

**COPELAND BOROUGH COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/20/2208/0F1
2.	<b>Proposed Development:</b>	ERECTION OF A FOUR BEDROOMED RESIDENTIAL DWELLING
3.	<b>Location:</b>	PLOT 17, RUSPER DRIVE, MOOR ROW
4.	<b>Parish:</b>	Egremont
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	Site Notice: YES  Neighbour Notification: YES  Other Consultees: See Report
7.	<b>Report:</b>	<p><b>Introduction</b> A full application relating to a self-build residential site in Moor Row known as Rusper Drive. Outline planning permission was granted for erection of 26 dwellings (4/16/2206/001 refers) on this site in 2017. Development has commenced with a number of plots now completed and occupied.</p> <p><b>Proposal</b> Plot 17 is situated adjacent to the turning head at the top of the estate and was originally restricted in size and scale presenting a challenge to develop. A previous application to erect a 4 bedroom dwelling here was withdrawn for this reason (4/19/2371/0R1 refers). Planning permission however has been recently granted allowing the change of use a strip of land at the rear to form part of the residential plot. This substantially increases the plots depth by 5m, and thus size, making it more attractive and feasible to erect a dwelling to reasonable development standards.</p> <p>It is now proposed to erect a four bedroom two storey dwelling on the plot with an integral garage. The plot is roughly rectangular in shape, it tapers at the front where it measures some 12m in width widening to 18m at the rear. As a result it is necessary to set the dwelling back some 12.5m from the front boundary. Increasing the depth of this plot allows a detached dwelling to be positioned with 2m separation to each side boundary with a reasonable size of back garden thus achieving acceptable amenity standards.</p>

The plots boundaries to the north where it has been extended adjoin the public cycleway, to the west it neighbours plot 13 which is constructed and occupied and to the east plot 16 also completed. To the south it abuts part of the estate road`s hammer head.

Vehicular access will be off the estate road with off road parking and turning available in front of the dwelling.

Proposed external finishes are red St Bees sandstone to the front elevation, with an off white k rend to the remaining walls. The plinth and boundary walls will be finished in Furness Antique Orange rustic facing brick. The roof will comprise flat grey concrete tiles and fenestration white upvc.

### **Consultations**

**Egremont Town Council** – No objection as long as the LPA are satisfied that there will be no overlooking of the neighbouring plot to the east. Also, if in future, the neighbouring plot has been built out or has extant planning permission for another dwelling, Copeland is satisfied that the correct separation distances, as set out in the local plan, have not been compromised.

**Cumbria County Council, Highway Authority & LLFA** – no objections to the amended layout plan and accompanying details. Expressed initial concern re position of the proposed boundary wall and requested more detail regarding fencing height, driveway drainage and gates. The amended layout plan addresses these.

### **Other**

No consultation responses have been received to date in relation to neighbour notification or the site notice erected.

### **Planning Policy**

#### **Copeland Local Plan 2013-2028**

The Core Strategy and Development Management Policies DPD (known as the Copeland Local Plan 2013 – 2028) was adopted in December 2013.

The Policies in the local plan are a material consideration when determining planning applications and carry significant weight. In respect of this application the following policies are considered relevant:

#### Core Strategy

Policy ST1 Strategic Development Principles - sets out the fundamental principles that will achieve sustainable development. It also seeks to ensure that development creates a residential offer which meets the needs and aspirations of the Boroughs housing markets.

Policy ST2 sets a spatial development strategy for the Borough whereby development should be guided to the principle settlement and other centres and sustain rural services and facilities.

Policy SS1 seeks to improve the housing offer across the Borough.

Policy SS2 seeks to achieve sustainable housing growth by focussing new housing development within accessible locations to meet the needs of the community.

Policy SS3 requires developers to demonstrate the provision of a balanced mix of housing types.

#### Development Management

Policy DM10 requires new development to be of a high standard of design to enable the fostering of 'quality places'. In doing so development should respond positively to the character of the site and it's immediate and wider setting, paying careful attention to scale, massing and arrangement. Likewise, development should create and maintain reasonable standards of general amenity.

