

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2399/0F1
2.	<b>Proposed Development:</b>	ADDITION OF A DRIVEWAY AND PAVEMENT CROSSING FOR DISABILITY ACCESS
3.	<b>Location:</b>	7 STATION ROAD, DRIGG
4.	<b>Parish:</b>	Drigg and Carleton
5.	<b>Constraints:</b>	<p>ASC;Adverts - ASC;Adverts,</p> <p>Coal - Off Coalfield - Data Subject To Change,</p> <p>Key Species - Potential areas for Natterjack Toads,</p> <p>DEPZ Zone - DEPZ Zone,</p> <p>Outer Consultation Zone - Drigg 3KM,</p> <p>Outer Consultation Zone - Sellafeld 10KM,</p> <p>PROWs - Public Right of Way</p>
6.	<b>Publicity Representations &amp;Policy</b>	See Report
7.	<b>Report:</b>  <b>SITE AND LOCATION</b>  <p>This application site relates to 7 Station Road, a semi-detached bungalow situated within the hamlet of Drigg.</p> <p>There are a number of residential properties within this locality and Drigg Station is located to the south-western elevation of the property approximately 100m away.</p> <p>The property benefits from a reasonable sized curtilage area to the front which is bound by an existing hedgerow. There are no existing parking arrangements to the host dwelling. The property also benefits from a reasonable sized curtilage area to the rear elevation.</p>	

## **PROPOSAL**

Planning permission is sought for the installation of driveway within the curtilage area to the front of the property to provide a disabled access. This proposal includes the removal of the existing hedgerow to provide access for the driveway.

The driveway will be finished with permeable block paving.

## **RELEVANT PLANNING APPLICATION HISTORY**

None

## **CONSULTATION RESPONSES**

### Drigg and Carleton Parish Council

Provided the boundary hedge is cut back so as to not impede visibility onto the highway, Drigg and Carleton Parish Council would have no objections to the proposal.

### Highways Authority

We requested further information and having received this we are content that the amended proposed visibility splays looking North East are no longer crossing over 3<sup>rd</sup> party land. With this in mind, we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere. A condition is proposed.

### Public Representations

The application has been advertised by way of 6 neighbour consultations being sent and a site notice being placed.

One letter of representation has been received as a result of this consultation process. Their main concerns relate to the surface water drainage, the stability of the boundary hedge, reduction of privacy, concerns with the dropped kerb, lack of information on details of gates, pavement crossings and gas mains. The details listed on the application form are also stated to be incorrect.

## **Planning Policy**

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

## **Development Plan**

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

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

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

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

### **Copeland Local Plan 2021 - 2039 (LP):**

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

The LP was adopted by Cumberland Council on the 5<sup>th</sup> of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

The policies relevant to this application are as follows:-

Policy DS1 – Development Strategy

Policy DS4 – Design and Development Standards

Policy H14 – Domestic Extensions and Alterations

Policy N1 – Conserving and Enhancing Biodiversity and Geodiversity

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

Wildlife and Countryside Act 1981

## **ASSESSMENT**

The key issues raised by this proposal are the principle of development, its siting, highways impacts and the potential impacts on residential amenity etc.

### Principle of Development

The proposed application relates to a semi-detached bungalow located within the hamlet of Drigg. Policy H14 supports extensions and alterations to residential properties subject to

detailed criteria, which are considered below.

As part of a neighbour response, the applicant details were queried. The agent had placed the disabled grant officer who is a Cumberland Council Officer as the applicant and indicated them as the owner also. This information has been amended accordingly as this information was incorrect. The Grants Officer does not own the property and has not submitted the planning application, the file has been updated as appropriate.

On this basis, the principle of the development is therefore considered to be acceptable and the extension satisfies Policy HS14 of the Copeland Local Plan and the National Planning Policy Framework.

#### Siting and Design

Policy DS4 and section 12 of the NPPF seek to promote high quality designs. Policy H14 supports house alterations where the scale, design and materials of the proposed works would not adversely alter the character or appearance of the existing building, street scene or wider surrounding area.

The installation of the driveway to the front elevation seeks to remove the hedge to the front elevation. The existing hedge forms the front boundary to the site and provides a sense of enclosure to the existing property. The hedgerow forms a screening to the host dwelling. The proposal seeks to install a permeable driveway to the front elevation to accommodate disabled access into the host dwelling. There are other properties within the immediate vicinity which benefit from driveways to the front elevation. The proposal is considered to be suitably located within the site and would not impact upon the appearance of the property itself and would not impact upon the character of the area given there are similar arrangements within the area.

Given there are similar forms of development within this locality, the proposal is not considered to impact upon the character and appearance of the existing property, streetscene and the wider residential area.

On this basis, the proposal is considered to meet Policy DS4 and H14 of the Copeland Local Plan and NPPF guidance.

#### Residential Amenity

Policy H14 and section 12 of the NPPF seek to safeguard good levels of residential amenity.

To date one letter of objection has been received which sets out the following concerns: -

- Surface water drainage.
- Unstable boundary hedge.
- Reduction of privacy
- Concerns with the dropped kerb.

- Lack of information on details of gates.
- Pavement crossings and gas mains.
- Applicant details on the application form.

Additional information has been sought from the applicant to address these issues. The Agent has confirmed that there will be no alterations to the existing surface water drains, these are to remain in situ. The proposed materials for the driveway are to be of a permeable material and therefore this proposal is considered to be acceptable in relation to the surface water drainage to the site. The Highways Authority has also confirmed that no objections are raised to the proposal and the works are not considered to increase the flood risk on the site or elsewhere. Concerns were also raised in relation to the 'assumed gas services' indicated on the site plan. It is important to note that the protection of all pipework are covered within Part H of the building regulations.

