

**COPELAND BOROUGH COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/21/2130/OR1
2.	<b>Proposed Development:</b>	RESERVED MATTERS APPLICATION FOR A DETACHED DWELLING
3.	<b>Location:</b>	PLOT 1, 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.	<b>Report:</b>	<p><b>Introduction</b></p> <p>A Reserved Matters application relating to a residential development on a former greenfield site known as Rusper Drive, Moor Row. Clarack Drive is an avenue leading directly off Rusper Drive to the west. 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 erection of a modest dormer style detached dwelling is proposed on this corner plot leading onto Clarack Drive. The majority of the rooms will be on the ground floor including a single integral garage, and lounge, study/bedroom and a further bedroom, kitchen and utility room. A single storey offshoot to the rear will also house a family room with the roof space containing a further two ensuite bedrooms.</p> <p>Neighbouring the plot to the north is an occupied two storey dwelling. To the south and opposite is another vacant corner plot across Clarack Drive access road with a pending reserved matters application for a dwelling (Plot 12, Rusper). To the west is a vacant plot and to the east is main Rusper Drive with plots 24 and 24 across the road which are under construction.</p>

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

Proposed external finishes will comprise those used elsewhere on site and will be reserved by condition.

### **Consultations**

Egremont Town Council – No objections.

Cumbria County Council, Highway Authority & LLFA – no objections proposal does not have a material effect on highway conditions or increase flood risk.

### **Other Representations**

Owner/ developer of plot 12 Rusper Drive opposite supports the application. They find the proposed building acceptable and 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 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 is considered an acceptable design for the estate. The precedent for a dormer style dwelling design was set by plot 24. External finishes will be controlled by condition.

#### **Siting and Layout**

This is another challenging plot to develop on the estate due to it being restricted in size and shape which are constraints affecting design and layout.

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

Siting / positioning on the plot is somewhat dictated by the existing neighbouring dwelling on plot 13 to the north. This is a two storey dwelling, the rear of which overlooks this plot and is sited at a distance between 8.38m and 9.2m as measured from the main rear elevation to the boundary. This impacts on the separation distance between the two dwellings with the normal requirement of 21m between facing elevations not being achievable. Adequate mitigation at ground floor level though is provided by a 1.8m high close boarded wooden boundary fence to be retained in perpetuity and a blank gable on the proposed single storey offshoot. As regards first floor mitigation the design of the dwelling, being a dormer bungalow, is such that there are no overlooking rear first floor windows. The only dormer windows are to the front with the rear bedroom windows being skylights embedded in the roof slope which is considered to provide acceptable first floor mitigation.

There were initially some challenges proposed by the side elevations and windows at first floor and ground floor level to the east but these have been addressed by provision of obscure glazing and 1.8m close boarded side boundary fencing. There are two relatively small windows proposed on the

	<p>east elevation, serving a lounge on the ground floor and a bedroom at first floor level, but there is no issue with either of these as the required separation distance can be achieved to the properties opposite.</p> <p>In view of this, taking into account the mitigation outlined it is considered that the reduced separation distances can be acceded to.</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. 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><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 are issues relating to positioning and layout of the dwelling on the plot and rear 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 dormer style 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><b>Recommendation:</b> Approve Reserved Matters</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li data-bbox="180 1241 1505 1314">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> <p style="margin-left: 40px;">Reason</p> <p style="margin-left: 40px;">To comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p> <ol style="list-style-type: none"> <li data-bbox="180 1591 1505 1665">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: -</li> </ol> <p style="margin-left: 40px;">Location Plan, drawing no. 04023 Rev 01 March 2021, scale 1:1250, received 25 March 2021. Design and Access Statement, by Richard Lindsay, dated 16 March 2021, received 25 March 2021. Amended Site Block Layout, drawing no. 01010 Rev 03 April 2021, received 10 May 2021.</p>

Amended Proposed Elevations, drawing no. 05010 Rev 04 May 2021, received 1 June 2021.  
Amended Proposed Ground and First Floor plans, drawing no. 04021 Rev 04 May 2021,  
received 1 June 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 Treatment

3. The proposed close boarded 1.8 metre high timber fence to the north and west boundaries of the plot shall be erected before the dwelling is occupied and shall be retained and maintained as such 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

Obscure Glazing

7. Prior to the first occupation of the dwelling hereby approved the window serving bedroom 3 on the first floor of the western elevation shall be obscure glazed and hereinafter retained as such in perpetuity.

Reason

To adequately protect neighbouring amenity.

**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 : 09/06/2021**

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

**Date : 10/06/2021**

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