



**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/21/2122/OR1
2.	Proposed Development:	RESERVED MATTERS APPLICATION FOR DETACHED DWELLING (FOLLOWING APPROVAL OF OUTLINE APPLICATION 4/16/2206/001)
3.	Location:	PLOT 12, 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.	Report: INTRODUCTION <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> PROPOSAL <p>A large two storey detached dwelling is proposed on this corner plot to the immediate west of the entrance to the main estate. It comprises a lounge, utility, toy and kitchen diner plus integral garage on the ground floor with four bedrooms on the first floor. Outside there is a small garden to the rear with off street parking for two cars provided at the front.</p> <p>Neighbouring the plot to the west is an existing semi-detached dwelling on Clarack Drive which is now complete and occupied. To the south is one of the detached original Rusper Drive dwellings flanking the entrance to the estate, whilst to the east is a vacant plot which has reserved matters approved for a two storey dwelling. Opposite the plot to the north is plot 1 Clarack Drive, upon which planning permission for a dormer bungalow was recently granted.</p> <p>Vehicular access will be off Rusper Drive, the main estate road.</p>	

Proposed external finishes will include red brick from the Furness Clamp Range and will be reserved by condition and grey flat tiled roof.

CONSULTATIONS RESPONSES

Egremont Town Council

No objections to the amended plans.

Cumbria County Council, Highway Authority & LLFA

No objections to the amended plans, proposal does not have a material effect on highway conditions or increase flood risk.

United Utilities

No objections.

Other Representations

Neighbouring plot and dwelling residents were consulted and no representations to date 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.

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 (ELP):

The emerging Copeland Local Plan 2017-2035 was recently the subject of a Preferred Options Consultation which ended on 30 November 2020. 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 the plot layout.

Design

This dwelling design is considered acceptable for the estate and raises no contentious issues. Details of the external facing brick finishes will be controlled by condition.

Siting and Layout

This is a corner plot which, mainly due to its restricted size and location, is fairly challenging to develop. The initial submission indicated that only a rear separation distance of between 7m and 9m to the neighbouring two storey dwelling's gable end could be achieved. This falls short of the normal separation distance of 12m in such locations required by virtue of Policy DM12 of the Local Plan. An amendment has now been submitted which shows the dwelling slightly reduced in size and pulled forward towards the front of the plot. This has resulted in an increased rear separation of 9.25m and 10.25m being achieved which together with the mitigation provided by a 1.8m close boarded rear boundary fence is considered to represent an acceptable compromise with the perception of any overlooking minimised.

	<p>There was also concern that with repositioning the dwelling on the plot the separation distance between a habitable room window at ground floor level on the north side elevation facing Clarack Drive would not meet the 21m separation distance requirement to the front elevation of the dwelling approved on plot 1 opposite. A further amendment however shows the habitable window much reduced in size and repositioned at a higher level so that although light is still provided the potential for overlooking is removed and is acceptable mitigation.</p> <p>In terms of the front facing elevations, a separation distance of circa 19m with plot 26 opposite can be achieved which, taking into account they are not directly facing but at a slightly oblique angle, is again considered acceptable.</p> <p>In view of this, taking into account the mitigation outlined, it is considered that the reduced separation distances in relation to this plot can be acceded to.</p> <p>Highway Safety</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. 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.</p> <p>Planning Balance and Conclusion</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 are issues relating to positioning and layout of the dwelling on the plot and separation distances it is considered that these can be adequately addressed by the mitigation proposed.</p> <p>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 planning policies and guidance.</p>
8.	<p>Recommendation: Approve Reserved Matters</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 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>

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: -

Proposed Housing at Moor Row, Location Plan, drawing no. B8845/10 Rev A, scale 1:250, received 23 March 2021.

Amended Floor Plans and Elevations (Proposed), drawing no. 09-02-2021 Rev H, scales 1:100 & 1:500, received 30 May 2021.

Reason

To conform with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

Boundary Treatment

3. Before the dwelling is occupied a close boarded 1.8 metre high timber fence shall be erected on the west and southern boundaries of the plot prior details of which shall be submitted to and approved in writing by the Local Planning Authority. The fence shall be retained and maintained thereafter in perpetuity.

Reason

To safeguard neighbouring amenities.

Highways

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.

External Finishes

6. Before construction of the dwelling commences representative samples of the proposed external materials 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.S. Morrison

Date : 15/06/2021

Authorising Officer: N.J. Hayhurst

Date : 15/06/2021

Dedicated responses to:- N/A