

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2118/DOC	
2.	Proposed Development:	DISCHARGE OF CONDITIONS 13, 16 AND 17 OF PLANNING APPLICATION 4/23/2313/0F1	
3.	Location:	LAND TO THE SOUTH OF DALEVIEW GARDENS, EGREMONT	
4.	Parish:	Egremont	
5.	Constraints:	ASC Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Off Coalfield - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM	
6.	Publicity Representations &Policy	Neighbour Notification Letter	No
		Site Notice	No
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report: Site and Location		
	The Application Site comprises of a parcel of agricultural land located on the southern periphery of Egremont. The site is located to the east of Uldale View, is irregular in shape and covers an area of approximately 7.78 hectares. The site comprises of two fields defined by hedgerows at their margins, and slopes downwards towards the northern and eastern boundaries. The site is bounded to the north by residential properties at Daleview Gardens and Daleview Close, to the west by residential properties at Uldale View, and to the south		

and east by agricultural land.

There are no Conservation Areas or Listed Building on or directly adjacent to the Application Site. The nearest designated assets comprise the Grade I Listed and Scheduled Ancient Monument Egremont Castle and the Grade II Listed structures within the Castle grounds (the Drinking Fountain and Western Sundial) located approximately 400m to the north.

The Application Site is located within Flood Zone 1. The site also has a low risk of surface water flooding.

The Application Site is not located within a river catchment affected by nutrient neutrality and comprises Grade 3 agricultural land.

There are no Public Rights of Way on the Application Site. A pedestrian footpath runs along the western side of Uldale View providing to access Egremont by foot.

Directly Relevant Planning History

4/23/2313/0F1 – Full planning permission for the residential development of 164 dwellings (use class C3), vehicle access from Uldale View, landscaping, SUDS, and associated infrastructure works – Approved by Planning Committee subject to S106 Agreement.

4/25/2149/DOC – Discharge of conditions 3, 4, 5, 7, 8, 11 and 12 of planning application 4/23/2313/0F1 – Approved.

4/25/2292/DOC – Discharge of conditions 9 and 10 of planning application 4/23/2313/0F1 – Approved.

Proposal

In February 2025, planning permission was granted (ref: 4/23/2313/0F1) by Members of the Planning Committee for a residential development of 164 dwellings (use class C3), vehicle access from Uldale View, landscaping, SUDS, and associated infrastructure works.

This current application seeks to discharge conditions 13, 16 and 17 of planning permission 4/23/2313/0F1. These conditions state the following:

13. Prior to the first occupation any dwelling on the site hereby approved, a sustainable drainage management and maintenance plan for the lifetime of the development must be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan must 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 must 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 provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

16. Prior to the occupation of the first dwelling hereby approved a scheme detailing the layout and design, including play equipment specifications, of the approved trim trail must be submitted to and approved in writing by the Local Planning Authority. The approved scheme must be implemented as per the approved details prior to the completion of the development hereby approved. The area must be maintained for use as a public open space in accordance with the approved details for the lifetime of the development.

Reason

To ensure the provision of sufficient provision of children's play space within the development for use by residents in accordance with the provisions of Policy SS5 and Policy DM12 of the Copeland Local Plan 2013-2028.

17. Prior to the first occupation of any dwelling on the site hereby approved, the developer must prepare and submit to the Local Planning Authority for their approval a 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 must 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 Policy T1 and Policy DM22 of the Copeland Local Plan 2013 – 2028.

The information submitted in support of the application comprises the following:

- Application Form, received by the Local Planning Authority on the 20th April 2026.
- Detention Basin Maintenance, Prepared by Gadsden Consulting Civil & Structural

Engineers, received by the Local Planning Authority on the 20th April 2026.

- Residential Travel Plan, Prepared by Astute March 2026, Issue: 1, received by the Local Planning Authority on the 20th April 2026.
- Landscape Plan, Scale 1:500, Drawing No: WW/L01, Revision: B, received by the Local Planning Authority on the 20th April 2026.
- General Arrangement, Scale 1:50, Drawing No: SC18576-01, Revision: -, received by the Local Planning Authority on the 20th April 2026.
- NRO802 – Single Balance Beam, received by the Local Planning Authority on the 20th April 2026.
- NRO820 – Waterlilies Balance Post, received by the Local Planning Authority on the 20th April 2026.
- NRO821 – Balance Post with Rope, received by the Local Planning Authority on the 20th April 2026.
- NRO851 – Balance Combination, received by the Local Planning Authority on the 20th April 2026.

Consultation Responses

Cumberland Council – Highway Authority & Lead Local Flood Authority

27th April 2026

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

Condition 13 - Sustainable drainage management and maintenance plan

The Maintenance plan includes sufficient measures for the main SUDS measures of the detention and infiltration basins. I have no objection to this condition being discharged.

