

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2314/0F1
2.	Proposed Development:	Removal of wall to create new access and installation of tarmac driveway
3.	Location:	2 Victoria Villas, Egremont Road, Whitehaven
4.	Parish:	Whitehaven
5.	Constraints:	ASC Adverts Coal – Standing Advice
6.	Publicity Representations & Policy	See Report
7.	Report: Site and Location The application site comprises a two storey terraced dwelling house with additional accommodation within the roof space, situated within Whitehaven. The application property lies within a terrace of traditional properties at Victoria Villas. The terrace fronts onto Egremont Road, which forms part of the B5295. Each of the properties is separated from the highway by a front garden. The dwellings at numbers one, four and five have created an off street parking provision within the front garden. Proposal The application seeks consent for removal of the front wall to create a new highway access onto the classified road, and a parking area within the existing front garden. The parking space would be finished with tarmac with a stone block border and aco drains. Relevant Planning History N/A	

Consultation Responses

Town Council

No response to date.

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.

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 Whitehaven. The development would provide an access and 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 developments should meet high quality standards.

The applicant proposes to remove the existing front wall to create an access onto a classified road and the installation of a driveway to the front of the property. The driveway would be finished with tarmac.

There are other examples of similar arrangements within the terrace and wider locality. The proposed finish of the driveway would be 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 would provide an off-street parking area and highway access available to the dwelling. The site is on a relatively straight section of the B5295, providing reasonable visibility in each direction. 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. <u>Flood Risk</u> Strategic Policy DS6 of the Copeland Local Plan looks to ensure flood risk is reduced and mitigated through appropriate measures within development. The application details set out that drainage would be provided via aco drains. The Lead Local Flood Authority has raised no objections to the proposal. The proposal therefore complies with Policy DS6 of the Copeland Local Plan in this regard. <u>Biodiversity Net Gain</u> 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. 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. <u>Planning Balance and Conclusion</u> The installation of an access and 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. It would not result in any detriment to highway safety in the locality. The proposal is therefore considered an acceptable form of development which complies with the policies of the adopted Local Plan.
8.	Recommendation: Approve (commence within 3 years)

9. **Conditions:**

1. The development hereby permitted must commence before the expiration of three years from the date of this permission.

Reason

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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:

- Application Form, received 16th September 2025
- Site Location Plan, scale 1:1250, received 16th September 2025
- Block Plan, received 16th September 2025

Reason

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 Applies

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.

Coal Authority – Standing Advice

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 Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

Highways

Any works within or near the Highway 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.

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 : 30/10/2025

Authorising Officer: N.J. Hayhurst

Date : 30/10/2025

Dedicated responses to:- N/A

