peak flows on the A595, the links and roundabout are at or near capacity at certain times of day. The Transport Assessment has modelled the roundabout for an uplifted 2024 scenario and it shows it working with minimal queuing. Taking into account the existing use of the Application Site and other traffic that uses East Road, it is considered that the forecasted trips will not have a material impact on the local network.
- 8.30 It is concluded that the proposed access junction is suitable. The requirement for a dropped kerb with tactile paving at the mouth was identified and the scheme has been amended by the Applicant to include.
- 8.31 The shared nature of the access i.e. deliveries and customer parking is identified as presenting additional risk of conflict; however, this is identified as acceptable given it is a normal practice. It is recommended that HGV deliveries use a 'banksman' for deliveries during trading hours and that this is part of a 'Delivery Management Plan'.
- 8.32 Evidence of the 85th percentile highway speeds dictate that visibility splays of 30m and 43m to the north and south respectively are required for the Wyndham Place / East View junction and visibility splays of 43m are required at the site access junction. These are demonstrated as achieved. It is identified that on-street parking to the north, outside the terrace, can affect visibility. It was recommended that the visibility splay are lengthened and this section of road/footway is protected from parking by creating a build-out on East Road. There will also need to be a dropped kerb access to this private area. It will be necessary to demark the footway (i.e. adopted highway) extent with pin kerbs to the rear of the footway. The Applicant has amended the junction arrangement to incorporate the revisions requested. It is confirmed

that the details of the changes to the highway and junction can be resolved through the Section 278 process.

- 8.33 It is confirmed that East Road is a key walking desire line to the town centre and secondary schools. The footway on East Road, along the site frontage, should be minimum unobstructed width of 2.5m. The Applicant has confirmed that this is not deliverable; therefore, the provision of a 2m footway has been confirmed as acceptable.
- 8.34 The provision of a link to the underpass is welcomed. It is stated that this should be 3m wide and 2m, be step free and have a maximum gradient of 1:10. The Applicant revised the link to a 1:30 ramp that is 2.5m wide and this has been confirmed as acceptable.
- 8.35 The parking provision of 86 spaces is not in accordance with the CDDG which states that there should be 1 space per 15m² of GFA. If the GFA (rather than the net sales area is taken as 1,855m², then there should be 126 spaces. The 5 no. blue badge holder spaces is adequate. The Applicant has provide additional evidence to justify the proposed parking provision. It is confirmed that this is a representative example and that it translates to the Application Site. It is confirmed that the CDDG is a course tool based on non-specific types of stores or locations so errs on the caution. The site specific evidence provided satisfies that sufficient parking spaces have been provided.
- 8.36 Welcome the 4 Sheffield type stands. However confirm that it would be beneficial if the offering could be increased to 5 stands It is recommended that the Applicant make provision for increasing numbers of cyclists, and differing types of cycle in accordance with LTN 1/20. The scheme has been amended by the Applicant to include.
- 8.37 The Interim Travel Plan was welcomed. A travel planning monitoring fee of £6600 is sought to fund the review of the effectiveness of the Travel Plan over a five year period.
- 8.38 Cumberland Council – Highways have confirmed no objections to the development subject to the imposition of planning conditions securing the submission, approval and implementation of detailed highway specifications; the achievement of the required visibility splays; that the access, parking and turning requirement are met before construction work commences, the submission, approval in writing and implementation of a Construction Traffic Management Plan, the submission, approval and implementation of a detailed scheme for the junction between East Road and Wyndham Terrace / Wyndham Place; and, the submission, approval, implementation and monitoring of a Travel Plan. A condition is requested requiring that the access and parking requirement be substantially before any building work commences; however, this is proposed to be controlled through the Construction Traffic Management Plan.
- 8.39 National Highways have confirmed no objection to the development. The conclusions of the submitted Transport Assessment are confirmed as

accepted. It is confirmed that the submitted sections indicate no significant geotechnical implications. It is confirmed that the proposed ramp does not adversely impact the existing structure; however, the ramp's drainage provisions should be carefully considered to prevent water accumulation and that these details can be agreed upon once the detailed design is complete.