Condition 16 - Play equipment

No comment

Condition 17 - Travel Plan

The submitted Travel Plan identifies a clear package of measures, targets and monitoring arrangements that collectively encourage a modal shift away from private car use towards sustainable modes, thereby meeting the requirements of the planning condition.

The Plan includes physical and behavioural measures such as enhanced pedestrian infrastructure (footway contribution) and links to the nearest footway, promotion of public transport, provision of a Residential Travel Handbook, online travel information, and a Travel Plan Co-ordinator.



Cumberland Council

SMART mode share targets are established to reduce single-occupancy car driver trips over time and increase walking, cycling, public transport use and car sharing by 1% per annum from a baseline of 68% (car driver) to 63% after 5 years. These targets are based on agreed baseline assumptions and are open to adjustment if surveys indicate different travel patterns.

A robust monitoring framework is set out, including baseline travel surveys following occupation of the 100th dwelling, annual repeat surveys, and the preparation of Annual Performance Reports submitted to the Local Planning Authority. The monitoring process allows for review, refinement of measures, and agreement of mitigation actions where required, ensuring the Travel Plan remains effective and deliverable. We welcome the opportunity to review the initial survey and review these targets. I note that the TP and TPC are to run for a minimum of 5 years (in total) as per the conditions.

Accordingly, the Travel Plan demonstrates that appropriate measures, targets and monitoring proposals are in place, satisfying the requirements of the planning condition.

I have no objection to this condition being discharged.

United Utilities

As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of any potential risks to ensure the longevity of the surface water drainage system and the service it provides to people. We therefore only recommend that the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system.

United Utilities cannot provide comment on the design, management and maintenance of an asset that is not in our ownership and therefore we cannot be involved in discharging this condition. Could I therefore suggest that you speak to the Lead Local Flood Authority to assess the proposals and if satisfied they discharge the planning condition.

Cumberland Council – Open Space Team

We commented on Daleview Gardens at the application stage and made a pitch for £83K for off-site play provision, which was approved.

A detailed Landscape Plan has been prepared by Westwood Landscapes. The plan appears to be detailed and well-specified (I am a Landscape Architect by training, albeit many years ago) so I have no specific comments. However, it is somewhat hard to comment meaningfully solely on a desk-top review. Ensuring a high-standard of implementation in accordance with the submitted plan would be my main comment.

A proposal for an on-site play area has been submitted by Kompan which comprises four timber items forming a mini trim-trail. Does this fulfil the requirement for on-site play provision as per Condition 16? The equipment provided is so cursory it seems little more than a token gesture. This seems like a missed opportunity, particularly as there is no shortage of space in the designated area. Again, nothing much to comment on.

Planning Policy

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

Copeland Local Plan 2021 - 2039 (LP):

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2001-2016.

Planning approval 4/23/2313/0F1 was determined under the previous Local Plan, however this current discharge of conditions application is being considered under the Copeland Local Plan 2021-2016 as this now forms the development plan.

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

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

Strategic Policy H1: Improving the Housing Offer

Strategic Policy H2: Housing Requirement

Strategic Policy H3: Housing Delivery

Strategic Policy H4: Distribution of Housing



Cumberland Council

Strategic Policy H5: Housing Allocations

Policy H6: New Housing Development

Policy H7: Housing Density and Mix

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2: Local Nature Recovery Networks

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

Other Material Planning Considerations

National Planning Policy Framework (2024)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2021 (SHMA)

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

Copeland Borough-Wide Housing Needs Survey (2020)

Assessment

This current application seeks to discharge conditions 13, 16 and 17 of planning permission 4/23/2313/0F1.

Condition 13:

This condition seeks to discharge the requirement for the development to provide a sustainable drainage management and maintenance plan for the lifetime of the development. Based on the details submitted with this application, the LLFA have confirmed that this condition can be discharged.

Condition 16:

This condition seeks to discharge the requirements for the development to provide a scheme detailing the layout and design, including play equipment specifications, of the approved trim trail for the development.

The original application was approved subject to a S016 agreement to secure several

	financial contributions, including £83,000 for off-site play provision. An on-site trim trail was also approved to provide play provision within the development. Whilst concerns have been raised from the Council's Open Space team in relation to the level of equipment provided, the proposed trim trail specification is considered acceptable given the context of the site and financial contribution for off-site play provision previously secured to be utilised to improve existing playgrounds in the area under Council ownership. It is therefore considered that this condition can be discharged. <u>Condition 17:</u> This condition seeks to discharge the requirement for the development to provide a Travel Plan. Based on the details submitted with this application, the Highway Authority have confirmed that this condition can be discharged. <u>Conclusion:</u> It is therefore confirmed that conditions 13, 16 and 17 of planning permission 4/23/2313/0F1 can be discharged.	
8.	Recommendation: Approve discharge of conditions 13, 16, and 17.	
Case Officer: C. Burns		Date : 28.07.2026
Authorising Officer: N.J. Hayhurst		Date : 30.07.2026
Dedicated responses to:- N/A		