

**CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION**

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| 1. | Reference No: | 4/26/2107/0F1 |
| 2. | Proposed Development: | CREATION OF DRIVE WAY AND INSTALLATION OF DROPPED KERB TO PROVIDE A DOMESTIC ACCESS TO FRONT OF PROPERTY |
| 3. | Location: | 32 ENNERDALE TERRACE, WHITEHAVEN |
| 4. | Parish: | Whitehaven |
| 5. | Constraints: | ASC Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Standing Advice - Data Subject To Change |
| 6. | Publicity Representations & Policy | See Report. |
| 7. | Report: | <p>Site and Location</p> <p>The application site relates to 32 Ennerdale Terrace, a semi-detached property situated within the Kells Area of Whitehaven.</p> <p>Proposal</p> <p>Planning permission is sought for the extension of the current driveway, and create an access onto Ennerdale Road.</p> <p>The application seeks to replace the existing concrete with tarmac and extend this area across the width of the front garden and down the side access.</p> <p>The front driveway will extend 8.3m in width x 6.2m in length.</p> <p>Relevant Planning History</p> |

No previous planning applications at this site.

Consultation responses

Whitehaven Town Council

No objections.

Local Highway Authority and Lead Local Flood Authority

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows: The provision of a full width dropped kerb will reduce on street parking opportunities for other road users; however, this is considered an amenity issue rather than a highway safety concern. On this basis, no objections are raised to the proposed development. The applicant is advised to ensure that the proposed access is suitably drained to prevent any surface water discharging onto or off the highway.

Informative: If the application is approved, the applicant must not commence works, or permit any person to carry out works, on any part of the public highway until the appropriate permit has been obtained. The applicant should contact Streetworks at streetworks.cumberland@cumbria.gov.uk to apply for the necessary permit.

Public Representations

The application has been advertised by way of neighbour notification letters issued to 2 neighbouring properties. No objections have been received as a result of this consultation.

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



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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 Kells Area of Whitehaven. The development will provide 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 permission for the creation of a vehicle access and extended driveway provisions to the front of the parent property onto Ennerdale Road, which is a classified road.

The driveway is currently partially surfaced with concrete material, although the plan is to extend the driveway and replace the surfacing with tarmac. The proposed driveway is considered to be of an acceptable scale and the use of proposed material is acceptable for its

use.

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.

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 objections in principle to the proposed development, however the provision of a full width dropped kerb will reduce on street parking opportunities for other road users.

This is considered an amenity issue rather than a highway safety concern. Given that most other dwellings have driveways/off street parking arrangements, this is not considered to cause detrimental harm to amenity in this regard either.

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. An informative will be included on the decision notice to alert the applicant to this requirement.

The proposal therefore complies with Policy CO7 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.

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.



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| | <p><u>Planning Balance and Conclusion</u></p> <p>This application seeks permission for the extension of the current driveway and replacement of the existing concrete surfacing with tarmac to the front/side 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. 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 (commence within 3 years)</p> |
| 9. | <p>Conditions:</p> <p>1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <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> <p>2. 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: -</p> <ul style="list-style-type: none">- Application Form, received 7th April 2026;- Location Plan, scale 1:1250, received 7th April 2026;- Site Layout Plan, received 7th April 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> <p>Development Low Risk Area – Standing Advice – Mining Remediation Authority</p> <p>The proposed development lies within a coal mining area which may contain</p> |

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.

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.

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.



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| Case Officer: Demi Crawford | Date : 28/05/2026 |
| Authorising Officer: N.J. Hayhurst | Date : 29/05/2026 |
| Dedicated responses to:- N/A | |