- 8.40 Concerns are raised in representations regarding frequent antisocial behaviour in the subway, which could deter pedestrian access. The Applicant has confirmed that the subway is not in their ownership and control; however, they will seek agreement from National Highways to paint to the subway to improve its appearance. CCTV cameras are proposed on the Application Site to improve surveillance of the subway as it is in the interests of the Applicant to make the route safe for their customers to encourage trade. A planning condition is proposed to control the number and location etc. of the CCTV cameras and external lighting.

Design

- 8.41 Policy DS6 outlines the requirement for new development to meet high-quality standards of design, including measures such as: creation and enhancement of locally distinctive places sympathetic to surrounding context; use good quality building materials that reflects local character and vernacular, sourced locally where possible; support good health and well-being by incorporating high quality, inclusive and useful open spaces and providing high levels of residential amenity; create layouts that encourage walking and cycling; provision of safe and accessible pedestrian routes; create opportunities that encourage social interaction; be of flexible and adaptable design; maximise solar gain; and, address land contamination and land stability
- 8.42 Within the immediate vicinity of the site, there is a mix of architectural styles and building materials. The residential properties close by are two storey, terraced, tiled pitched roofed properties of rendered/roughcast, with some painted a variety of colours. Nearby retail/commercial units are of metal cladding. The West lakes Academy and Egremont library are new buildings, of brick, aluminium curtain walling and render.
- 8.43 The Application Site by virtue of its character i.e. the design, form and massing of the existing buildings does not contribute positively to the character of the local area and the gateway to Egremont Town Centre.
- 8.44 The proposed is a 'blade roof' design Aldi foodstore. The proposed design has a modern, contemporary style incorporating a mono-pitched roof, with a simple palette of materials combining silver and grey cladding, aluminium windows, steel doors and glazing. A canopy wraps above the shop frontage which runs along the north elevation.
- 8.45 The design incorporates extensive glazing on its northern elevation which address the public spaces. The glazing will offer views into the sales area, add visual interest and create an active frontage to the development

- 8.46 The proposed foodstore would be broadly one-storey in height and so will be of a similar height to existing surrounding buildings.
- 8.47 The Applicant has confirmed that the development is to be designed with a fabric first approach. High efficiency air source heat pumps are proposed to meet the heating and cooling demands of the development, alongside LED lighting with absence/presence control to minimise the electrical energy demand of the development.
- 8.48 The proposed development includes measures to mitigate crime and safety including: natural surveillance through the proposed glazing, positioning of cycle stands where natural surveillance is available from both the building and car park and the incorporate of open surfaces to the car park and external public spaces.
- 8.49 In terms of layout, it is arguable that it would be preferable to have located the foodstore to the north of the Application Site with an active frontage onto East Road. The Applicant has investigated the potential to deliver such an arrangement. It has been demonstrated that the constraints on site including the site layout, levels, access and drainage infrastructure limit the potential to deliver such an arrangement. Locating the food store to the north would result in blank gables facing onto the East Road, which would not represent good design.
- 8.50 Limited landscaping is proposed to the site boundaries. The development would benefit from additional planting to the boundary with East Road and within the parking areas to screen and soften the overall appearance of the development. A planning condition is proposed to secure a detailed landscaping scheme during which time additional landscaping can be secured.
- 8.51 Planning conditions are proposed to secure details of the external finishes to ensure that these are of high quality.
- 8.52 On balance and given the existing characteristics, appearance and constraints of the Application Site, it is considered that in design terms, the development is acceptable in its context.

Heritage

- 8.53 Strategic Policy BE1 and Policy BE2 seek to protect, conserve and where possible enhance designated and non-designated heritage assets and their settings.
- 8.54 The Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA) requires that in respect of listed buildings local planning authorities have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest and that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 8.55 The Application Site is located outside of the boundaries of the Egremont Conservation Area by circa. 50 metres and is further visibly separated by intervening development.
- 8.56 There are no listed buildings located within the northern section of the Egremont Conservation Area or immediately adjacent the Application Site.
- 8.57 The development would impact upon the setting of non-designated heritage assets within the locality.
- 8.58 The impacts of the development upon the setting of designated and non-designated heritage assets will be neutral given the existing developed appearance of the Application Site
- 8.59 The Conservation and Design Officer has raised no objections in relation to heritage impacts.

