

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2106/0F1
2.	Proposed Development:	INSTALLATION OF DOUBLE DRIVEWAY (RETROSPECTIVE)
3.	Location:	TY OEN, HAGGET END, EGREMONT
4.	Parish:	Egremont
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM
6.	Publicity Representations &Policy	See Report
7.	Report: Site and Location <p>The application site comprises a two storey detached dwelling house, situated within Egremont.</p> <p>The application property fronts onto Grove Road, a classified road and main route through the town, towards St Bees village.</p> <p>The dwelling is situated to the northern side of Grove Road. The property has a front garden, which has been tarmacked and is the subject of the current application. The tarmacked area provides off street parking for two cars. The driveway is on a slight incline such that it is elevated to the highway.</p> Proposal <p>The application seeks retrospective consent for the retention of a double driveway which has been installed to the front of the property. The application details indicate that prior to the works, there was a single off street parking space available to the front of the property. A</p>	

shed and fence were also in place, separating the off street parking space from the remaining front garden. The driveway has since been widened to provide additional space and a tarmac finish applied. A surface water drain has also been fitted to the front of the driveway, alongside the public pavement. The fence and shed have been removed.

Relevant Planning History

N/A

Consultation Responses

Town Council

No objections, however, Councillors feel it should be pointed out that advice is free and should always be sought prior to any work to check if planning permission is required.

Local Highway Authority and Lead Local Flood Authority

No objections to the proposal 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.

Public Representations

The application has been advertised by way of neighbour notification letters issued to adjacent properties. No comments have been received as a result of this consultation process.

Planning Policies

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.



Cumberland Council

Copeland Local Plan 2021 - 2039 (LP):

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

The Local Plan 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.

The policies relevant to this application are as follows:-

Policy DS4: Design and Development Standards

Strategic Policy DS6: Reducing Flood Risk

Policy H14: Domestic Extensions and Alterations

Policy CO7: Parking Standards

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

Assessment

The key issues raised by this proposal are the principle of development, its design and the potential impacts on highways safety and flood risk.

Principle of Development

The proposed application relates to a residential dwelling within Egremont. The development provides a double driveway to the front of the property.

Policy H14 of the Copeland Local Plan supports domestic extensions and alterations to residential properties subject to detailed criteria, which are considered below.

The principle of development is therefore accepted within the context of Policy H14 of the Copeland Local Plan.

Design

Policy H14 of the Copeland Local Plan indicates that developments within the curtilage of existing properties will be permitted, provided that they would not adversely alter the existing building, street scene or wider surrounding area. Policy DS4 of the Copeland Local Plan indicates that all new development proposals should meet high quality standards.

The proposal relates to the installation of a double driveway to the front of the property. The driveway has been finished with tarmac.

There are other examples of the use of tarmac to create off street parking in this part of Grove Road. The finish of the driveway is compatible with adjacent development. The design of the development would not, therefore, adversely alter the existing building, street scene or wider surrounding area.

The proposal therefore complies with Policies DS4 and H14 of the Copeland Local Plan in this regard.

Highway Safety

Policy CO7 of the Copeland Local Plan requires that all new development provide adequate parking provision. Policy DS4 of the Copeland Local Plan sets out that developments must not give rise to severe impacts on highways safety and/ or a severe impact on the capacity of the highway network and allow for safe access and manoeuvring of refuse and recycling vehicles.

The proposal has increased the off street parking provision available to the dwelling. The removal of the shed and fence, which were positioned alongside the public highway, increases the visibility for vehicles leaving the driveway, improving highways safety.

As the proposal is on private land, the development would not prevent safe access and manoeuvring of refuse and recycling vehicles.

The Highway Authority has raised no objections to the proposal.

The proposal therefore complies with Policy CO7 of the Copeland Local Plan in this regard.

Flood Risk

Strategic Policy DS6 of the Copeland Local Plan looks to ensure flood risk is reduced and mitigated through appropriate measures within development.

A surface water drain is in place to the front of the driveway to prevent surface water run off onto the public highway. This measure is considered suitable to safeguard against food risk.

The proposal therefore complies with Policy DS6 of the Copeland Local Plan in this regard.

Biodiversity Net Gain

Biodiversity Net Gain is mandatory from 12 February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). The statutory framework for biodiversity net gain involves discharge of the biodiversity net gain condition following the grant of planning permission, to ensure the objective of at least 10% net gain will be met for a development.

The application details indicate that it is believed that if permission is granted for the development to which the application relates, the biodiversity net gain condition would not apply.

There are exemptions to the biodiversity net gain requirement. An exemption applies to development which is the subject of a householder application. It is therefore accepted that the biodiversity net gain condition should not be applied in this case.

Planning Balance and Conclusion



Cumberland Council

	<p>The installation of a double driveway to the front of the dwelling is of an appropriate design for the site and locality, which would preserve the amenities of the area and highways safety.</p> <p>The proposal is therefore considered an acceptable form of development which complies with the policies of the adopted Local Plan.</p>
8.	<p>Recommendation:</p> <p>Approve</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none">1. This permission relates to the following plans and documents received on the respective dates and development must be carried out in accordance with them: Application Form, received 24th March 2025 Site Location Plan, scale 1:1250, received 24th March 2025 Site Layout Plan, scales 1:50 and 1:10, received 24th March 2025 Supporting Photographs, received 24th March 2025 <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>Informative Note</p> <p>Biodiversity Net Gain – Exemption</p> <p>The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:</p> <ol style="list-style-type: none">(a) a Biodiversity Gain Plan has been submitted to the local planning authority, and(b) the local planning authority has approved the plan. <p>The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.</p> <p>Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply. Applicable exemption: Householder development.</p>

	<p>Statement</p> <p>The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against, primarily, the development plan policies, any duties applicable and also all material considerations, including Local Plan policy, the National Planning Policy Framework and any stakeholder representations that may have been received. In this context, having identified matters of concern with the application as originally submitted and, if applicable, following negotiations with the applicant, acceptable amendments and solutions to the proposal have been received. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.</p>
<p>Case Officer: L. White</p>	<p>Date : 13/05/2025</p>
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 19/05/2025</p>
<p>Dedicated responses to:- N/A</p>	