

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2213/0F1
2.	Proposed Development:	CREATION OF NEW VEHICULAR ACCESS AND DRIVEWAY
3.	Location:	29 CROASDALE AVENUE, WHITEHAVEN
4.	Parish:	Whitehaven
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: Site and Location The application site relates to 29 Croasdale Avenue, a semi-detached dwelling situated on a residential estate within the Mirehouse Area of Whitehaven. Proposal The application seeks permission for the creation of a vehicular access and driveway area to the front of the property. The development will be finished with permeable block paving. Relevant Planning History No previous planning applications at this site. Consultation Responses <u>Whitehaven Town Council</u>	

No objections.

Local Highway Authority and Lead Local Flood Authority

First response

It is noted that the proposal includes a permeable block paved driveway. The use of permeable paving is considered acceptable and will assist in the management of surface water runoff. The visibility from the driveway needs to be 43m from a point 2m back off the kerb (2.0m is the absolute minimum for a dingle dwelling driveway). It is not clear from the submitted design whether this is achievable and if the footway is less than 2m wide the frontage fence will obscure the splay. In this scenario we would require the fence to be reduced to no more than 1.05m in height unless we can be satisfied that the footway is at least 2m wide. We can however, maintain no objection with the recommended condition below: Any existing highway fence or wall boundary within the 2m x 43m visibility splay should be reduced to a height not exceeding 1.05 metres above the carriageway level of the adjacent highway in the interests of highway safety. The reduced height should be retained thereafter and not increased without the prior approval of the Local Planning Authority

Second response

The Local Highway Authority and Lead Local Flood Authority can confirm that we have no objections to the proposal, we would however recommend that the following condition is included in any consent you may grant:

Condition 1: Any existing highway fence or wall boundary within the 2m x 43m visibility splay should be reduced to a height not exceeding 1.05 metres above the carriageway level of the adjacent highway in the interests of highway safety. The reduced height should be retained thereafter and not increased without the prior approval of the Local Planning Authority.

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.

Public Representations

The application has been advertised by way of neighbour notification letters issued to 3 properties. 4 objections were received, which have been summarised below:

- This is a busy road and there is already a high fence where the drive will be and I worry that a child could be hit due to the obstructed view when reversing out or driving



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into the driveway.

- The proposed access would create additional vehicle movements across the public pavement, which is used daily by pedestrians, including children. I am concerned that vehicles entering and leaving the driveway would increase the risk of collisions with people using the footway, particularly where visibility may be limited as the fence to the house next door is considerably higher than a council fence and will restrict view to road and pavement.
- There are also concerns regarding the safe operation of vehicles using this access. If a driver has any difficulty seeing or reacting to pedestrians, cyclists, or other road users, this could further increase the risk of an accident. The planning authority should be satisfied that the proposed access can be used safely by all road users and that adequate visibility is available in both directions.
- Given the presence of children and other vulnerable pedestrians using the pavement, I believe the proposal would have an unacceptable impact on public safety. I therefore ask the planning authority to consider these highway safety concerns carefully and to seek the advice of the highway authority before making a decision.
- I am also concerned that the footway outside the property has already suffered damage as a result of vehicles mounting or parking on the pavement. This demonstrates that the pavement is already being subjected to vehicle loading for which it was not designed. Formalising a driveway at this location is likely to increase vehicle movements across the footway, potentially causing further deterioration and creating additional maintenance costs for the public purse. The existing damage also raises concerns about pedestrian safety, particularly for children, wheelchair users, people with pushchairs and those with mobility impairments, who rely on the footway being in a safe condition.
- I am concerned that, given the proximity of the youth club, play park and football club, the volume of child pedestrians and cyclists using the footway, and the proposed vehicle crossover, there is a foreseeable risk of a collision. I ask the Highway authority to demonstrate how this access can be used safely and what measures have been taken to protect vulnerable pedestrians.
- I also question whether it is appropriate for public funds to be used to construct this vehicle crossover when there are significant highway safety concerns. If Cumberland Council Highways intends to carry out the work at public expense, I ask that the planning authority and Highway Authority explain why this represents an appropriate use of taxpayers' money, particularly where the proposal may include risks to pedestrians and children using the footway.
- If this proposal requires Cumberland Highways to construct the vehicle crossover at public expense, I ask the council to disclose the estimated cost of the works and

explain why expenditure is justified, particularly given the highway safety concerns that have been provided.