Residential Amenity, Noise and Air Quality

- 8.60 Policy DS6 includes provisions that development mitigates noise pollution through good layout, design and appropriate screening.
- 8.61 The Application Site is located to the north of the dwelling known as Rivendale, Wyndham Place. The rear elevation of the proposed foodstore is located 8.5m from the side elevation of Rivendale and a 2m high close-boarded fence and landscaping are proposed to the boundary. No windows are proposed on the south elevation of the foodstore and there will be no daily activity to the rear of the foodstore. Two emergency escapes are proposed to the south elevation only. The location of the foodstore to the north of Rivendale would limit overshadowing; however, it must be accepted that there will be some impacts through overbearing. The occupants of Rivendale have confirmed their preference for the car parking being located adjacent to their property. As outlined above, the Applicant has investigated the potential to deliver an alternative arrangement; however, for the reasons previously outlined such an arrangement was discounted.
- 8.62 Given the form and layout of the proposed development, adverse impacts upon the residential amenity of the other existing dwelling through loss of daylight, loss of sunlight, overshadowing, overbearing effects or overlooking will not result.
- 8.63 A Noise Impact Assessment has been prepared in support of the Full Planning Application. A baseline noise survey was undertaken in November 2023. The Assessment considers the potential noise sources likely to be introduced into the area by the proposed development. It has been demonstrated that the foodstore car park will not give rise to any increase in background during daytime operational periods. The servicing of the foodstore can be completed 24-hours daily without giving rise to any loss of amenity for the nearby residential premises, provided that the reverse warning alarms and trailer

chiller cabs are isolated for nighttime deliveries between 23.00 and 07.00 hours. The fixed plant noise has been assessed and shown to operate below the pre-existing background levels for both daytime and nighttime periods without the need for additional mitigation measures.

- 8.64 A planning condition requiring the submission, approval and implementation of Delivery Management Plan is sought to control the impacts of nighttime deliveries.
- 8.65 The proposed development has the potential to result in some adverse impacts upon residential amenity of the surrounding areas during the construction period. Planning conditions are proposed to limit the hours of construction and secure controls through a Construction Management Plan.
- 8.66 An Air Quality Assessment has been prepared in support of the Full Planning Application.
- 8.67 For the construction phase of the proposed development the Assessment concludes there is potential for dust soiling effects. Assuming good practice control measures are implemented, the residual effect associated with dust soiling during the Construction Phase is deemed to be not significant.
- 8.68 In relation to traffic generation the Assessment concludes that impacts on NO₂ would be negligible and PM₁₀ concentrations at the worst case existing sensitive receptors, closest in proximity to roads affected by the highest development flows, were predicted to be not significant in accordance with IAQM guidance. As such no mitigation is considered necessary.
- 8.69 Cumberland Council – Environmental Health have confirmed support for the development subject to planning conditions. Revisions were requested to the Demolition Method Statement to control wind blow debris, which the Applicant has amended the Statement to include. A planning condition limiting hours of construction and hours of construction are requested. Concern was raised in relation to possible noise disturbance from nighttime deliveries in particular; however, this was resolved through the submission of additional information.

Flood Risk and Drainage

- 8.70 Policy DS6 seeks that development will not be permitted where: there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.
- 8.71 Policy DS7 requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate.
- 8.72 A Flood Risk and Surface Water Drainage Assessment has been prepared in support of the Full Planning Application.