Policy DM11 requires development proposals to reach high standards of sustainability. This includes requiring housing to be of an appropriate density, although it does state that a lower density may be acceptable where it reflects the form and character of development in the surrounding area.

Policy DM12 sets out specific design standards for new residential development including the need to retain appropriate separation distances.

#### **National Planning Policy**

The Governments Planning Policies are set out in the revised National Planning Policy Framework (NPPF) 2019. This advocates that the purpose of the planning system is to contribute to the achievement of sustainable development.

The NPPF constitutes guidance for local planning authorities and in respect of development control is a material consideration in determining planning applications. It does not change the status of the development plan and the planning system remains plan led – requiring that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

#### **Assessment**

This is a full application seeking permission for a detached 4 bedroom dwelling on plot 17. A full application is required as the original application boundary has been altered to accommodate the approved 5m extension to the depth of the plot.

In terms of principle it is accepted that this has already been established by virtue of the outline permission. All the pre-commencement conditions and other relevant conditions have also been discharged and the terms of the S106 met so it is considered not necessary to repeat any of these.

The concerns expressed by the Town Council have been satisfactorily addressed. There will be no

	<p>direct overlooking from the proposed dwelling to neighbouring plots 16 and 18. Whilst there are ground floor windows on both side elevations these will not be an issue as mitigation in the form of 1.8m high boundary fencing is required by condition on both of these plots, as such it was considered that a specific condition to require these for this plot was not necessary.</p> <p>As there is potentially scope for overlooking of the neighbouring plot to the east via a first floor bedroom window on this elevation it is considered that a condition requiring provision of obscure glazing to this window in perpetuity will provide adequate mitigation and protect neighbouring amenity, specifically plot 18. Also adequate separation distances have been achieved.</p> <p>Taking the above into account, the proposal is considered to satisfactorily accord with the relevant local and national planning policies as well as the development standards set out in Policy DM12 of the Local Plan and represents an acceptable form of development on this plot.</p>
8.	<p><b>Recommendation:</b> Approve (commence within 3 years)</p>
9.	<p><b>Condition(s):</b></p> <ol style="list-style-type: none"> <li>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> </li> <li>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>Site Location Plan, scale 1:2500, received 8 June 2020  Design Access Statement Plot 17 Rusper Drive, by RW Ford, Agent, received on 8 June 2020.  Amended Site Plan, scale 1:200, received 22 July 2020.  Plans and Elevations, scales 1:50, 1:100 &amp; 1:20, drg no. HM/001/20, dated 30 May 2020, received 8 June 2020.</p> <p>Reason</p> <p>To conform with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p> </li> </ol>

3. The first floor bedroom window on the side elevation to the east shall be obscure glazed prior to the first occupation of the dwelling hereby approved. Once installed this obscure glazing shall be retained in perpetuity.

Reason

To protect the amenities of the neighbouring residents.

4. The dwelling shall not be occupied until the estate road including footways serving the dwelling has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.

Reason

In the interests of highway safety.

5. The dwelling shall not be occupied until the onsite parking provision has been completed.

Reason

In the interests of highway safety.

6. The height of the front boundary wall shall be a maximum of 1.05m above the level of the adjacent carriageway surface including the pillars.

Reason

In the interests of highway safety.

7. Full details of the driveway construction shall be submitted to and approved in writing by the Local Planning Authority before construction commences. The approved details shall be implemented prior to the dwelling being occupied and shall be maintained operational thereafter.

Reason

To ensure the driveway is adequately drained and constructed in the interests of

Highway safety.

8. Any gates if erected shall be hung to open inwards away from the highway.

Reason

In the interests of highway safety.

**Informative – Coal Mining Area**

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 Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

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**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: H.S. Morrison**

**Date : 01/08/2020**

**Authorising Officer: N.J. Hayhurst**

**Date : 03/08/2020**

**Dedicated responses to:- N/A**