

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2112/0F1
2.	Proposed Development:	PROPOSED THREE BEDROOMED DETACHED DWELLING (SELF BUILD)
3.	Location:	PLOT 6, 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.	Report: Introduction <p>A full application relating to a self-build residential site in Moor Row known as Rusper Drive and Clarack Drive. Outline planning permission was granted for erection of 26 dwellings (4/16/2206/001 refers) on this site in 2017. Most of the plots are now constructed and the majority occupied, 3 plots remain vacant at the western end of Clarack Drive.</p> Site and Location <p>Plot 6 is located at the end of the cul-de-sac on Clarack Drive, off the shared private access road extending northwards from the turning head. It is intended that this driveway will also serve neighbouring plot 7 and the swale at the top.</p> <p>The plot is located on the far western edge of the housing site and neighbours plot 7 to the north which is near completion. To the south it adjoins vacant plot 5 and to the east the private access road and part of the cul de sac turning head with plot 4 opposite.</p> Proposal <p>Full permission is sought for the erection of a three bedroomed detached two storey dwelling on plot 6 with an integral single garage. It will sit on a large rectangular plot with vehicular</p>	

access from the shared private driveway.

The main living areas would be on the ground floor with 3 bedrooms, one ensuite and a bathroom, on the first floor. It also has significant feature fenestration to the front elevation. An open plan drive will be situated to the front with parking in front of the garage for 2 cars just behind the access driveway.

The proposed external finishes comprise Weinberger Hamlet Antique Orange facing brick walls and black concrete roof tiles, black pavements with black UPVC or aluminium windows and doors.

Relevant Planning History

4/16/2206/001 Original outline approval for 26 dwellings on the estate, including 4 affordable. This was subject to a S106 Agreement to secure 4 affordable homes on the site and a traffic management scheme on the adjacent highway. The affordability element was later removed via a modification to the S106. All relevant conditions of the outline have subsequently been discharged.

An NMA to 4/16/2206/001 was recently consented for minor alterations to the site layout at this end of the estate. This approves the realignment of the private driveway adjoining the plot. This resulted in the squaring off of plot 4 to create a larger more useable plot and using up some of the frontage of plot 6 and 7 to create the new aligned access road.

4/22/2429/0F1 Plot 7 Permission was granted for a large two storey detached house served off the private access in 2022 and is now nearing completion. This neighbours plot 6 to the north.

4/24/2095/0F1 Plot 4 Situated diagonally opposite this application for a detached five bedroomed dwelling remains pending.

/20/2415/0R1 A previous application for a dormer bungalow on the neighbouring site, plot 4, was withdrawn, a similar design has now been constructed on plot 3 next door to the east following an amendment approving an increase in size of plot 3 by moving the shared boundary between plots 2 and 3 Clarack Drive.

4/24/2196/0F1 Plot 5 – this adjoins plot 6 to the south and also remains pending.

Consultations

Egremont Town Council

No comments.

CCC Highways and LLFA

No comments.

United Utilities

Advised that if surface water was required to drain to the public sewer it may not be



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forthcoming unless there was satisfactory evidence that the drainage hierarchy had been followed. However, following further dialogue the Agent has confirmed that surface water is to be discharged to watercourse and as a result UU have no further comments/objections.

Planning Policy

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

Copeland Local Plan (CLP) 2013-2028

Adopted December 2013. Relevant policies comprise:

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS1 – Improving the Housing Offer

Policy ENV1 – Flood Risk and Risk Management

Development Management Policies

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards of New Residential Developments

Emerging Copeland Local Plan 2021 - 2038 (ELP)

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued the post hearing letter in June 2023, which identified the next steps for the examination.

The Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six-week public consultation seeking views on the proposed modifications to the ELP closed on the 28th March 2024. The Planning Inspectors Report is awaited.

As set out in Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the advanced stage of preparation of the ELP it is considered that full weight can now be attached to policies where no objections have been received or objections have been resolved. Especially as the consultation on the main modifications to the ELP is now complete and just awaiting confirmation, also significant weight can now be afforded to the policies of the ELP where modifications are proposed.

The following ECLP policies (to which there have been no objections) are relevant to this proposal.

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS6PU - Design and Development Standard

Strategic Policy DS2PU - Reducing the impacts of development on Climate Change

Strategic Policy DS7PU: Hard and Soft Landscaping

Strategic Policy DS8PU - Reducing Flood Risk

Strategic Policy DS9PU: Sustainable Drainage

Strategic Policy H1PU - Improving the Housing Offer

Strategic Policy H6PU - New Housing Development

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

National Design Guide (NDG).

Cumbria Development Design Guide (CDDG).

Copeland Borough Council Housing Strategy 2018-2023

Assessment



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Principle of the Development

This is already secured by virtue of the outline approval for the development. This application is for detailed design of the dwelling and plot layout that would normally comprise reserved matters. It is only a full application because the timescale for submitting reserved matters has been exceeded. The recent NMA has approved a section of the plot at the front to be given over to providing the shared access drive.

Drainage

Policy DM11 of CLP and Policy DS9PU of the ECLP require that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate. Condition 3 of the outline consent for the site thus required the provision of a sustainable drainage system and this condition has now been discharged. Hence, the site already has the benefit of a sustainable drainage system being installed as a requirement of the outline condition. More recently plots have been required to connect into this approved system via a condition of any subsequent detailed consent. The approved system only permits foul water draining into the sewer with surface water being required to connect to a separate system.