- 8.73 The Assessment identifies that that Application Site is located wholly within Flood Zone 1 (lowest risk of flooding). The proposed development is a less vulnerable use; therefore, the Sequential Test and Exception Test for flood risk are not applicable.
- 8.74 The proposed surface water drainage system will be restricted to a maximum discharge of 5.8l/s into the existing public surface water sewer within Wyndham Place, running parallel to the Eastern boundary of the Application Site via a proposed pumping station.
- 8.75 A pumped solution has been designed in order to overcome the difference in invert levels from site to the existing public surface water sewer.
- 8.76 Filter Drains and an underground proprietary SPEL ESR unit will be utilised in the drainage system to provide treatment of surface water flows prior to discharge. Attenuation will be provided within the Application Site in the form of an underground cellular storage tank.
- 8.77 The proposed drainage system has been designed to accommodate a 1 in 100 year +50% climate change storm event.
- 8.78 Foul water flows will discharge into the existing private combined manhole, located to the East of the site boundary, before utilising the existing connection to the public combined sewer.
- 8.79 The Environment Agency have raised no objections to the development in respect of flood risk and drainage.
- 8.80 Cumberland Council – LLFA confirmed that the proposed surface water drainage solution is not ideal and requested additional information to demonstrate that a gravity fed drainage scheme was not deliverable. Following the receipt of additional information it was accepted that due to the due to the constraints of the site a more favourable 100% gravity solution is not viable. It is confirmed that the inclusion of a pumping station maintenance plan which is a high-level basic summary will suffice at this stage. A planning condition is requested requiring the submission, approval and implementation of a detail scheme of surface water drainage.
- 8.81 United Utilities have confirmed that the proposed drainage scheme is acceptable in principle; however, request further evidence to confirm where the ultimate point of connection is for the proposed foul water. Concern is raised in relation to the connection given the previous use and cover levels due to risk of surcharge. Planning conditions are requested requiring submission, approval, implementation and retention of a detailed scheme of foul and surface water drainage and a planning condition requiring the submission, approval and implementation of a Sustainable Drainage Management and Maintenance Plan.
- 8.82 National Highways have confirmed that the A595 roundabout is an existing flooding hotspot. Its drainage currently discharges into the Local Authority's

drainage network through a 500mm diameter pipe running through the Application Site; however, there is no conflict. It is identified that the proposed ramp's drainage provisions should be carefully designed to prevent water accumulation, allowing effective management of surface water on the flat landing at the bottom of the ramp to avoid standing water or icing. It is confirmed that these details can be agreed with National Highways at a later stage once a detailed design is completed and that a planning condition is not required to secure these details.

Ground Conditions

- 8.83 Policy DS6 and Policy DS10 includes provisions requiring that development addresses land contamination and land stability issues with appropriate remediation measures.
- 8.84 A Phase 1 Geo-Environmental Assessment and a Ground Investigation Report have been prepared in support of the Full Planning Application. These provide an overview of the current ground conditions.
- 8.85 The Assessment and Report recommend further investigation and requires that remediation works to be undertaken at the appropriate time; however, the findings do not identify any significant constraints to redevelopment of the site.
- 8.86 Cumberland Council – Environmental Health have confirmed no objection subject to the imposition of a planning condition requiring the submission, approval and implementation of a detailed remediation scheme to address the identified risks in relation to ground contamination.
- 8.87 The Environment Agency initially raised objections on grounds of potential risks to groundwater quality caused by the mobilising of contamination. These objections were subsequently withdrawn subject to the imposition of planning conditions requiring the submission, approval and implementation of a detailed remediation scheme to address the identified risks in relation to ground contamination, submission and approval of a verification report demonstrating completion and the effectiveness of the remediation strategy and the control of the use of vibro-stone foundations.

Biodiversity and Ecology

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

- 8.90 A Preliminary Ecological Appraisal, a Biodiversity Metrics Report and an Ecological Impact Assessment has been prepared in support of the Full Planning Application.
- 8.91 The Appraisal confirms that the Application Site has limited ecological value and no evidence of protected species were identified on any part of the site.
- 8.92 The Appraisal confirms that four main habitat land categories were identified on Application. The site is a disused Esso garage with buildings and developed land, with an unsealed gravel car park and strip of bramble scrub to the south. A small amount of ephemeral vegetation and 2 introduced shrubs are present.
- 8.93 The Application Site provides negligible opportunities for protected species due to lack of connectivity to other habitats and lack of suitable habitats on site. Bramble scrub could provide nesting opportunities for birds and Building B in particular is deemed to hold low bat roosting potential. Recommendations are provided to mitigate the impacts of the development in relation to birds, hedgehog and other mammals.
- 8.94 A Dusk Emergence Survey of Building B has been completed. This identified no bats entering or existing the building and no roosts were recorded.
- 8.95 There are 11 designated sites within 2km of the development site. The sites are designated for a number of reasons including the habitats present, invertebrates they support and for geological interests. The Application Site is not functionally connected to any designated sites and does not provide any similar opportunities for invertebrates or other protected species. It is very unlikely that works on site will lead to impacts on any designated sites.
- 8.96 As part of the Preliminary Ecological Appraisal, the Application Site was surveyed for controlled invasive species including Japanese Knotweed, Himalayan Balsam, Giant Hogweed and Cotoneaster. One cotoneaster plant was recorded during the site visit. It has not been possible to identify the plant to species-level; however, it is considered that it is not an invasive species listed under Schedule 9 Part ii of the Wildlife and Countryside Act 1981 (as amended).
- 8.97 This Full Planning Application was submitted on the 7th February 2024 and is not therefore subject to mandatory biodiversity net gain, which became applicable from the 12th February 2024; however, the requirement to deliver a biodiversity net gain of 10% is triggered by Policy N3.
- 8.98 The Biodiversity Metric calculation shows a baseline of 0.06 habitat units with no hedgerow or river units. Post development the site will provide 0.55 habitat units, 0.24 hedgerow units, and no river units, resulting in a biodiversity net gain of 970.59%. The trading summary is also satisfied by proposals as habitats due to be created are of much higher value than those existing.

