

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2153/0F1
2.	Proposed Development:	CREATION OF ACCESS AND SURFACED DRIVEWAY
3.	Location:	3 VICTORIA VILLAS, EGREMONT ROAD, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	See Report.
7.	Report: Site and Location The application site comprises a two storey dwelling house situated within the Hensingham Area of Whitehaven. The application property lies within the middle of a terrace of traditional properties at Victoria Villas. The terrace fronts onto Egremont Road, which forms part of the B5295. Each of the properties along the row is separated from the highway by a front garden/driveway. The dwellings at numbers one, two, four and five have created an off street parking provision within the front garden all of which benefit from Planning Permission. Proposal The application seeks retrospective permission 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 development is finished with tarmac with a brick border and an aco drain has been installed.	

Relevant Planning History

No previous planning applications at this site.

Consultation Responses

Whitehaven Town Council

No response received.

Local Highway Authority and Lead Local Flood Authority

First response

Further Information is required for the following: Visibility Splays. The applicant needs to supply a scaled plan showing what the visibility splays are for the proposed access, in this area 43m x 2.4m measured to the nearside kerb in both directions. Pedestrian Visibility Splays. The applicant needs to supply a scaled plan showing a 2.0 metre x 2.0 metre pedestrian visibility sight splay as per Figure V11 in the Cumbrian Development Design Guide, measured from the highway boundary (or footpath boundary), in both directions from the vehicular access. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter. Upon receipt of the above information I will be able to provide a further response.

Second response

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows: We previously asked the applicant to provide further information. As proposed on Visibility Splays - Amended June 2026.

The 90m splays provided on the plan are acceptable, this is more than what we would need to see in this area. An aco drain has been proposed at the entrance of the site, we are content with this. I can confirm that we have no objections to the proposal, subject to the following recommended conditions being included in any Notice of Consent which may be issued:

Condition: The vehicular crossing over the footway, including the lowering of kerbs, shall be carried out to the specification of the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure a suitable standard of crossing for pedestrian safety. **Informative:** 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



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clear and accessible at all time.

It is advised that the LPA where possible seeks the applicant to use permeable paving for paved surfaces and driveways and other forms of permeable discharge to ground and surface water reuse/retention

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 scale and design and the potential impacts on highways safety and flood risk.

Principle of Development

The application relates to a residential dwelling within the Hensingham Area of Whitehaven.

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

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 removal of the front wall/garden and creation of a vehicle access and driveway to the front of the property, onto the classified road.

The driveway will be 5m x 8.8m between the front of the dwelling and the highway.

The driveway will be finished with tarmac with a border with a stone set border. An ACO drain has been installed across the width of the driveway at the entrance to the new driveway access adjacent to the pavement/road.

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.

The proposal provides an off-street parking area and highway access available to the



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dwelling. The site is on a relatively straight section of the B5295, providing reasonable visibility in each direction.

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.

Flood Risk

Strategic Policy DS6 of the Copeland Local Plan looks to ensure flood risk is reduced and mitigated through appropriate measures within development.

Suitable drainage has been provided via an ACO drain at the entrance to the driveway which is considered adequate provision to control surface water runoff.

The Lead Local Flood Authority advised that the LPA that where possible the applicant should be requested to use permeable paving for paved surfaces and driveways and other forms of permeable discharge to ground and surface water reuse/retention. However, given there are other driveways along this row of dwellings approved with tarmac material, and suitable drainage has been provided, it is not considered appropriate to ask the applicant to amend the proposed materials.

The proposal therefore complies with Policy DS6 of the Copeland Local Plan.

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.

Planning Balance and Conclusion

This application seeks retrospective permission for the installation of an access and driveway to the front of the dwelling.

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.

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 shall be commenced 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. 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: - - Application Form (amended), received June 2026; - Site Location Plan, scale 1:1250, received 19th May 2026; - Drainage Plan, received 19th May 2026; - Driveway Block Plan, received 19th May 2026; - Visibility Splays (additional), scale 1:500, received June 2026; 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. 3. The vehicular crossing over the footway, including the lowering of kerbs, shall be carried out to the specification of the Local Planning Authority in consultation with the Highway Authority. Reason

To ensure a suitable standard of crossing for pedestrian safety.

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.

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 : 13/07/2026
Authorising Officer: N.J. Hayhurst	Date : 14/07/2026
Dedicated responses to:- N/A	