

**CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/26/2127/0F1
2.	Proposed Development:	RAISE SECTION OF GARDEN TO MATCH EXISTING DRIVEWAY HEIGHT (1.5M AT DEEPEST POINT) TO IMPROVE ACCESS, EGRESS AND PARKING & CONSTRUCTION OF GABION WALL AS A RETAINING STRUCTURE
3.	Location:	STARLING BANK, LAMPLUGH
4.	Parish:	Lamplugh
5.	Constraints:	ASC Adverts - ASC;Adverts, Flood Area - Flood Zone 2, 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 Starling Bank, a detached property located off the A5086 on the Southern edge of Lamplugh Village.</p> <p>The site is accessed off the A5086 but the dwelling is set back approx. 38m from the roadside and is served by a long narrow driveway.</p> <p>The property benefits from a large curtilage which contains a cnage in levels across its , some of which slopes away from the property. The site is adjoined by two other dwellings to the South and one to the North East.</p> <p>Smithy Beck runs to the North, part of which runs through the application site.</p> <p>PROPOSAL</p> <p>Planning permission is sought to raise a section of the front garden to match the existing driveway height in order to improve access, egress and parking at the property.</p>

The extension will be 8.7m in length x 5m at its widest point which narrows to 2.2m and will be increased by 1.5m in height at its highest point.

A retaining gabion wall will be built to support the change in level proposed.

RELEVANT PLANNING APPLICATION HISTORY

No previous applications at this site.

CONSULTATION RESPONSES

Lamplugh Parish Council

No comments received.

Highways & LLFA

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that we have no objection 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 Environment Agency (EA) surface water maps indicate that the site is in flood zone 2&3. The applicant should consult with the Environment Agency regarding a flood risk assessment.

Environment Agency

We have no comments to make in respect of the proposed development. This consultation is inappropriate, and we did not need to be consulted because: National FRSA should have been applied - Minor development in FZ3.

Public Representation The application has been advertised by way of a site notice and neighbour notification letters issued to 3 no. properties – no objections were received in response to this consultation.

PLANNING POLICIES

Planning law requires 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



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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 2001- 2016.

The policies relevant to this application are as follows:-

DS4: Design and Development Standards

H14: Domestic extensions and alterations

Policy CO7: Parking Standards

Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy DS6: Reducing Flood Risk

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 design and the potential impacts on amenity, Highway safety, Flood Risk and biodiversity net gain.

Principle of Development

The application relates to a residential dwelling within the Lamplugh Area. The development will provide an extended access and driveway to the front of the parent 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.

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 seeks to create high quality developments which respond positively to the character of the site and the wider setting and states that all new development should maintain high levels of amenity.

Section 12 of the NPPF seeks to safeguard high standards of amenity for existing and future users. Developments should add to the overall quality of the area, should be sympathetic to the local character, and should establish and maintain a strong sense of place.

Developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

This application seeks permission to raise a section of the front garden to match the existing driveway height in order to improve access, egress and parking at the property. The driveway extension will be 8.7m in length x 5m at its widest point which narrows to 2.2m and will be increased by 1.5m in height at its highest point.

A retaining wall is intended to be built to support the level changes proposed, which will be constructed using galvanised steel gabion baskets. These will be filled with locally sourced, permeable stone to provide structural stability and allow natural drainage. The raised area behind the wall will be infilled with appropriate compacted granular material (Type 3 or Type 1 MOT).

The proposal is considered to be of an acceptable scale and the use of proposed material is acceptable for its use. These will not have any significant impact on the appearance of the existing building or wider street scene.

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 additional off-street parking area and highway access available to the dwelling.

The dwellings primary access is via the busy A5086, with little provision to manoeuvre to allow for a forward-facing egress off the site. The proposed works will therefore improve car parking arrangements to allow for vehicles entering the site to turn around without having to reverse onto the 60mph main road, and thus would improve highway safety for both the applicant and other road users who are driving along this part of the A5086.

The Local Highway Authority (LHA) confirmed that they have no objections in principle to the



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proposed development.

The proposal is therefore considered to satisfy Policies CO7 and DS4 of the Copeland Local Plan.

Flood Risk

Policy DS6 seeks that development will not be permitted where: there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.

The application site is marginally located within Flood Zone 2, primarily the area near to the beck located to the North. The application is therefore supported by a Flood Risk Assessment.

This assessment concludes that the beck is located approx. 40 m downslope from the proposed location of works. The proposed works are located on significantly higher ground and will be constructed using permeable materials.

The LLFA have reviewed the application have offered no objections to the proposal as it is not considered to increase flood risk to the site or elsewhere.

On the basis the proposal is therefore considered to achieve the requirement of Policy DS6 of the Copeland Local Plan, and the NPPF.

Biodiversity Net Gain

Policy N1 outlines how the Council will protect and enhance the biodiversity and geodiversity within the Borough and defines a mitigation hierarchy.

Policy N3 requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1. This is in addition to any compensatory habitat provided under Policy N1. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.

In England, BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Applications must now deliver a Biodiversity Net Gain of 10%, resulting in more or better-quality natural habitat than there was before the development. Some developments are however exempt from these BNG requirements. In this instance the development is considered exempt from BNG as this is a householder application.

On this basis, it is considered that the development complies with the requirements of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 and Policies N1 and N3 of the Copeland Local Plan and the provisions of the NPPF.

Planning Balance and Conclusion

This application seeks permission for the extension of the current driveway by raising a

	<p>section of the front garden to match the existing driveway height in order to improve access, egress and parking at 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> <ol style="list-style-type: none"> 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. <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"> 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: - <ul style="list-style-type: none"> - Application Form, received 22nd April 2026; - Site Location Plan, scale 1:1250, received 22nd April 2026; - Site Plan, scale 1:200, received 22nd April 2026; - Proposed Cross Sectional Drawing, received 22nd April 2026; - Flood Risk Assessment, received 22nd 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>



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Informative Notes

Development Low Risk Area – Standing Advice – Mining Remediation Authority

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

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.

Case Officer: Demi Crawford

Date : 16/06/2026

Authorising Officer: N.J. Hayhurst

Date : 17/06/2026

Dedicated responses to:- N/A

