



**COPELAND BOROUGH COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/21/2036/OR1
2.	<b>Proposed Development:</b>	RESERVED MATTERS APPLICATION (ACCESS, APPEARANCE, LAYOUT & SCALE) FOR DWELLING FOLLOWING PLANNING OUTLINE APPROVAL 4/16/2206/001
3.	<b>Location:</b>	PLOT 3, CLARACK 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>	See Report
7.	<p><b>Report:</b></p> <p><b>Introduction &amp; the Site</b></p> <p>A Reserved Matters application relating to a residential development on a former greenfield site known as Rusper Drive and Clarack Drive, Moor Row.</p> <p>Outline planning permission was granted in August 2017 for 26 dwellings on this self-build residential site in Moor Row comprising (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. Pre-commencement conditions were subsequently discharged and reserved matters for a plot layout approved. Development has since commenced with two thirds of the plots either completed or part erected.</p> <p><b>Relevant Planning Application History</b></p> <p>Planning permission has recently been granted to increase the width of plot 3 to which this application relates. This permits a 2 metre increase to the east with a subsequent 2 metre decrease of plot 2 with the result that plot 3 now measures 18m in width (4/21/2012/0B1 refers). This has been granted specifically to enable the applicant's house type to fit on this plot.</p> <p>It should be noted that as this was approved via a S73 application which approves an amended layout for the estate it is in effect a new permission for the site with new/amended conditions which sits alongside and supersedes the outline permission.</p>	

## **Proposal**

The erection of a modest two storey three bedroom dormer style bungalow is proposed with an integral double garage on a reasonable sized vacant plot. To the west and east it adjoins similar vacant plots. To the north it is flanked by the rear boundaries of plots 14 and 15, Rusper Drive which are as yet undeveloped but have had recent reserved matters permissions granted on them for two storey dwellings (4/20/2429/OR1 & 4/20/2256/OR1 refers). A road frontage comprising part of Clarack Drive forms the plot boundary to the south.

Vehicular access will be off the estate road leading onto Clarack Drive with parking on site in front of the garage.

Proposed external finishes comprise red brick walls (Furness white russet) under a flat grey tiled roof with grey Upvc windows and doors.

## **Consultations**

Egremont Town Council – no objection

Cumbria County Council Highway Authority and LLFA – raised initial concerns but these have now been satisfactorily addressed via an amended block plan.

## **Other Representations**

The application was publicised by both a site notice and individual notification letters to the adjoining properties/ plot owners. 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.

#### Emerging Copeland Local Plan

The emerging Copeland Local Plan 2017-2035 is currently 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.

### **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 its positioning on the plot.

#### **Design**

Although this is only the second dormer style dwelling to be introduced on the development its design raises no contentious issues and will fit in generally on the estate. The proposed external finishes red Furness brick walls (Russet White) and a flat grey tiled roof are typical of those used elsewhere on the estate and are considered acceptable.

#### **Siting / Residential Amenity**

This is a reasonably generous rectangular shaped plot especially taking into account its recent approved increase in width.

Policy DM12 of the Copeland Local Plan sets out the design standards new dwellings should adhere to.

	<p>It has been demonstrated that the house type proposed can sit comfortably on the plot to reasonable development standards required by this policy. More than adequate separation distances between the side elevations and side boundaries of 1.92m can now be achieved. With an acceptable distance from the front elevation to neighbouring properties across the Clarack Drive also. Any first floor side windows will comprise obscure glazing.</p> <p>To the rear there is a proposed separation distance of 9.2m from the rear elevation and the rear boundary which is considered acceptable given that adequate mitigation of a close boarded 1.8m high rear boundary fence will be provided.</p> <p>Initial pre application concerns centred on the potential for overlooking of neighbouring properties to the rear from the two proposed first floor rear bedroom windows. However, since these took place two reserved matters applications have now been approved for these plots and careful positioning of the proposed dwelling has enabled this potential impact to be mitigated. Whilst there will inevitably be some form of rear overlooking at first floor level from these windows this will be over the side of plot 14 and the front of plot 15 as opposed to directly over/ into the neighbouring dwellings. Given this and the separation distance that can be provided it is considered that the proposed potential for overlooking has reasonably been mitigated.</p> <p><b>Highway Safety</b></p> <p>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. The amended block plan shows an ACO drainage channel proposed on the edge of the drive to prevent surface water run off affecting the adjacent road and the erection of a 500mm high frontage wall with 650mm high pillars with no access gates. The Highway Authority in their re-consultation response on the amended block plan raise no objections.</p> <p><b>Planning Balance and Conclusion</b></p> <p>It has been demonstrated that the application raises no contentious issues in terms of principle of development, design and highway safety. Whilst there were initial issues relating to positioning of the dwelling on the plot and rear separation distances it is considered that these have been satisfactorily mitigated with the potential benefits of the development outweighing any adverse impacts.</p> <p>On balance therefore, taking the above assessment into account it is considered that the proposed erection of a two storey dormer dwelling on this plot constitutes an acceptable form of development and as such generally accords with local and national policies and guidance.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve Reserved Matters</p>
9.	<p><b>Condition(s):</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.</li> </ol>

Reason

To comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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: -

Site Location Plan, drawing no 11A, scale 1:100, received 26 January 2021.

Site Plan (Relation to other plots), drawing no.15, scale 1:500, received 26 January 2021.

Amended Block Plan, drawing 10D, scale 1:50, received 10 March 2021.

Amended Proposed Elevations, drawing no. 02D, scale 1:100, received 10 March 2021.

Proposed Floor Plans, drawing no. 01D, scale 1:100, received 26 January 2021.

Proposed Roof Plan, drawing no. 03A, scale 1:100, received 26 January 2021.

Reason

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.

Boundary Requirements

3. Before the dwelling is occupied a 1.8m high close boarded timber fence or wall shall be erected on the northern rear boundary and east and west side boundaries of the plot up to the front building line/front elevation, 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.

Highway Safety

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

Reason

In the interests of highway safety.

5. 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.

Window Glazing

6. The first floor window on both the east and west elevations of the dwelling shall comprise obscure glazing.

Reason

To protect 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)

**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 : 23/03/2021**

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

**Date : 23/03/2021**

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