

**CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION**

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| 1. | Reference No: | 4/26/2074/0F1 |
| 2. | Proposed Development: | EXTEND CURRENT DRIVEWAY, REPLACE CONCRETE WITH TARMAC AND DROP KERB TO ALLOW ACCESS (RETROSPECTIVE) |
| 3. | Location: | 13 ULDALE VIEW, 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: | <p>Site and Location</p> <p>The application site relates to 13 Uldale View, situated within Egremont. The application property lies at the end of a row of 4 terraced properties.</p> <p>Proposal</p> <p>The application seeks retrospective permission for the extension of the current driveway and replacement of the existing concrete with tarmac.</p> <p>The development is currently half tarmac and half concrete.</p> <p>Relevant Planning History</p> <p>No previous planning applications at this site.</p> <p>Consultation Responses</p> |

Egremont Town Council

No objections.

Local Highway Authority and Lead Local Flood Authority

First response

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that we have no objection in principal 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.

The proposal involves extending the existing driveway across the grassed area to the left of the property. To facilitate this, the applicant would need to reduce the height of the existing boundary dyke to 1.05 meters and back by 2 meters to allow adequate vehicle access and visibility. 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.

Second response following confirmation that the works were retrospective so had already been carried out

No comments received.

Public Representations

The application has been advertised by way of neighbour notification letters issued to 2 neighbouring properties. 1 comment was received which raised the following comments:

- I received a letter this morning from yourselves detailing a proposal for the property adjacent to mine. The letter states that this is a proposal and I have the right to make a comment on said proposal. However, the proposed work has already been completed as of the week commencing Monday 23rd February.

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



Cumberland Council

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 2001- 2016.

The policies relevant to this application are as follows:-

Policy DS4: Design and Development Standards

Policy H14: Domestic Extensions and Alterations

Strategic Policy N3: Biodiversity Net Gain

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 scale and design and impacts on amenity, the potential impacts on highways safety and biodiversity net gain.

Principle of Development

The application relates to a residential dwelling within the Egremont Area.

The development provides an access and driveway to the front of the parent property for off street parking provisions.

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.

Scale, Design and impacts on amenity

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.

This application seeks retrospective permission for the creation of a vehicle access and

driveway to the front of the property, onto Uldale View which is a classified road.

The driveway is currently half tarmac and half concrete material which measures 5.8m from the front of the dwelling and 6.35m in width. It is proposed to replace the current concrete with matching tarmac that is already laid.

The driveway is considered to be of an acceptable scale and the use of proposed matching tarmac is an acceptable material. There are other examples of similar arrangements within the terrace and wider locality. The driveway would therefore be compatible with such development. The design of the development would not, therefore, adversely alter the existing building, street scene or wider surrounding area.

One comment was received in response to the neighbour consultation which stated that that the proposed work has already been completed as of the week commencing Monday 23rd February. On this basis, the applicant was contacted and advice given that the description of the proposal needed to be amended to retrospective to reflect this. Following a re-consultation, no further comments were received.

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.

The proposal provides off-street parking area and highway access available to the dwelling which reduces on street parking dominating the area.

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) confirmed that they have no objection in principle 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. However, the proposal involves extending the existing driveway across the grassed area to the left of the property. To facilitate this, they advised that the applicant would need to reduce the height of the existing boundary dyke to 1.05 metres and back by 2 metres to allow adequate vehicle access and visibility.

Following a site visit, it was confirmed that the works are retrospective and have already been carried out, and the LHA were contacted for further comments on this aspect of the application. No further comments were received.

The proposal also seeks the installation of a dropped kerb and the applicant is advised that works carried out on any part of the Highway including Verges would require an appropriate permit from the LHA Streetworks team.

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



Cumberland Council

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| | <p><u>Biodiversity Net Gain</u></p> <p>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.</p> <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><u>Planning Balance and Conclusion</u></p> <p>This application seeks retrospective permission for the extension of the current driveway and replacement of the existing concrete with tarmac to the front of the property.</p> <p>It is considered that the driveway and access are of an appropriate scale and design for the site and locality, which would preserve the amenities of the area.</p> <p>It would not result in any detriment to highway safety or increase the flood risk on site or elsewhere.</p> <p>The proposal is not subject to BNG requirements.</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. 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: -<ul style="list-style-type: none">- Application Form, received 3rd March 2026;- Site Location Plan, scale 1:1250, received 3rd March 2026;- Driveway & Dropped Kerb Plan, received 3rd March 2026; <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 Notes</p> |

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.

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 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: Demi Crawford

Date : 24/04/2026

Authorising Officer: N.J. Hayhurst

Date : 28/04/2026

Dedicated responses to:- N/A