

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2258/0F1
2.	<b>Proposed Development:</b>	REMOVE A SECTION OF THE FRONT GARDEN WALL TO ALLOW IMPROVED VEHICULAR ACCESS
3.	<b>Location:</b>	BALI HAI, HARBOUR VIEW, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Key Species - POTENTIAL AREA for the Small Blue
6.	<b>Publicity Representations &amp;Policy</b>	See Report
7.	<b>Report:</b>  <b>Site and Location</b>  <p>The application site comprises a single storey detached dwelling house, situated in Whitehaven. Access to the property is available via a no through spur road, which forms part of the highway at Harbour View.</p> <p>The dwelling is situated on sloping land, such that the highway is elevated to the dwelling and gardens. Similarly, Harbour View itself is on a significant gradient. A junction to the south east corner of the site connects the spur road to the remainder of Harbour View and High Road.</p> <p>The dwelling has front and rear gardens. A single garage is positioned to the west side with a driveway to the front. A pedestrian access is also in place to the front, close to the south west corner.</p> <b>Proposal</b>  <p>The application seeks consent for the removal of a section of front wall to create a vehicular access. The submitted details indicate 4m of front wall would be removed, to the south west</p>	

of the site.

### **Relevant Planning History**

N/A

### **Consultation Responses**

#### Town Council

No response to date.

#### Local Highway Authority and Lead Local Flood Authority

Indicate that further information is needed in relation to visibility splays, pedestrian visibility and drainage details.

#### 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.

### **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



## Cumberland Council

the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2001-2016.

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 Whitehaven. The development would provide a new vehicular access from the main highway.

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 the 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 should meet high quality standards.

The proposal relates to the installation of a vehicular access to the front of the property. A 4 metre section of wall would be removed from the front boundary to create the access point. Natural limestone paving would be used to create the driveway.

Although the proposal would result in a section of wall across the site frontage being removed, the site is not subject to any protective designation, with permitted development

rights in place at the property that would permit the removal of this wall outside the control of the planning system. Similarly, the proposed driveway would be finished with a permeable finish, which could be installed outside without planning permission. On this basis, the proposal is considered an acceptable form of development in terms of scale and design.

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 would increase the off street parking provision available to the dwelling. The access would be available via Harbour View, which is an unclassified road.

Although the Highways Department requested additional details provided in relation to visibility, given that the proposed access would be formed from an unclassified road, and therefore could be formed outside the control of the planning system, it has not been considered necessary to secure these details within the current application process. A note advising the applicant of additional permitting requirements is suggested to be attached to any planning decision.

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.

The application site is within Flood Zone 1. The submitted details do not indicate the development would increase the risk of flooding on or around the site.

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.



## Cumberland Council

	<p>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.</p> <p><b>Planning Balance and Conclusion</b></p> <p>The installation of a new vehicular access to the front of the dwelling is of an appropriate design for the site and locality, which would preserve the amenities of the area.</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><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 received on the respective dates and development must be carried out in accordance with them:</li></ol> <ul style="list-style-type: none"><li>- Application Form, received 21st July 2025</li><li>- Site Location Plan, scale 1:1250, received 21st July 2025</li><li>- Proposed Aerial Elevation, scale 1:100, received 11th December 2025</li><li>- Proposed East Elevation, scale 1:100, received 11th December 2025</li><li>- Proposed North Elevation, scale 1:100, received 11th December 2025</li><li>- Proposed West Elevation, scale 1:100, received 11th December 2025</li></ul> <p>Reason</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.

## **Informative Notes**

### **Biodiversity Net Gain – Exemption**

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:

- (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and
- (b) the local planning authority has approved the plan.

The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

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.

### **Highways**

Any works within or near the Highways must be authorised by the Council and no works shall be permitted or carried out on any part of the Highway including verges, until you are in receipt of an appropriate permit from the LHA Streetworks team.

<https://www.cumberland.gov.uk/parking-roads-and-transport/streets-roads-and-pavements/street-licences-and-permits/street-permit-and-licence-fees-and-charges>

Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.



## Cumberland Council

### Statement

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.

**Case Officer: L. White**

**Date : 11/12/2025**

**Authorising Officer: N.J. Hayhurst**

**Date : 11/12/2025**

**Dedicated responses to:- N/A**