Concerns were raised in relation to the instability of the existing hedge which forms the boundary between the host dwelling and the neighbouring property. The proposed works are to be sited away from the hedgerow, although Officers do acknowledge that it is within close proximity to the hedge. It is not the intention to remove the existing hedgerow that forms the boundary and the only works that are proposed involve pruning.

Also, concerns were raised in relation to the boundary hedge and the impact to the loss of privacy. It is important to note the removal of the hedge to the front elevation would not require planning consent as the works can be carried out under permitted development. Therefore, although it is acknowledged that the existing hedge provides a form of screening to the site, this falls outside the control of the LPA and could be removed at any point. The works that are being considered under this planning application relate only to the creation of the driveway access.

It has been stated that there are concerns in relation to the dropped kerb that is located outside of No 8. The installation of the dropped kerb would not require planning consent. This requires a Highways permit as appropriate, and separate permits will be required from the Local Highways Authority. Associated with this it has been stated that the pavement details are incorrect, the information submitted are section details of the dropped kerb and pavement details, however, in any instance this would not require planning consent. The Highways Authority would assess this information as part of any future Highways Permits being submitted.

Concerns have also been raised in relation to gate posts to the site. No gates are proposed as part of this submission. It should be noted that the applicant can erect a 1m high fence/gate without the need for planning permission under permitted development rights. However, given the need to secure adequate visibility to the Highway, a condition will be imposed to ensure that no gate/wall or fence is erected which exceeds 1m in height to safeguard the visibility onto the existing Highway.

On the basis of the above, the proposed works are not considered to result in any significant impact upon residential amenities of the adjoining properties.

On this basis, residential amenity issues are considered to be minimal and therefore the proposal is considered to satisfy Policy H14 and the NPPF.

#### Highway Safety

Policy H14 requires the operational car parking needs of the property to continue to be met.

The alterations to be made are to create additional parking spaces within the curtilage of the site. Concerns were originally raised by the Highways Authority in relation to the visibility splays. In response to these concerns the agent provided additional information which the Highway Authority has confirmed is acceptable. They are content that the amended proposed visibility splays looking North East are no longer crossing over 3<sup>rd</sup> party land. With this above in mind, we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere. A condition in relation to the height of the fence/wall to the boundary shall not exceed 1.05m above the carriageway level is considered to be reasonable.

On this basis, the proposal is considered to comply with Policy H14 and the Cumbria Development Design Guide.

#### Public Right Of Way

There is a Public Footpath 405016 that runs to the west of the host dwelling, the proposed works are not considered to have an impact upon the existing arrangements of the Public Right Of Way.

On this basis, the proposal is considered to comply with Policy H14 and the Cumbria Development Design Guide.

#### Ecology

Policy N1 and section 15 of the NPPF outline how the Council will protect and enhance the biodiversity and geodiversity within the Borough. These policies set out the approach towards managing development proposals that are likely to have an effect on nature conservation sites, habitats and protected species.

The application site is identifying as a potential area for natterjack toads. The application is not supported by any ecology details as the site is within the domestic curtilage of a residential property. On this basis, it is considered that this is not a habitat that is likely to contain natterjack toads and so it would not be necessary to seek an ecological survey for this minor application.

It is therefore considered that the development complies with Policy N1 of the Copeland Local Plan and the NPPF guidance.

#### Planning Balance and Conclusion



## Cumberland Council

	<p>The application seeks to install a driveway to the front of the property to allow for disabled access.</p> <p>The proposed alterations are considered to be appropriate in scale and design within the street-scene and will not have any detrimental impact upon the amenities of the neighbouring properties, highway safety or ecology.</p> <p>On balance, the proposed works are acceptable which accord with the policies set within the Copeland Local Plan and the guidance in the NPPF.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"><li>1. The development hereby permitted must commence before the expiration of three years from the date of this permission.</li></ol> <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> <ol style="list-style-type: none"><li>2. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them:-<ul style="list-style-type: none"><li>- Application Form, received 20/12/2024;</li><li>- Dwg No 03 Rev P2 – Proposed Visibility Splays, received 16/01/2025;</li><li>- Dwg No 01 Rev P1 – Site Location Plan and Block Plan, scale 1:1250 and 1:50, received 17/12/2024;</li><li>- Dwg No 02 Rev P1 – Kerb and Footway Details, received 17/2/2024.</li></ul></li></ol> <p>Reason</p> <p>To conform with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p> <ol style="list-style-type: none"><li>3. Any existing highway fence/wall boundary shall be reduced to a height not exceeding 1.05m above the carriageway level of the adjacent highway in accordance with details</li></ol>

submitted to the Local Planning Authority and which have subsequently been approved before the development is brought into use and shall not be raised to a height exceeding 1.05m thereafter.

**Reason**

In the interests of highway safety.

**Informative**

The Council seek to highlight that their planning decision has been determined based on the merits of the submitted evidence and the proposal. Should any protected species be discovered during the course of implementing the development works, then under the provisions of the Wildlife and Countryside Act 1981, works should cease and further guidance should be sought from Natural England at:

Natural England  
County Hall, Spetchley Road  
Worcester  
WR5 2NP

Email: [enquiries@naturalengland.org.uk](mailto:enquiries@naturalengland.org.uk)

Telephone: 0300 060 3900

The Council emphasise that any harm to a protected species or its habitat constitutes a criminal offence under the above statutory Act and may be subject to legal prosecution.

**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.





**Cumberland  
Council**

<b>Case Officer: K. Bamford</b>	<b>Date : 23/01/2025</b>
<b>Authorising Officer: N.J. Hayhurst</b>	<b>Date : 27/01/2025</b>
<b>Dedicated responses to:-</b>	