Following the concerns raised by UU regarding sustainable drainage it has been confirmed that surface water for this development will drain into a separate system. UU now raise no objections.

The plot falls within flood zone 1 and as such there is minimal risk of flooding.

Scale, Layout and Design/ Residential Amenity

The proposed two storey house design and its positioning on the plot is such that any adverse effects on residential amenity and neighbouring residences will be kept to a minimum. There should be no significant issues in relation to the potential for overlooking, overshadowing and loss of light. There are adequate separation distances between the proposed dwelling and the two neighbouring plots with no direct overlooking. This is as a result of mitigation provided by 1.8m high boundary fencing at ground floor level and where there are windows at first floor these will be obscure as they serve bathroom and WC facilities. To the front where ample fenestration on both floors is a feature it is unlikely overlooking and effect on privacy will be an issue as this elevation will look out onto part of the turning head and gable end of plot 4. At ground floor level overlooking from any side windows will be mitigated by a 1.8m high close boarded boundary fence. Whereas at first floor level the only window will serve a bathroom and be obscure glazed.

This aligns with Policy ST1 of the CLP which requires that development provides or safeguards good levels of residential amenity and security. Also, Policy DM12 is relevant in that it sets out specific design standards for new residential development including the need to retain appropriate separation distances. As regards the ECLP Policy H6PU requires that in respect of new housing development, an acceptable level of amenity is provided for future

	<p>residents and maintained for existing neighbouring residents in terms of sun lighting and daylighting.</p> <p>Overall, the dwelling design and position on the plot raises no contentious issues and will fit in generally on the estate. The proposed external finishes, facing brick walls, a black concrete tiled roof and either black UPVC or aluminium windows and doors are typical of those used elsewhere on the estate and are also considered acceptable.</p> <p><u>Highway Safety</u></p> <p>Vehicular access is proposed directly off the shared private access from Clarack Drive which runs along most of the front of this plot, with on-site parking for two vehicles directly in front of the proposed single garage which is acceptable with an open plan driveway laid to pavements. An ACO drainage channel is proposed in front of the garage and on the edge of the drive to prevent surface water run off affecting the adjacent road and an open plan frontage in compliance with the relevant local plan policies. This raises no highway issues and the proposal is considered to accord with Policy DM12 of the CLP and Policy H6PU the ECLP.</p> <p><u>Conclusion and Planning Balance</u></p> <p>It has been demonstrated that the application raises no contentious issues in terms of principle of development, design, layout and residential amenity, drainage and highway safety. Whilst there were initial issues relating to drainage on the plot it is considered that these have been satisfactorily addressed via the imposition of a condition ensuring that drainage connects into the existing system.</p> <p>On balance therefore, taking the above assessment into account it is considered that the proposed erection of a large two storey house on this plot constitutes an acceptable form of development on this self build estate and as such generally accords with local and national policies and guidance.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions</p> <p><u>Standard Conditions</u></p> <p>1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p>



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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: -
- Amended Design and Access Statement, Rev B, DAS-001, Ref DLS_WS Doc_DAP001, received 3/09/20024.
- FRA, issue 1, dated 30 May 2016, ref. B8845/CJW, by Bingham Yates
- Phase 1 Habitat Survey & Scoping Report for European Protected Species, July 2015, by Open Space.
- Reptile Survey, October 2015, by Open Space
- Amended Proposed Site and block Plans, ref P6-RG-008, scales 1:1250 & 1:500, received 3/09/2024.
- Amended Proposed Block Plan, Rev A, ref P6-RG-011, scale 1:150, received 3/09/2024.
- Amended Plan Proposed West Elevation, ref P6-RG-005, scale 1:50, received 3/09/2024.
- Amended Plan Proposed South Elevation, ref P6-RG-003, scale 1:50, received 3/09/05/2024
- Amended Plan Proposed North Elevation, ref P6-RG-002, scale 1:50, received 3/09/2024
- Amended Plan Proposed East Elevation, ref P6-RG-004, scale 1:50, received 3/09/2024
- Proposed Elevations, ref P6-RG-001, scale 1:100, dated 17 March 2024.
- Proposed & Existing Site Drainage Plan, ref P6 -RG-009, dated 17 March 2024, scales 1:100 & 1:500.
- Proposed First Floor Plan, ref P4 -RG-007, dated 17 March 2024, scale 1:50.
- Proposed Ground Floor Plan, ref P4 -RG-006, dated 17 March 2024, scale 1:50.
- .
- Reason
- 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.

Drainage

3. The dwelling hereby approved shall connect into the installed drainage system that was approved under outline planning permission reference 4/16/2206/001 in accordance with the details set out in the Amended Design and Access Statement received on 3 September 2024. The drainage system shall be maintained and in use for the lifetime of the development`.

Reason

To ensure the new dwelling connects into the existing approved and installed drainage system for the site.

Prior to Occupation

Boundary Treatment

- 4 Before the dwelling is occupied a 1.8m high close boarded timber fence or wall shall be erected on both the western and southern boundary, 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

Highways

5. The dwelling hereby approved shall not be occupied until the vehicular access and driveway has been constructed in accordance with the approved plans and brought into use. The vehicular access and driveway shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior written consent of the Local Planning Authority.

Reason

To ensure a minimum standard of access provision when the development is brought into use in accordance with the requirements of Policy T1 of the Copeland Local Plan 2013-2028.



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Informative – Coal

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 : 04/09/2024

Authorising Officer: N.J. Hayhurst

Date : 06/09/2024

Dedicated responses to:- N/A