



**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/20/2429/OR1
2.	Proposed Development:	RESERVED MATTERS APPLICATION FOR SINGLE DWELLING
3.	Location:	PLOT 14, RUSPER DRIVE, MOOR ROW
4.	Parish:	Egremont
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	
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>The erection of a large two storey detached four bedroom dwelling with an integral single garage is proposed on a modest sized plot adjacent to the turning head at the top of the estate. To the north the plot adjoins the estate road. To the south it neighbours the rear of plots 2 and 3 Clarack Drive which are undeveloped although applications to erect a dormer bungalow on plot 3 and to increase the width of this plot by 2 metres are pending.</p> <p>An occupied two storey dwelling exists on the neighbouring plot to the east and planning permission has recently been granted for a two storey dwelling on plot 15 to the west.</p> <p>Vehicular access will be off the estate road with parking on site in front of the garage.</p> <p>Proposed external finishes comprise red brick walls under a flat grey tiled roof with white plastic windows and doors.</p>	

Consultations

Egremont Town Council – No objections, would like confirmation that there is a 21m gap between the rear elevation windows of the property and any approved plans on plot 2 & 3.

This is discussed in the assessment section.

Cumbria County Council, Highway Authority & LLFA – no objection subject to conditions regarding access gates and front wall boundary height.

Other Representations

The application was publicized by both a site notice and individual notification letters to the adjoining properties. No representations have been received as a result of this consultation.

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.

Other Material Planning Consideration

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

Principle of Development

This is already secured by virtue of the outline approval for the development. This application for reserved matters relates to the details only that are reserved for approval which comprise the detailed design of the dwelling and the plot layout.

Design

The design of this two storey detached dwelling is typical of other dwelling designs on the estate and the proposed external finishes red brick walls and grey tiled roof will also blend in. The specific brick type will be controlled by condition.

Siting and Layout

This is a challenging plot to develop due to it being restricted in size and shape which are constraints affecting positioning.

Policy DM12 sets out the design standards new dwellings should adhere to.

The shape of the plot with the turning head intersecting it means that the only viable position for the siting of a dwelling is to the far east close to the existing dwelling on plot 13. Whilst adequate side separation distances between these plots can be achieved (14m) with design mitigation to prevent overlooking, there is concern that rear separation distances between the rear elevation of this proposed dwelling and any potential dwelling on plot 2, Clarack Drive to the rear could not be achieved to the normal required standard of 21m between facing elevations (i.e. 10.5m for each plot). The submitted block plan shows that only a depth of 3.6m and 4.56m from the corners respectively from the rear elevation to the rear boundary can be provided. Although this can be adequately mitigated at ground floor level by the erection of a 1.8m high minimum close boarded fence or wall along the boundary, it remains that there is still potential for overlooking from habitable bedroom windows at first floor level. Although plot 2 remains undeveloped and there is no application currently under discussion or pending, the development of plot 14 as proposed could compromise its future development. Negotiations have been undertaken to try and address this. To adequately mitigate potential for overlooking from first floor windows it is considered that the design of the dwelling on plot 2 would have to either be single storey or have first floor skylights only. It

transpires however, that the applicant for this plot is also the original applicant / estate developer and therefore currently retains control over the future development of plot 2 and neighbouring ones of concern where similar issues could arise. In an effort to get this plot and the last few remaining plots developed where there may be such issues, he has confirmed in a letter his willingness to only permit dwellings with no rear overlooking first floor windows on the affected rear plots. Whilst this is acceptable there is no means by which this can be adequately controlled via the planning process through this application. However, ultimately as the Local Planning Authority we do retain design and layout control as these plots will still require reserved matters consent. In view of this it is considered that the proposed reduced rear separation distances can be accepted in these circumstances.

It should be noted that there are current applications pending to increase the width of plot 3 Clarack Drive to the rear by 2 metres thus reducing corresponding width of plot 2 by 2 metres and a separate reserved matters application for a detached dormer bungalow on plot 3. The same issues regarding separation do not arise in this instance as the outlook from the rear dormer windows of the proposed dwelling on plot 3 is directly onto an area of side garden land belonging to plot 14 and increased separation is provided.

Highway Safety

Vehicular access is proposed directly off the estate road with on-site parking for two vehicles directly in front of the proposed garage which is acceptable. An ACO drainage channel is proposed on the edge of the drive to prevent surface water run off affecting the adjacent road. The Highway Authority in their consultation response raise no objections subject to appropriate conditions governing height of any frontage walls and access gates if erected.

Planning Balance and Conclusion

It has been demonstrated that the application raises no contentious issues in terms of principle of development, design and highway safety. Whilst there are issues relating to positioning of the dwelling on the plot and rear separation distances that cannot be totally mitigated/ entirely addressed which need to be carefully weighed against the potential benefits arising from the development. However, it has to be taken into account that although the reduction in rear separation distances is not ideal there is potential for future mitigation to be secured, as well as the fact that as the Local Planning Authority we do have the relevant control over the design of any future dwellings on remaining plots including rear neighbouring plot 2. These impacts can be assessed at that time.

On balance therefore, taking the above assessment into account it is considered that the proposed erection of a two storey dwelling on this plot constitutes an acceptable form of development and as such generally accords with local and national policies and guidance.

8.	<p>Recommendation: Approve Reserved Matters</p>
9.	<p>Condition(s):</p> <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> <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>Location Plan, Proposed Housing at Moor Row, Section 38 Drawing no. B8845/10 revision A, scale 1:250, received 23 October 2020. Amended Floor Plans and Elevations (Proposed) (including Dimensioned Block Plan) drawing no. 001 Revision A, scales 1:100, 1:200 & 1:500, received 30 November 2020.</p> <p>Reason</p> <p>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.</p> <p><u>Boundary Requirements</u></p> <p>3. Before the dwelling is occupied a 1.8m high close boarded timber fence or wall shall be erected to the southern boundary 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> <p>Reason</p> <p>To safeguard neighbouring amenities.</p> <p><u>Highways</u></p>

4. 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.

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

Reason

In the interests of highway safety.

6. Access gates, if provided, shall be hung to open inwards only away from the highway.

Reason

In the interests of highway safety.

7. 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.

External Finishes

8. Before construction of the dwelling commences representative samples of the proposed facing brick for use on the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and so maintained thereafter.

Reason

To ensure a satisfactory appearance of the development in the interests of visual 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

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 : 11/02/2021

Authorising Officer: N.J. Hayhurst

Date : 12/02/2021

Dedicated responses to:- N/A