

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2224/0F1
2.	Proposed Development:	CREATION OF VEHICULAR ACCESS (RESUBMISSION OF 4/26/2110/0F1)
3.	Location:	KIRKLAND CHAPEL, KIRKLAND
4.	Parish:	Lamplugh
5.	Constraints:	ASC Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, PROWs - Public Right of Way
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: NO Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: Site and Location The application site comprises a detached converted chapel which is now utilised as a private dwelling. There are dwellings to the east of the chapel with open fields to the west. The site is currently accessed by foot from the main road leading through Kirkland to the east. Furthermore, there is a private lane running to the rear of the dwellings on Lake View to the south of Kirkland Chapel.	

Proposal

The application seeks permission for the creation of a vehicular access, leading from Lake View to Kirkland Chapel.

The access will cross the existing pavement next to 1 Lake View, heading from east to west to the front of Kirkland Chapel. It will be used as an entrance only and includes one way traffic flow plates to prevent exit from this location. Exit from the site will be via the existing vehicular access to the rear of Lake View.

New bullnosed kerbs will be fitted on the public highway. 150mm tall kerb ramps will be installed at the step in the paving to allow access to the parking space and an EV charger will be installed adjacent to the parking area. The sliding gate leading to the rear of Lake View will remain as existing. Stone walls will be relocated to the western extent of the parking space with a pedestrian gate in between.

Relevant Planning History

Demolition of existing hall, conversion of existing chapel to a new dwelling & construction of a two storey side extension, approved in October 2007 (application reference 4/07/2514/0 relates);

Change of use of land to form extension to garden and creation of hard surfaced area, approved in February 2011 (application reference 4/10/2579/0F1 relates);

Amendment of condition 3 (boundary treatments) of planning permission 4/07/2514/0, approved in August 2012 (application reference 4/12/2313/0F1 relates).

Consultation Responses

Lamplugh Parish Council

No response received.

Local Highway Authority and Lead Local Flood Authority

First response

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows:

Cumberland Council has no objection to the proposed development. It is noted that one-way traffic flow plates will be installed to control vehicle movements, permitting inward access only. Vehicle egress will continue to be via the Lake View lane, as existing

Second response

I have reviewed the design drawings again and am satisfied with our previous assessment



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and conclusion that 'one-way traffic flow plates will be installed to control vehicle movements, permitting inward access only. Vehicle egress will continue to be via the Lake View lane, as existing' Vehicle access plates make it impossible to drive over them the wrong direction, so no egress can be made at the entrance.

Footpaths Officer

No response received.

Public Representations

The application has been advertised by way of neighbour notification letters issued to 3 neighbouring properties.

Six letters of objection have been received to the proposal with the following concerns:

- Concerns over safety of the rear lane as an access route;
- The intensification of the use of the rear access lane;
- Loss of residential amenity from the use of the lane;
- Land ownership concerns.

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 2001- 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.

Principle of Development

The application relates to a residential dwelling within Kirkland. Kirkland Chapel is currently served by pedestrian access only with any cars being parked on the road outside Lake View.

The development provides an access and driveway to the front of the 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 Neighbouring 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 removal of the front wall and gates and creation of a vehicle access and driveway to the front of the property, onto the classified road.

There are other examples of similar arrangements within Kirkland due to the street pattern being predominantly road fronting terraces. The proposed finish of the driveway would be compatible with adjacent development. The design of the development would not adversely alter the existing buildings, street scene or wider surrounding area.

Concerns were raised regarding the loss of amenity to the properties on Lake View from the proposal. It is considered that the lane at the rear can currently be used by Kirkland Chapel and therefore the addition of the access to the north of the terrace is unlikely to materially



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change the existing situation.

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 dwelling. The site is on a relatively straight section of the main road running through Kirkland, however, satisfactory visibility splays to allow egress from the access were not achievable. As such, the proposal includes one way traffic flow plates to allow for access only, with cars egressing from the existing rear lane to the west of Lake View.

On full assessment of the proposals, the Highway Authority has raised no objections to the proposal and confirmed that it would be impossible to drive over the traffic flow plates therefore limiting the use of the access to entrance only.

Objections have been received from local residents raising concerns relating to the use of the rear lane at Lake View for egress from the property. The Applicant already has access rights over this lane and therefore it is considered there will not be a material change in the existing situation. Furthermore, the Applicant could currently utilise the rear lane for both access and egress, whereas the proposal will provide an alternative access. This is likely to reduce the number of vehicle movements to the rear of Lake View.

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

Legal Rights of Way

One letter of objection was received which states that the Applicant does not have a legal right of way over the land proposed for development. The Applicant provided Land Registry documents to prove their ownership and rights of way and this is considered satisfactory for the purposes of planning. Any further issues with regards to private rights of way are considered to be a civil matter.

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 creates less than 25 square metres of development. This is known as De

	Minimis development and applies to this application. <u>Development Commencement Dates</u> The Applicant requested a five year time limit for the commencement of development, rather than the standard three year period under Section 91(1)(b) of the Town and Country Planning Act 1990. This extended period has been requested due to external infrastructure factors that are outside of the Applicant's direct control – mainly Electricity North West needing to relocate their buried assets. The Applicant states that the lead in times for utilities to undertake this kind of work are currently experiencing substantial regional delays and that a three year condition would introduce a significant risk of the permission expiring purely due to third party administrative and utility delays. On this basis, it is considered reasonable to allow a 5 year time limit on any approval of the planning application. <u>Planning Balance and Conclusion</u> This application seeks permission for the installation of an access to the front of the dwelling known as Kirkland Chapel. It is considered that the access is of an appropriate scale and design for the site and locality, which would preserve the amenities of the area. Mitigation measures can be secured to ensure that the access is only used as an entrance. Based on the comments received from the Local Highways Authority, this arrangement is satisfactory and the proposal would not result in any detriment to highway safety on site or elsewhere. Whilst local objections have been received, these have been fully considered and there are no material planning reasons to withhold planning permission for this development. The proposal is therefore considered an acceptable form of development which complies with the policies of the adopted Local Plan.
8.	Recommendation: Approve
9.	Conditions: The development hereby permitted shall be commenced before the expiration of five years from the date of this permission. Reason To comply with Section 91 of the Town and Country Planning Act 1990 as amended



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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, received 10th July 2026;
Site Location Plan, scale 1:2500, drawing number 03, received 10th July 2026;
Site Block Plan, scale 1:500, drawing number 04, received 10th July 2026;
New Access Plan and Details, scales 1:250 and 1:20, drawing number 02A, received 20th July 2026;
Design and Access Statement, received 20th July 2026;
Title Plan, received 2nd September 2026;
Registry Title, received 2nd September 2026;
Deed of Easement and Counterpart, received 2nd September 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. Prior to the first use of the access hereby approved, the one way traffic plates must be installed and brought into use in accordance with the details illustrated on the New Access Plan and Details, scales 1:250 and 1:20, drawing number 02A, received 20th July 2026. The traffic plates must be maintained and functional at all times during the lifetime of the development.

Reason

In order to ensure that traffic cannot egress to the main road in the interests of highway safety and in accordance with Policy CO7 of the Copeland Local Plan 2021-2039.

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 exemptions: De Minimis 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: Sarah Papaleo	Date : 07/10/2026
Authorising Officer: N.J. Hayhurst	Date : 16/10/2026
Dedicated responses to:-	