- 8.99 A planning condition is proposed to secure the required biodiversity net gain and means to secure its management and monitoring for a minimum period of 30 years.
- 8.100 Natural England have confirmed no comments.
- 8.101 The Cumberland Council Ecologist has requested a planning condition to secure a Construction Ecological Method Statement.

Arboriculture

- 8.102 An Arboricultural Impact Assessment and Arboricultural Method Statement have been prepared in support of the planning application.
- 8.103 The Application Site does not contain any significant trees. Trees are located on adjacent land to the south-west, south, and west. These trees are already protected by boundary fencing and a minor road.
- 8.104 All trees have been surveyed and categorised. A small shrub group (Group 3) is located against the former car showroom with all remaining surveyed vegetation beyond the site boundary (Groups 1, 2 & 4). The report categorises two of these tree groups as moderate-quality (Group 2 & 4) and two (Group 1 & 3) as low-quality. It is proposed to remove group 3 which are identified as low quality and coppice the Goat Willow within Group 2.
- 8.105 Details of protection works to prevent impacts upon the retained trees are outlined within the accompanying Arboricultural Method Statement.
- 8.106 The Councils Arboricultural Consultant recommends that planning conditions are imposed to secure completion of the development in accordance with the submitted Arboricultural Method Statement and the submission and approval of a Landscaping Plan giving details of the locations and specification for the proposed trees and shrubs and include a planting method statement and a five-year maintenance plan.

9.0 The Planning Balance

- 9.1 The Application Site is located within the defined settlement boundary of the Key Service Centre of Egremont for the which the focus of the development includes town centre developments. This is given great weight.
- 9.2 The Application Site is identified as Opportunity Site ref. OEG03 – East Road Garage as defined in Strategic Policy E6. The intention of these sites is to help regenerate the towns within Copeland. The proposed development comprises erection of a Use Class E foodstore and therefore does not comprise a preferred use on this site for the purposes of Strategic Policy E6. Whilst not a defined preferred use, the use is not explicitly excluded. This is given moderate weight.

- 9.3 A Sequential Test has been completed and independently assessed. It has been concluded that there are no sequentially preferable development sites within Egremont or Cleator Moor which could realistically accommodate the scale and form of the retail development proposed - even when demonstrating significant flexibility in terms of developable area. The requirements of Policy R7 are therefore met. This is given great weight.
- 9.4 A Retail Impact Assessment has been completed and independently assessed. This demonstrates that development would not lead to a significant adverse impact in respect of existing, committed and planned public and private sector investment and would not jeopardise any future planned improvements to the centres of Egremont or Cleator Moor. In respect of the Retail Impact Assessment, it is concluded that the proposed development either solus or cumulatively per the scenarios outlined, would not lead to a significant adverse impact on the vitality and viability of any defined centre. The requirements of Policy R8 are therefore met. This is given great weight.
- 9.5 The development will have a good level of connectivity and be accessible on foot, cycle and bus from local destinations. It has been demonstrated and assessed by Cumberland Council – Highways and National Highways that the impact of the development on the highway network including the junction capacities and traffic flows, the accessibility by active means and the technical specifications of the proposed access junction, development layout, parking provision and servicing area are acceptable. A Travel Plan is secured to encourage active travel. The requirements of Policy CO2 and CO4 are therefore met. This is given great weight.
- 9.6 Given the existing characteristics, appearance and constraints of the Application Site, it is considered that in design terms, the development is acceptable in its context. This is given moderate weight.
- 9.7 The development will deliver a considerable biodiversity net gain on the Application Site. This is given moderate weight.
- 9.8 The development will result in some adverse impacts upon the amenity of nearby dwellings through the built form of the development and the activity associated with its operation. This is given moderate weight.
- 9.9 The development would not result in unacceptable impacts in respect of ecological impact, heritage, land contamination and drainage subject to the imposition of planning conditions. This is given moderate weight.
- 9.10 In overall terms, the development is considered to be in conformity with the requirements of the development plan, with the benefits of the development considered to outweigh the identified harms.

