

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2196/0F1
2.	Proposed Development:	PROPOSED DETACHED SELF BUILD DWELLING (4 BEDROOM HOUSE)
3.	Location:	PLOT 5, 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 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. Site and Location Plot 5 is situated at the southern end of the cul-de-sac on Clarack Drive, with access off the cul de sac turning head. On the far south western edge of the housing site it neighbours plot 6 to the north which is also pending. To the south it adjoins an existing bungalow, `Lo Bracken`. To the east is Clarack Drive and part of the turning head and opposite is an existing semi-detached dwelling (4, Clarack Drive). Proposal Full permission is sought for the erection of four bedroomed dormer bungalow style house on	

this plot with an integral single garage. Sitting on a large rectangular plot with vehicular access directly off the adjacent turning head.

The main living areas would be on the ground floor with 4 bedrooms, one ensuite and a bathroom on the first floor. In terms of design, it incorporates feature fenestration to part of the front (east) elevation.

An open plan drive will be situated to the front with parking in front of the garage and dwelling for some 2/3 cars.

The proposed external finishes comprise Weinberger Hamlet Antique facing brick walls and black concrete roof tiles, black pavements with black UPVC or aluminium windows and doors which matches those used elsewhere on the estate.

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 plots 6 and 7. This also resulted in squaring off plot 4, which is situated diagonally opposite to the north east, to create a larger more useable plot and using up some of the frontage of plot 6 and 7 to create the new aligned private shared access road.

4/20/2415/0R1 A previous application for a dormer bungalow on plot 4 was withdrawn, a similar design has now been constructed on neighbouring plot 3 following an amendment approving an increase in size of plot 3 by moving the shared boundary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

4/22/24529/0F1 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 adjoins plot 6 to the north.

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

4/24/2112/0F1 Neighbouring plot 6 to the north. Permission is pending here for a three bedroomed detached house which is due to be issued shortly.

Consultations

Egremont Town Council



Cumberland Council

No objections

CCC Highways and LLFA

No comments.

United Utilities

As with the previous recent plot applications on the estate they advise that if surface water was required to drain to the public sewer it may not be 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 foul to the installed approved system. As a result UU have no further comments.

Neighbours

The residents of the existing neighbouring bungalow to the south have expressed concern on two main grounds:

- That the dwelling is not a bungalow as they understood from the plot developer that this plot would be a bungalow.
- Potential for overlooking and effect on their privacy from a two-storey dwelling

Whilst the first comment is not a planning matter concerns regarding potential effect of the proposed dwelling on existing residential amenity is. This is considered in the section on `Scale, layout and Design/ Residential Amenity` in the report.

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

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 (ECLP)

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

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 identified a number of amendments or 'modifications' that are required in order to ensure the ECLP is sound and consistent with national planning policy. A six-week public consultation seeking views on the proposed modifications to the ECLP 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 ECLP 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 ECLP is now complete and just awaiting confirmation, also significant weight can now be afforded to the policies of the ECLP 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



Cumberland Council

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

Principle of the Development

This is already established 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.

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. UU are now satisfied with this approach.

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, its positioning on the plot and fenestration arrangement is such that any adverse effects on residential amenity on neighbouring residences will be kept to a minimum. Whilst noting the comments from the residents of the neighbouring bungalow to the south of the plot, there should be no significant issues in relation to the potential for overlooking, overshadowing and loss of light. There are ample separation distances proposed between the proposed dwelling and the objector's bungalow to the south where it's rear elevation will face the side gable of the proposed dwelling, with a distance of 17.5m being achieved with the minimum here being 12m (CLP Policy DM12). Whilst there are windows at first floor level on the southern gable of the new property these are obscure glazed as they relate to bathroom/WC.

In respect of the dwelling opposite, whilst the separation distance here is just slightly short at 11m of the usual 12m requirement, no significant overlooking issues are envisaged.

Although the front elevation with its fenestration will look out towards the existing dwelling, it will face a blank gable end and minimal private space. A 1.8m boundary fence will help mitigate any perception of overlooking at ground floor level. No amenity issues are expected to arise between plot 5 and plot 6 to the north as amenity provision here adequately meets development standards.

The above 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 residents and maintained for existing neighbouring residents in terms of sun lighting and daylighting.

On the whole, the dwelling design and position on the plot raises no contentious issues and will fit in generally on the estate.

The proposed external finishes Weinerberger Hamlet Antique 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 considered acceptable.

Highway Safety

Vehicular access is proposed directly off Clarack Drive, with on-site parking for 2/3 vehicles being provided directly in front of the proposed garage and dwelling which is considered acceptable. 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.

Conclusion and Planning Balance

Taking account of the above, 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. As regards neighbour concerns these have been addressed, it is considered that whilst there may inevitably be a perception of amenity being affected from the presence of a new building next door. The design and positioning of the proposed dwelling meets the required amenity standards.

With reference to drainage whilst there were initial issues it is considered that these have been satisfactorily addressed via the imposition of a condition ensuring that drainage connects into the existing separate system.

On balance therefore, taking the above assessment into account it is considered that the proposed erection of a four bedroomed dormer bungalow on this plot constitutes an acceptable form of development on this self-build estate and as such generally accords with



Cumberland Council

	local and national policies and guidance.
8.	Recommendation: Approve (commence within 3 years)
9.	Conditions: <u>Standard Conditions</u> <ol style="list-style-type: none">The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. Reason To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.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. Dated 17 March 2024, received 4/09/2024. 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, Rev A. (separation distances) scales 1:1250 & 1:500, received 2/09/2024. Amended Proposed Block Plans, ref P6-RG-008, Rev A. (boundary and driveway details) scale 1:500, received 3/09/2024. Amended Plan Proposed West Elevation, ref P6-RG-005, scale 1:50, received 4/09/2024. Amended Plan Proposed South Elevation, ref P6-RG-003, scale 1:50, received 4/09/2024 Amended Plan Proposed North Elevation, ref P6-RG-002, scale 1:50, received 4/09/2024 Amended Plan Proposed East Elevation, ref P6-RG-004, scale 1:50, received

4/09/2024

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.

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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 dated 17 March 2024 and received on 4 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 , and part of the front boundary in accordance with the location shown on the approved Amended Proposed Block Plan P5-RG-008 (boundary and highway details) received 3/09/2024, 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



Cumberland Council

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.

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 : 05/09/2024

Authorising Officer: N.J. Hayhurst

Date : 06/09/2024

Dedicated responses to:-