Cumberland Council
Cumbria House
107-117 Botchergate
Carlisle
Cumbria CA1 1RD
Telephone 0300 373 3730
cumberland.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

NOTICE OF GRANT OF PLANNING PERMISSION

Avison Young (UK) Ltd
Sutherland House
149 St Vincent Street
Glasgow
G2 5NW
FAO: Mr Chris Miller

APPLICATION No: 4/24/2044/0F1

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
LAND AT EAST ROAD, EAST ROAD, EGREMONT

Aldi Stores Ltd

The above application dated 07/02/2024 has been considered by the Council in pursuance of its powers under the above mentioned Act and PLANNING PERMISSION HAS BEEN GRANTED subject to the following conditions:

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. [illegible]-HYD-XX-XX-RP-S-[illegible] 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 P02 – 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.

<u>Pre-Commencement Planning Conditions</u>

Highways

3. No development excluding demolition shall commence until details, including longitudinal/cross sections of the carriageway, footways, footpaths have been submitted to and approved in writing by the Local Planning Authority.

Any works so approved shall be constructed in accordance with the approved details before the development is complete.

Reason

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

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 excluding demolition shall commence until full design details of a scheme for the junction between East Road and Wyndham Terrrace / Wyndham Place has been submitted to and approved in writing by the Local Planning Authority.

Such details shall form part of an agreement with the Highways Authority under Section 278 of the Highway Act 1980.

Reason

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

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 excluding demolition shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority.

This strategy will include the following components:
1. A site investigation scheme, based on the Hydrock Ground Investigation Report to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved.

Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in accordance with the provisions of Policy 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 excluding demolition 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.

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

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

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

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

Reason

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

Ecology and Biodiversity Net Gain

12. Prior to the occupation of the development hereby approved 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 excluding demolition shall commence until a Construction Ecological Method Statement (CEMS)has been submitted to and approved in writing by the Local Planning Authority.

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

Reason

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

<u>Pre-Occupation</u>

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 sales 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 sales 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
- 09:00 hours to 18:00 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.

32. The Gross Internal Area for retail purposes (Use Class E(a)) shall be a maximum of 1,855 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.

Please read the accompanying notice

Nick Hayhurst
Head of Planning and Place
Inclusive Growth and Placemaking

APPROVALS
(OUTLINE, FULL RESERVED MATTERS & HOUSEHOLDER)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

PART 2

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: https://www.gov.uk/appeal-planning-decision . If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.