Recommendation

That the application is granted subject to the conditions outlined at the end of this report, with the Assistant Director of Inclusive Growth and Placemaking being given delegated authority to add to and/or make any amendments to the conditions as considered appropriate and further delegates to the Assistant Director of Inclusive Growth and Placemaking authority to agree the final terms and conditions of the section 106 agreement, which as detailed in this report are proposed as

- A financial contribution of £6,600 for the review of the Travel Plan Monitoring reports.

If the section 106 agreement is not entered within 6 months of the date of this Planning Committee or any other extension of the determination period mutually agreed with the Applicant, delegate authority to the Assistant Director of Inclusive Growth and Placemaking to refuse the planning permission on the grounds that the planning obligations required to make the proposed development acceptable in planning terms have not been legally secured.

APPENDIX 1

List of Conditions and Reasons

Defining The Permission

1. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Design and Access Statement - Document Reference 0541-PA-XX-XX-RP-A-PM_40_50-21-1000 (Projekt Architects)

Transport Assessment - Proposed Aldi Foodstore, Wyndham Place, Egremont - Project No: 48019 Revision 1 (Andrew Moseley Associates)

Highways Technical Note Response to Highways Comments from Cumberland Council - 19th April 2024

Technical Design Note – Document Ref. ¹/₂-HYD-XX-XX-RP-S-³/₄ Rev. P02

Interim Travel Plan - Proposed Aldi Foodstore, Wyndham Place, Egremont - Project No: 48019 (Andrew Moseley Associates)

Air Quality Assessment - Wyndham Place, Egremont - Report Reference: NJD23-0236-001R Revision 1 (NJD Environmental)

Preliminary Ecological Appraisal & Preliminary Roost Assessment Version 2 (Total Ecology)

Biodiversity Metrics Version 2 (Total Ecology)

Ecological Impact Assessment Egremont Version 1 May 2024

Arboricultural Impact Assessment For Trees At Wyndam Place, Egremont (All About Trees)

Arboricultural Method Statement For Trees At Wyndam Place, Egremont (All About Trees)

Phase 1 Geo-Environmental Assessment - Proposed Aldi Store, Wyndham Place, Egremont, Cumbria – Report Ref. P21-172/P1 - Issue 1 (3E Consulting Engineers)

Ground Investigation Report - Document ref: 28850-HYD-XX-XX-RP-GE-0001 (Hydrock)

Flood Risk Assessment and Drainage Strategy - Wyndham Place, Egremont - Doc ref: 29348-HYD-XX-XX-RP-C-0500 (Hydrock)

Noise Impact Assessment - New ALDI Retail Store at East Road, Egremont, CA22 2DJ - Our Reference – J3225 Revision - 1 (Paul Horsley Acoustics)

Demolition Method Statement - Demolition Of Former East Road Garage: Existing Car Showroom, Workshop & Petrol Filling Station Wyndham Place, Egremont (Projekt Construction)

Drawing No. 0541-PA-XX-00-DR-A-PM_40_50_21-0001 Rev P02 - Location Plan (Projekt Architects)

Drawing No. 0541-PA-XX-00-DR-A-PM_40_50_21-0002 Rev P03 - Proposed Site Plan (Projekt Architects)

Drawing No. 0541-PA-XX-00-DR-A-PM_40_50_21-0003 Rev P02 - Proposed Floor Plan (Projekt Architects)

Drawing No. 0541-PA-XX-00-DR-A-PM_40_50_21-0004 Rev P01 - Proposed Roof Plan (Projekt Architects)

Drawing No. 0541-PA-XX-00-DR-A-PM_40_50_21-0005 Rev P02 - Proposed Elevations (Projekt Architects)

