

**COPELAND BOROUGH COUNCIL  
DELEGATED PLANNING DECISION**

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| 1. | <b>Reference No:</b>                         | 4/20/2306/OR1  |
| 2. | <b>Proposed Development:</b>                 | RESERVED MATTERS APPLICATION FOR THE ERECTION OF A TWO STOREY DETACHED DWELLING (ACCESS, APPEARANCE, LANDSCAPING, LAYOUT & SCALE) FOLLOWING APPROVED OUTLINE PERMISSION FOR 26 DWELLINGS   |
| 3. | <b>Location:</b>                             | PLOT 26, RUSPER DRIVE, MOOR ROW  |
| 4. | <b>Parish:</b>                               | Egremont   |
| 5. | <b>Constraints:</b>                          | ASC;Adverts - ASC;Adverts,<br>Coal - Standing Advice - Data Subject To Change  |
| 6. | <b>Publicity Representations &amp;Policy</b> | Site Notice – Yes<br><br>Neighbour Notification – Yes<br><br>Representations – See Report below  |
| 7. | <b>Report:</b>                               | <p><b>Introduction</b></p> <p>A Reserved Matters application relating to a residential development on a 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><b>Proposal</b></p> <p>The proposal is to erect a two storey detached dwelling with 5 bedrooms and an integral double garage on this large plot which is situated adjacent to the entrance to the estate. In terms of boundaries, it fronts onto the estate road to the west, adjoins plot 25 to the north which has a partially erected dwelling on it. To the east it abuts a public footpath and to the south it neighbours an existing dwelling, 4 Rusper Drive.</p> <p>Vehicular access will be off the estate road with parking / turning available in front of and adjacent to the integral garage.</p> |

Proposed external finishes are white k rend to all the walls under a flat grey tiled roof. Windows and doors will comprise grey Upvc.

### **Consultations**

Egremont Town Council – no objection.

Highway Authority & LLFA – no objection subject to the amended block plan which details the driveway drainage arrangements.

### **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.

### **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.

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|    | <p><b>Assessment</b></p> <p>This is an acceptable Reserved Matters application which governs the detail for the erection of one detached dwelling on an approved plot at Rusper Drive, Moor Row.</p> <p>Although this a large dwelling, it is considered that it can adequately be accommodated on this plot with adequate separation distances being achieved to ensure a reasonable standard of amenity is achieved with neighbouring plots. As fencing is required by condition for the side boundary of neighbouring plot 25, it was considered that a specific condition for this is only required for the southern boundary where it adjoins 4, Rusper Drive and the rear boundary.</p> <p>Any potential for overlooking of neighbouring plots from ground floor windows will be mitigated by the erection of 1.8m high side boundary fencing/ wall.</p> <p>Initial highway concerns regarding drainage and access details have been satisfactorily addressed via an amended plan.</p> <p>Taking the above into account, the proposal is considered to satisfactorily accord with the development standards set out in Policy DM12 of the Local Plan and represents an acceptable form of housing development on this plot and the estate generally.</p> |
| 8. | <p><b>Recommendation:</b><br/>Approve Reserved Matters</p>   |
| 9. | <p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>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>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> <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>Location Plan: Proposed Housing at Moor Row, drawing no. B8845/10, scale 1:250, Received 17 August 2020.<br/>Amended Plan, Floor Plans and Elevations (Proposed), drawing no 001 Rev. D, received 29 September 2020.</p> <p>Reason</p> </li> </ol>  |

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.

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

Reason

In the interests of highway safety.

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. Any boundary fences or walls erected in front of the front building line / front elevation of the dwelling shall be no more than 1.0m in height. This boundary shall hereinafter be retained in perpetuity.

Reason

In the interests of highway safety.

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

Reason

In the interests of highway safety.

7. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound, and shall be constructed and completed before the development is occupied / brought into use.

Reason

In the interests of highway safety.

8. Before the dwelling is occupied a 1.8m high close boarded timber fence or wall shall be erected to the southern side and rear boundaries, 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.

Reason

To safeguard neighbouring amenities.

**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)

**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.

**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. Morrison**

**Date : 05/11/2020**

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

**Date : 06/11/2020**

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