

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/20/2256/OR1
2.	Proposed Development:	RESERVED MATTERS APPLICATION FOR DETACHED DWELLING (ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) FOLLOWING OUTLINE APPROVAL 4/16/2206/001 (OUTLINE FOR 26 DWELLINGS)
3.	Location:	PLOT 15, RUSPER DRIVE, MOOR ROW
4.	Parish:	Egremont
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	See Report
7.	<p>Report:</p> <p>Introduction</p> <p>A Reserved Matters application relating to a residential development on a former greenfield site known as Rusper Drive, Moor Row. Outline planning permission was granted for erection of 26 dwellings originally comprising 22 self-build plots and 4 affordable units in August 2017 (4/16/2206/001 refers). The affordability requirement was then removed from the accompanying S106 following agreement at Planning Panel on 19 December 2018.</p> <p>Proposal</p> <p>It is the intention to erect a large two storey house with 5 bedrooms and an integral double garage on a reasonably sized plot situated adjacent to the turning head at the top of the estate road. To the north, the plot adjoins 13, Rusper Drive (formerly plot 16), a detached dwelling which is erected and occupied, and to the west it abuts part of an area set aside for a drainage swale and private access. To the south it neighbours the rear boundary of plot 4 Clarack Drive which is part of the estate, and to the east it adjoins plot 14. Applications for the development of detached dwellings on both these latter plots have recently been received and are pending.</p> <p>Vehicular access will be off the estate road with parking and turning on site adjacent to the garage.</p> <p>Proposed external finishes comprise white k rend to all the walls under a flat grey tiled roof with grey plastic windows and doors.</p>	

Consultations

Egremont Town Council – expressed concern regarding the separation distances between neighbouring plots 3 and 4 and possible potential for overlooking. However, they raise no objections as long as the Local Planning Authority are satisfied that the proposed design will not cause any inappropriate harm to residential amenity of these plots and they are satisfied that the proposed window for bedroom 5 will be at least 21 metres away from any window of habitable rooms on plots 3 & 4. *For comments in response please see 'Assessment' Section of the report.*

Cumbria County Council, Highway Authority & LLFA – *no objection subject to the amended block plan which details drainage and boundary details.*

Other Representations

No other representations have been received.

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.

Policy ST2 sets a spatial development strategy for the Borough.

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

Development Management

Policy DM12 sets out specific design standards for new residential development including the need to retain appropriate separation distances. As this is a reserved matters application which seeks consent only for the detailed design of the house this policy is particularly relevant.

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 challenging plot to develop with constraints due to the position of the plot in relation to plot 14, to a lesser extent plots 4 and 3 of Clarack Drive to the south, and the fact that a 6m easement (i.e. no build zone) exists adjacent to the plots northern boundary which together restrict the area available for erecting the dwelling.

As a result of lengthy negotiations it is considered that the optimum position for the dwelling on this plot is one where the majority of the front elevation faces plot 14. Whilst not ideal, potential for overlooking at ground floor level along the south eastern side from the proposed living room is adequately mitigated by a 6m separation distance from the front elevation and front boundary and the part erection of a 2.0m close boarded boundary fence/ wall that can be controlled in perpetuity by a condition.

Whilst there will be some element of perceived overlooking from first floor bedroom windows this will be offset by the use of tinted glass. Added to this, the application for plot 14, which is currently pending, shows the position of the dwelling on this plot as being sited substantially over to the east with a blank gable facing plot 15 and a separation distance here to the boundary with plot 15 of 8m. This achieves a total separation distance of 14m between the side gable of plot 14 and the front elevation of the proposed dwelling on plot 15 which meets and exceeds the 12m minimum separation distance requirement of Policy DM12.

As regards plots 4 and 3 Clarack Drive to the south and the concerns raised by the Town Council, there is a proposed separation distance of 1.4m between the side boundary of plot 15 where it adjoins these plots and the gable end of the dwelling which more than meets the 1m minimum separation distance required by Policy DM12. In relation to the first floor bedroom window it is now proposed that it will comprise obscure glazing which can be governed in perpetuity by an appropriate condition. It is also intended that a 2m high close boarded fence/wall will be erected on this boundary to further improve neighbouring privacy.

Conclusion

In summary, although this a large dwelling, it is considered that it can be accommodated on this plot with adequate separation distances being achieved to ensure a reasonable standard of amenity is obtained with neighbouring plots.

Taking the above into account, it has been demonstrated that the proposal more than meets the housing standard development requirements of Policy DM12 of the Copeland Local Plan and as such is considered to comprise an acceptable Reserved Matters application for the erection of one detached dwelling on an approved plot at Rusper Drive, Moor Row.

8.	Recommendation: Approve Reserved Matters
9.	Condition(s): <ol style="list-style-type: none"> <li data-bbox="183 394 1498 659"> <p>1. The development shall be carried out in accordance with the plans submitted and in accordance with the conditions attached to the outline planning permission.</p> <p>Reason</p> <p>To comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p> <li data-bbox="183 743 1498 1247"> <p>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> <p>Amended Floor Plans and Elevations (Proposed) drawing no. 001 revision N, scales 1:100, 1:200 & 1:500, received 27 November 2020. Location Plan, Proposed Housing at Moor Row, Section 38 Drawing no. B8845/10 revision A, scale 1:250, received 13 July 2020.</p> <p>Reason</p> <p>To conform to 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 data-bbox="183 1331 1498 1596"> <p>3. 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.</p> <p>Reason</p> <p>In the interests of highway safety.</p> <li data-bbox="183 1680 1498 1822"> <p>4. Before the dwelling is occupied a 1.8m high close boarded timber fence or wall shall be erected to the southern and eastern boundaries of the plot, details of which shall be submitted to and approved in writing by the Local Planning Authority before they are erected. The approved boundary treatment shall be retained thereafter in perpetuity.</p>

Reason

To safeguard neighbouring amenities.

5. Gates, if erected, shall open inwards only away from the highway.

Reason

In the interests of highway safety.

6. The first floor bedroom window on the side gable elevation to the south 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.

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

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

Informative – Highways

Any works within the Highway must be agreed with the Highway Authority.

No works and/or any person performing works on any part of the Highway, including verges, will be permitted until an appropriate permit has been obtained allowing such works. Enquiries should be made to Cumbria County Council's Streetwork's Team.

	<p>Statement</p> <p>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.</p>
<p>Case Officer: H. Morrison</p>	<p>Date : 27/11/2020</p>
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 27/11/2020</p>
<p>Dedicated responses to:-</p>	