



**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/20/2434/OF1
2.	Proposed Development:	DROP EXISTING KERB TO CREATE VEHICLE ACCESS AND CONVERT CURRENT GARDEN AREA TO DRIVEWAY
3.	Location:	43 GHYLL GROVE, LOWCA, WHITEHAVEN
4.	Parish:	Lowca
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: NO Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: INTRODUCTION <p>The application site is located within a well-established residential area within the village of Lowca with the main host property forming that of a two storey semi-detached property.</p> PROPOSAL <p>This application seeks planning permission for the creation of a vehicular access with a dropped kerb and driveway to the front - western boundary of the site.</p> CONSULTATION RESPONSES <p>Lowca Parish Council – No response</p> <p>Cumbria Highways responded with the consolation comments:</p> <p>Cumbria County Council as the Highways Authority and the Lead Local Flood Authority (LLFA) has reviewed the above planning reference and in an email received on the 20th January 2021 from them, they confirmed that the development was acceptable, subject the attachment of a condition</p>	

requiring the visibility splays to be constructed before the general development of the site commences.

Public Representation

The application has been advertised by way of a neighbour notification letters issued to 2 no. properties.

No comments have been received as a result of this public consultation process.

PLANNING POLICY

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

Development Plan

Copeland Local Plan 2013-2028 (Adopted December 2013)

Core Strategy

Copeland Borough Local Plan 2013 – 2028

- Policy ST1 – Strategic Development Principles
- Policy ST2 – Spatial Development Strategy

Development Management Policies (DMP)

- Policy DM10 – Achieving Quality Place
- Policy DM11 - Sustainable Development Standards
- Policy DM12 - Standards for New Residential Developments
- Policy DM18 – Domestic Extensions and Alterations
- Policy DM 24 - Development Proposals and Flood Risk

Other Material Planning Considerations

NPPF 2019

Cumbria Development Design Guide

ASSESSMENT

The main material planning considerations within this application is the impact of the proposed dropped kerb and vehicular access upon highway safety and flooding within the local area.

The Principle of Development

The principle of the development accords in general terms with the aims of Policy ST1 and section 12 of the NPPF, both of which seek to promote high quality designs. Policy DM10 and DM18 seek to

	<p>ensure domestic alterations are of an appropriate scale and design which is appropriate to their surroundings and do not adversely affect the amenities of adjacent dwellings.</p> <p><u>Residential Amenity</u></p> <p>Policy ST1, Policy DM18 and section 12 of the NPPF seek to safeguard good levels of residential amenity of the parent property or adjacent dwellings.</p> <p>The host property would retain a decent level of amenity garden land to the side and rear of the property and the proposed driveway would not cause any adverse or harmful impact upon the amenity of the immediate neighbours in terms loss of privacy or overlooking.</p> <p>On this basis, the proposal is considered to meet policy DM18 and the NPPF guidance.</p> <p><u>Character</u></p> <p>The creation of the dropped kerb and vehicular access to allow vehicles to park on the driveway to the front of the host property is not considered to cause a harmful impact upon the character of the local area.</p> <p>Based upon the above consideration, it is considered that the design and scale of the proposed development would not cause any harmful impact upon the character of the local area.</p> <p>On this basis, the proposal is considered to meet DM18 (A) policy and the NPPF guidance</p> <p><u>Highway Safety and Flood Risk</u></p> <p>As part for the consultation process, Cumbria Highways and Lead Flood Authority were invited to comment upon the application. The reply received confirmed that they had no objection to the application subject to the attachment of a condition to require the visibility splays being implemented before the development is brought into use.</p> <p>Based upon the above comments received, it is considered that the development complies with the aims and objectives of the Development Management DM 24 – Development Proposals and Flood Risk and is therefore acceptable.</p> <p><u>Conclusion</u></p> <p>Overall, this is considered to be an acceptable form of development which accords with the policies set out within the adopted Local Plan and the guidance in the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>

9.	<p>Conditions:</p> <p>1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <p>2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -</p> <p>The Site Location Plan received with the application on the 28th October 2020 The Proposed Vehicle access plan received with the application on the 28th October 2020 Scale 1:100 The proposed Vehicle Crossing Plan received with the application on the 28th October 2020 The Visibility Splays Plan – 43 Ghyll Grove, Lowca, sent to Highways on the 17th December 2020</p> <p>Reason</p> <p>To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p> <p>3. The driveway and access hereby approved shall not be used until the splays as shown on drawing no Highway Plan 43 Ghyll Grove17.12.2020 have been provided. 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 shall be erected, 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. Once constructed the visibility splays shall be retained in accordance with the approved details at all times thereafter</p> <p>Reason</p> <p>In the interests of highway safety and to support Local Transport Plan Policies: LD7, LD8</p>
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Informative

The applicant / developer should ensure that measures are taken to prevent surface water discharging onto or off the highway to the satisfaction of the Highway Authority.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Case Officer: Adrian Adams

Date : 22.01.2021

Authorising Officer: N. J. Hayhurst

Date : 28/01/2021

Dedicated responses to:- N/A