

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/21/2012/OB1
2.	Proposed Development:	VARIATION OF CONDITION 3 OF PLANNING APPROVAL 4/16/2206/001 (TO MOVE BOUNDARY BETWEEN PLOTS 2 & 3)
3.	Location:	CLARACK 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 & the Site</p> <p>Outline planning permission was granted in August 2017 for 26 dwellings on this self-build residential site in Moor Row comprising Rusper Drive and Clarack Drive (4/16/2206/001 refers). Originally a layout of 22 self-build plots and 4 affordable units, the affordability requirement was then removed from the accompanying S106 following agreement at Planning Panel on 19 December 2018. Development has since commenced with two thirds of the plots either completed or part erected.</p> <p>Proposal</p> <p>This application relates specifically to vacant plots 2 and 3 on the north facing side of Clarack Drive and involves moving the boundary between these plots 2 metres to the east. This would increase the width of plot 3 to 18 metres and reduce the width of plot 2 to 16 metres.</p> <p>This application seeks to alter the plot boundaries by superseding the approved layout drawing no. B8845/Rev K with a revised layout drawing no. B8845/Rev M.</p> <p>Relevant Planning History</p> <p>By way of background it was originally proposed to erect a four bedroom dormer dwelling on plot 4 Clarack Drive at the far western end adjacent to the turning head. It transpired that the dwelling type could not be accommodated to reasonable development standards due to the restricted size and</p>	

shape of the plot. As a result the application was withdrawn. The applicant for plot 4 now wishes to erect the same dwelling type on neighbouring plot 3 instead. However, to do this and achieve acceptable development standards the width of plot 3 requires increasing by 2 metres hence the reason for this application. A reserved matters application for the dwelling on plot 3 is currently pending.

Consultations

Egremont Town Council – no objection

Cumbria County Council Highway Authority and LLFA – raise no objections.

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 DM10 Achieving Quality of Place – in relation to this application the proposal will help maintain housing standards on the site by increasing the size of this restricted plot and reducing the size of the neighbouring plot to make them more equitable.

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.

	<p><u>Emerging Copeland Local Plan (ELP):</u></p> <p>The emerging Copeland Local Plan 2017-2035 was recently the subject of a Preferred Options Consultation. The Preferred Options Consultation builds upon the completed Issues and Options Consultation, which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.</p> <p><u>National Planning Practice Guidance (NPPG)</u></p> <p>Under Section 73 of the Town and Country Planning Act 1990, an application can be made to vary or remove a condition associated with a permission. The effect of an application under Section 73 is the issue of a new permission sitting alongside the original permission, which remains intact and unamended. The NPPG outlines that to assist with clarity it states that decision notices should also repeat the relevant conditions from the original permission unless they have already been discharged. As a Section 73 application cannot be used to vary the time limit for implementation this condition must remain unchanged from the original permission</p> <p>Assessment</p> <p><u>Principle of Development</u></p> <p>The principle of residential development on the estate has already been accepted by virtue of the outline planning permission.</p> <p><u>Layout</u></p> <p>This application only seeks relatively minor alterations to move the boundary between 2 remaining vacant plots with both plots still retaining reasonable widths which will not adversely affect their future development potential.</p> <p><u>Conclusion and Planning Balance</u></p> <p>The application raises no relevant planning material issues. On balance the alterations proposed to the approved layout are considered to constitute an acceptable form of development in compliance with local and national planning policies and guidance.</p> <p>It is considered appropriate to repeat the conditions from the original permission that have not already been discharged or that remain intact in accordance with the guidance set out in the NPPG.</p>
8.	<p>Recommendation:</p> <p>Approve amendment of condition</p>

9.	<p>Condition(s):</p> <p>1. 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 Plot Layout, drawing no. B8845/Rev M, scale 1:500, received on 12 January 2021. Design & Access Statement by MJN Associates, dated June 2016, received June 2016. Flood Risk Assessment by Bingham Yates Ltd, issue 1-31, May 2016, received June 2016. Phase 1 Desk Top Study Report, (Preliminary Risk Assessment) by GeoEnvironmental Engineering ref. 2015-1517, dated 11-11-2015, received June 2016. Phase 1 Habitat and Scoping Report for European Protected Species on Land adjacent to Scalegill Road, Moor Row, Cumbria, by Openspace, dated July 2015, received 15 June 2016. Reptile Survey, on Land adjacent to Scalegill Road, Moor Row, Cumbria by Openspace, dated October 2015, received 15 June 2016. Amended Location Plan, scale 1:1250, received 28 July 2016. Amended Visibility Splays only as shown on Indicative Layout drawing RG/KT/1501, scale 1:500 & 1:1250, received 13 October 2016. Proposed Road Layout Longitudinal Sections, drawing no B8845/18 Rev D, by Bingham Yates Ltd Consulting Engineers, received 28 March 2018. Phase 2 Ground Investigation Report: Redevelopment of Land at Rusper Drive, off Scalegill Road, Moor Row, GEO Environmental Engineering, reference 2017-2377, dated 31.07.2017, received 29 November 2017.</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> <p>Surface Water Drainage</p> <p>2. The drainage for the development hereby approved, shall be carried out in accordance with the principles set out in the submitted Flood Risk Assessment ref. B8846/CJW, Issue 1, dated 31 May 2016, by Bingham Yates Ltd. proposing surface water discharging into the watercourse. No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority before commencement of the development. The development shall be completed in accordance with the approved details.</p> <p>Reason</p> <p>To prevent an undue increase in surface water flood and reduce the risk of flooding.</p>
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Highway Safety

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other Order invoking, amending or re-enacting that Order) no structure, vehicle, object or structure of any kind shall be erected, parked or placed and no trees, bushes or plants shall be planted or permitted to be grown within the visibility slays which would obstruct the visibility slays.

Reason

To protect the visibility slays from any obstruction 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.

Informative – access to the public sewer

A public sewer crosses this site and United Utilities may not permit building over it. They will require an access strip width of 6 metres three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of 'Sewers for Adoption' for maintenance or replacement. Therefore a modification of the site layout or a diversion of the affected sewer at the applicant's expense may be necessary. To establish if a sewer diversion is feasible the developer must discuss this at an early stage with our Developer Engineer at wastewaterdeveloperservices@uuplc.co.uk as a lengthy lead in period may be required if a sewer diversion proves to be acceptable. Deep rooted shrubs and trees shall not be planted within the canopy width (at mature height) of the public sewer and overflow systems. Trees shall not be planted directly over sewers or where excavation onto the sewer would require removal of the tree. The developer can discuss any of the above with our United Utilities Developer Engineer at the above email address.

Informative – site drainage

To facilitate sustainable drainage the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

Informative – surface water

Any proposed culverting, alteration or replacement to any culvert likely to affect the flow of waters in any ordinary watercourse is likely to be relevant to Section 3 of the Land Drainage Act 1991. Works should not be carried out without the prior written consent of the Lead Local Flood Authority, Cumbria County Council.

	<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: HS Morrison</p>	<p>Date : 15/03/2021</p>
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 15/03/2021</p>
<p>Dedicated responses to:- N/A</p>	