Drawing No. 0541-PA-XX-00-DR-A-PM_40_50_21-0006 Rev P02 - Site Sections (Projekt Architects)

Drawing No. 0541-PA-XX-00-DR-A-PM_40_50_21-0007 Rev P01 - Site Sections (Projekt Architects)

Drawing No. DA-0541 HYD ZZ XX DR C Ro_50_20_11 0001 P01 – Flood Exceedance Routes Plan

Drawing No. DA-0541 HYD ZZ XX DR C Ro_50_20_11 1000 P01 – Proposed Drainage Layout

Drawing No. AMA-48019-SK009 P01 – Proposed Site Access

Drawing No. 0541 - SK22 P01 - Proposed Site Plan - Access Ramp 2

Drawing No. DA-0541 HYD ZZ XX DR C Ro_50_20_11 7000 P02 – Ramp Section

Drawing No. AMA-48019-SK010 Drawing P01 – Proposed Pedestrian Link

Reason

For the avoidance of doubt and in the interests of proper planning.

Pre-Commencement Planning Conditions

Highways

3. No development 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.

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.

5. No development shall commence until a full design details of a scheme for the junction between East Road and Wyndham Terrace / 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.

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.

Ground Conditions

7. No development 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 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 Policy DS8 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.

Landscaping

11. Notwithstanding the submitted details, no development 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.

Ecology and Biodiversity Net Gain

12. Prior to the commencement of development a Biodiversity Net Gain Strategy (BNGS) and a Project Implementation Plan (PIP) shall be submitted to and approved in writing by the Local Planning Authority.

The BNGS shall detail proposals to redress loss of biodiversity and the mitigation strategy proposed shall include all on and off-site habitats required to deliver a net gain of at least ten percent. The BNGS shall use the Statutory Biodiversity Metric Calculation Tool associated with the Environment Act 2021.

The PIP shall detail the delivery of ecological BNG mitigation and compensation, in accordance with the approved BNG strategy. The PIP shall include timescales for implementation, and an ongoing management and maintenance plan.

The BNGS and PIP shall be implemented, managed and maintained in accordance with the approved details.

Reason

To ensure delivery of the required biodiversity net gain in accordance with the provisions of Policy N3P 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.

Pre-Occupation

Highways

14. Prior to the occupation of the development hereby approved the junction modifications for the East Road / Wyndham Place / Wyndham Terrace Junction shall be completed in accordance with the approved details.

Reason

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

15. Prior to the occupation of the development hereby approved a Foodstore Delivery Management Plan (FDMP) shall be submitted to and approved in writing by the Local Planning Authority.

This shall include:

- Measures to mitigate noise impact to nearby residential dwellings;
- Measures to mitigate the risk to public safety within the public parking areas; and,
- Procedures for the management and resolution of complaints by members of the public.

The approved CEMS shall be adhered to for the lifetime of the development.

Reason

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

16. Prior to the occupation of the development hereby approved, the approved access and parking requirements shall be constructed in accordance with the approved plans and details.

The access and or parking provision shall be retained and be capable of use when the development is completed and shall be retained for the lifetime of the development.

Reason

To ensure a minimum standard of access provision when the development is brought into use in accordance with the provisions of Policy CO4 of the Copeland Local Plan 2021-2039.

Ground Conditions

17. Prior to the occupation of the development hereby approved a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason

To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete in accordance with the provisions of Policy Policy DS8 of the Copeland Local Plan 2021-2039.

Drainage

18. Prior to occupation of the development hereby approved a Sustainable Drainage Management and Maintenance Plan for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority.

The Sustainable Drainage Management and Maintenance Plan shall include as a minimum:

- (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and,
- (ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

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.

19. Prior to occupation of the development hereby approved the approved scheme of foul and surface water drainage infrastructure shall be completed and brought into operational use.

Once completed and brought into operational use, the surface water drainage infrastructure shall be retained operational 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, Policy DS7 and Policy DS8 of the Copeland Local Plan 2021-2039.

External Lighting and CCTV

20. No external lighting shall be installed unless or until a scheme of external lighting has first been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include details of the intensity of illumination and predicted lighting spill contours.