- I wish to object to this application on the grounds of public/pedestrian safety. Children walk the pavement daily for the football club, play park, school and the youth club, this driver is incapable of parking in a disabled bay with white road markings and the words DISABLED in capital letters. Having the driver reverse on or off the drive will be an accident waiting to happen. The fence joining this property is owned and significantly higher than a normal council fence which will restrict view when leaving the driveway.
- Cumberland Council Highways department have allocated a disabled bay for the proposed address, dropped kerbs and resurfaced the pathway outside of the proposed address all at public expense. The applicant has not parked in their bay correctly since 2017 (evidence available if needed) and the resurfaced pathway is an absolute disgrace and hazard with the car constantly parked on there. I believe this has been a waste of tax payers' money yet again and would welcome the response as to why more tax payer's money should be allocated to the same address. The driver of the vehicle in question and the address in question has advised a neighbour that they do not intend to use the driveway once this is in place as he is 'not the best at reversing' which is why he refused a driveway installation years prior when the kerbs were dropped. If this goes ahead using public funds/disability grant and the car is not parked on the driveway this will be the 4th occasion that Cumberland Council and the Highways department have spent tax payers money and wasted it.
- As stated, the driver has not parked correctly in the allocated disabled bay since 2017 this continues to this current day. There could be a possible eyesight issue which has been declining, possibly due to age as this has progressively gotten worse where the driver cannot view the bay he applied for and is therefore unable to park in the clearly marked disabled bay on the road. This has been raised to the DVLA as a safety issue as unsafe driving & parking is an accident waiting to happen to road users, pedestrians and cyclists.
- I welcome Ms Claire Torley (Homegroup) who has applied for this permission on the address's behalf to attend the road in question without appointment to view how the driver parks his car daily, safety issues this causes, and speak to residents of the street who will agree this proposed application is a public safety concern. I would like her to take full responsibility for any accidents that will inevitably happen should this proposed driveway go ahead.
- I object do to the high off the neighbours fence the car entering the public road won't be able to see what traffic is coming from the north to the south ie bikes as the road forms part off the cycle way from whitehaven to north east and small children walk that way and the driver won't have a clear view



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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

Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3: Biodiversity Net Gain

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, the potential impacts on highways safety, flood risk and Biodiversity Net Gain.

Principle of Development

The application relates to a residential dwelling within the Mirehouse 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 creation of a vehicle access and driveway to the front of the property.

The driveway will be 6.16 metres from the front of the property, and 3.6 metres wide. The proposal will remove the existing grass / topsoil to a suitable depth and install 60mm Armstrong Armpave Permeable Paving on 50mm layer of Type 3, 6mm open graded gravel as the laying surface for the blocks over 200mm deep sub-base of 10 - 20mm angular clean Type 3 material.

There are other examples of similar arrangements on Croasdale Avenue and the wider locality. The proposed finish is typical of driveway developments and is therefore suitable for its use, and acceptable in this context. 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 application did receive objections as a result of the consultation process which raised concerns relating to highway safety, particularly access/egress from the site given the presence of children and other vulnerable pedestrians using the pavement.

The Highway Authority has raised no objections to the proposal subject to the imposition of a Planning Condition which ensures that any highway fence or wall boundary within the 2m x



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43m visibility splay should be reduced to a height not exceeding 1.05 metres above the carriageway level of the adjacent highway in the interests of highway safety. The reduced height should be retained thereafter and not increased without the prior approval of the Local Planning Authority.

Comments relating to damage to the pavement as a result would be for the Local Highway Authority to resolve.

Issues relating to whether it is appropriate for public funds to be used to construct this vehicle crossover/whether the works are at public expense are not material planning considerations and are therefore not relevant in determining this planning application. In addition, comments regarding the use of the existing disabled bay on Croasdale Avenue and the drivers' capabilities are also not material planning considerations and are therefore not considered as part of this assessment.

On balance, the proposal complies with Policy CO7 of the Copeland Local Plan.

Flood Risk

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

The property is located within Flood Zone 2. A Householder and other minor developments in flood zones form has been submitted to support the application in this instance which confirms that suitable permeable materials are proposed and the proposed driveway level will be no lower than the existing levels, which is considered adequate provision to control surface water run off and can be controlled with the use of an appropriately worded planning condition.

The Lead Local Flood Authority has raised no objections to the proposal.

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 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 significant detriment to highway safety or increase the flood risk on site or elsewhere, subject to the imposition of two planning conditions. 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: 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. 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, received 2nd July 2026; - Site Location Plan, scale 1:1250 - As Existing and Proposed Plans and Section (amended), scale 1:1250,1:500,1:50 drawing 6170/13 01, received 2nd July 2026; - Council Driveway Details, drawing 6170/13 02, received 2nd July 2026; - Householder & Other Minor Extensions in FZ2 & 3 Form, received July 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. Before the development is occupied, the flood resilience and mitigation measures must be carried out in accordance with the Householder and Other Minor Extensions in Flood Zones 2 and 3 Form received by the Local Planning Authority in July 2026. The flood resilience and mitigation measures must be maintained thereafter.

Reason

To protect the property against flood damage in accordance with Policy DS6 of the Copeland Local Plan 2021-2039.

4. Any existing highway fence or wall boundary within the 2m x 43m visibility splay should be reduced to a height not exceeding 1.05 metres above the carriageway level of the adjacent highway. The reduced height should be retained thereafter and not increased without the prior approval of the Local Planning Authority.

Reason

In the interests of Highway Safety in accordance with Policies Co7 and DS4 of the Copeland Local Plan 2021-2039.

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 Permit 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 : 25/08/2026
Authorising Officer: N.J. Hayhurst		Date : 25/08/2026
Dedicated responses to:-		