All external lighting shall be installed in accordance with the approved details and shall thereafter be retained as such for the lifetime of the development.

Reason

To protect residential amenity, to ensure high quality design and to protect the environment from light pollution in accordance with Policy DS4 of the Copeland Local Plan 2021-2039.

21. No external closed circuit television equipment shall be installed unless or until a scheme of closed circuit television equipment has first been submitted to and approved in writing by the Local Planning Authority.

All closed circuit television equipment shall be installed in accordance with the approved details and shall thereafter be retained as such for the lifetime of the development.

Reason

To protect residential amenity and ensure high quality design in accordance with Policy DS4 of the Copeland Local Plan 2021-2039.

Other Planning Conditions

22. Within 6 months of the development (or any part thereof) opening for business, the developer shall prepare and submit to the Local Planning Authority for their approval a final Travel Plan which shall identify the measures that will be undertaken by the developer to encourage the achievement of a modal shift away from the use of private cars to visit the development to sustainable transport modes. The measures identified in the Travel Plan shall be implemented by the developer within 12 months of the development (or any part thereof) opening for business.

Reason

To aid in the delivery of sustainable transport objectives in accordance with the provisions of CO5 of the Copeland Local Plan 2021-2039.

23. The developer shall submit to the Council for review, the pre-moving, 6-month and four subsequent annual reviews as proposed in the Interim Travel Plan. These shall review the effectiveness of the Travel Plan and include any necessary amendments or measures prepared by the developer/occupier and submitted to the Local Planning Authority for approval.

Reason

To aid in the delivery of sustainable transport objectives in accordance with the provisions of CO5 of the Copeland Local Plan 2021-2039.

Ground Conditions

24. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 14 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.

An assessment must be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority.

Reason

To prevent harm to human health and the environment in accordance with the provisions of Policy DS8 of the Copeland Local Plan 2021-2039.

Construction Management

25. No work for the construction of these developments, including demolition, shall take place on the site, except between the hours:

07:30 - 18.00 Monday to Friday; and

08.00 - 13.00 on Saturdays.

No work should be carried out on Sundays or officially recognised public holidays.

Reason

To safeguard the amenity of neighbouring occupiers in accordance with the provisions of Policy DS4 of the Copeland Local Plan 2021-2039.

Arboriculture

26. Arboricultural Method Statement For Trees At Wyndham Place, Egremont shall be implemented as approved for the duration of the construction period.

Reason

To ensure the protection and retention of important landscape features in accordance with the provisions of Policy DS5 of the Copeland Local Plan 2021-2039.

Operating Limitations

27. The net retail floorspace of the development hereby approved shall not exceed 1,224 square metres.

Reason

In order to control the precise nature and scale of the retail use and to prevent a significant adverse impact on the vitality and viability of any defined centre in accordance with the provisions of Strategic Policy R1 and Policy R8 of the Copeland Local Plan 2021-2039.

28. Not more than 20% of the net retail floorspace of the development hereby approved shall be used for the sale of comparison goods.

Reason

In order to control the precise nature and scale of the retail use and to prevent a significant adverse impact on the vitality and viability of any defined centre in accordance with the provisions of Strategic Policy R1 and Policy R8 of the Copeland Local Plan 2021-2039.

29. No additional floorspace shall be created through the use of mezzanines or other structures to increase the amount of usable floor area of the development hereby approved.

Reason

In order to control the precise nature and scale of the retail use and to prevent a significant adverse impact on the vitality and viability of any defined centre in accordance with the provisions of Strategic Policy R1 and Policy R8 of the Copeland Local Plan 2021-2039.

30. The approved store shall not be open for trade except between:

- 08:00 hours to 23:00 hours – Mondays to Saturdays; and
- 10:00 hours to 16:00 hours – Sundays

Reason

To safeguard the amenity of neighbouring occupiers in accordance with the provisions of Policy DS4 of the Copeland Local Plan 2021-2039.

31. The retail store hereby permitted shall be used for the sale of food and ancillary comparison goods, and for no other purpose including any other purpose in Class E1(a) of the Schedule to the Town and County Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason

In order to control the precise nature and scale of the retail use and to prevent a significant adverse impact on the vitality and viability of any defined centre in accordance with the provisions of Strategic Policy R1 and Policy R8 of the Copeland Local Plan 2021-2039.