

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2284/0F1
2.	<b>Proposed Development:</b>	APPLICATION FOR SELF BUILD DWELLING WITH INTEGRAL GARAGE AND SOLAR ARRAY ON FRONT ELEVATION ROOF SLOPE
3.	<b>Location:</b>	PLOT 19, RUSPER DRIVE, WHITEHAVEN
4.	<b>Parish:</b>	Egremont
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, PROWs - Public Right of Way
6.	<b>Publicity Representations &amp;Policy</b>	See Report
7.	<b>Report:</b>  <b>SITE AND LOCATION</b>  <p>The application site relates to a vacant plot within a self build residential site at Rusper Drive. Outline planning permission was granted for erection of 26 dwellings (4/16/2206/0O1 refers) on this site in 2017. Most of the plots are now constructed and the majority occupied,</p> <p>The Application Site is flanked by large detached dwellings. Open land lies to the north of the site.</p>  <b>PROPOSAL</b>  <p>The application seeks consent for the erection of a single self build dwelling. It would be a two storey four bedroom dwelling with a horizontal emphasis. Gable features would be placed on the front elevation to break up large expanses of brickwork. Windows would be placed in all four elevations at ground and first floor levels. The property would benefit from solar arrays on the front and rear elevations.</p>	

Off road parking is proposed to the front of the proposed dwelling.

## **CONSULTATION RESPONSES**

### Town Council

No objections

### Highways and LLFA

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

## **PLANNING POLICIES**

Planning law requires 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 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 2021 - 2039**

The following policies are relevant to this proposal:

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Strategic Policy DS3: Planning Obligations

Policy DS4: Design and Development Standards

Policy DS5: Hard and Soft Landscaping

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Policy DS8: Soils, Contamination and Land Stability

Policy DS9: Protecting Air Quality

Strategic Policy H1: Improving the Housing Offer

Strategic Policy H2: Housing Requirement

Strategic Policy H3: Housing Delivery

Strategic Policy H4: Distribution of Housing

Policy H6: New Housing Development

Policy H7: Housing Density and Mix

Strategic Policy H8: Affordable Housing

Policy H11: Community-led, Self-build and Custom Build housing

Strategic Policy SC1: Health and Wellbeing

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3: Biodiversity Net Gain

Policy N5: Protection of Water Resources

Strategic Policy N6: Landscape Protection

Strategic Policy N9: Green Infrastructure

Policy N14: Woodlands, Trees and Hedgerows

Strategic Policy CO2: Priority for improving transport networks within Copeland

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

National Design Guide (NDG).

The Conservation of Habitats and Species Regulations 2017 (CHSR).

Cumbria Development Design Guide (CDDG)

### **ASSESSMENT**

The key issues raised by this proposal are the potential impacts on visual amenity.

### Principle of Development

The vacant plot is located within the existing new housing estate of Rusper Drive. The site is located within a sustainable location, where the principle of housing has already been established. The plot is flanked by existing large, executive style dwellings. The principle of a new executive style dwelling on this plot is considered to be acceptable and policy compliant.

### Scale, Layout and Design

Policy DS4 of the LP promotes good design and the aspiration that new dwellings will respond positively to their surroundings.

The proposed design would be in keeping but would not replicate the design of the other dwellings in the surrounding area. The development would be of a similar size, and scale of the other properties within the street, and would fit well within the plot.

The use of red brick and concrete roof tiles would assimilate well with the immediate and wider area. The development would not create an incongruous feature and is considered to be Policy compliant.

### Residential Amenity

The interface separation distances achieved between the existing dwellings and proposed dwelling are acceptable to maintain residential amenity. Given the scale, form and design of the proposed dwelling unacceptable adverse impacts will not result through overbearing, loss of light, overlooking or overshadowing.

A condition to secure the installation of obscure glazing in the first floor windows to the side elevations is proposed to further protect the neighbour's amenity.

The scheme would not lead to any loss of privacy or noise and disturbance for neighbouring land users over and above what is already experienced and is considered to be Policy compliant.

### Highways and Parking

The scheme has been assessed by the Council's Highways Officer. No objections have been raised. The scheme is in a sustainable location, and the development would not have an adverse impact on highway safety or the highway network given the level of off street parking that is proposed to serve the dwelling.

### Drainage

It is proposed to dispose of foul and surface water to the public main as per the existing situation. Given the existing drainage discharge and as additional surface water flows will not result, this arrangement is considered to be acceptable.

### Landscaping

	<p>A limited landscaping scheme has been submitted. Whilst the planting scheme is limited, it is considered to be appropriate in the context of the site and wider development.</p> <p><u>Biodiversity Net Gain</u></p> <p>The proposed development comprises a self-build dwelling; therefore, a biodiversity net gain of 10% is not required to be delivered. The development is a self-build development as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 and the design of the proposed dwelling has been commissioned by the Applicants.</p> <p>An informative is imposed in relation to biodiversity net gain for information and clarity..</p> <p><u>Planning Balance and Conclusion</u></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><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.</li> </ol> <p>Reason</p> <p>To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).</p> <ol style="list-style-type: none"> <li>2. This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:- <ul style="list-style-type: none"> <li>- Application Form</li> <li>- Plans and Elevations, drawing number 6815 PL1 REV D</li> <li>- Site Plan, drawing number 6815 PL2</li> <li>- Site Location Plan, drawing number 6815 PL3</li> </ul> </li> </ol> <p>Reason</p> <p>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.</p>

3. Following approval of the development, construction activities that are audible at the site boundary shall be carried out only between the following hours:

Monday to Friday 08.00 – 18.00

Saturday 08.00 – 13.00

and at no time on Sunday or Bank Holidays

Unless otherwise agreed in writing with the Local Planning Authority. In particular, no work should be carried out on Sundays or officially recognised public holidays without the prior agreement in writing of the Local Planning Authority.

Reason

To safeguard the amenity of neighbouring occupiers in accordance with the provisions of the National Planning Policy Framework.

#### Pre-Occupation Planning Conditions

##### Access and Parking

4. The dwelling hereby approved shall not be occupied until the vehicular access and parking requirements to serve the dwelling have been constructed in accordance with the approved plan and brought into use. The vehicular access and parking provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered.

Reason

To ensure a minimum standard of access provision when the development is brought into use in accordance with the provisions of Policy CO2 of the Copeland Local Plan 2021-2039.

5. All hard and soft landscape works are to be carried out in accordance with the approved details in the first planting season following completion of the development. Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted.

Reason

To safeguard and enhance the character of the area and secure high-quality landscaping in accordance with the requirements of Policy DS5 of the Copeland Local

Plan 2021-2039.

6. Prior to the first occupation of the dwelling hereby approved the first floor windows in the side elevations as shown on the approved plans shall be fitted with obscure glazing (Pilkington Scale 3 or higher). The obscure glazing shall be retained for the life of the development unless agreed in writing with the Local Planning Authority.

Reason

To safeguard the amenity of the neighbouring residents in accordance with the requirements of Policy DS4 of the Copeland Local Plan 2021-2039.

### **Informative Notes**

#### **Biodiversity Net Gain – Exemption**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and
- (b) the local planning authority has approved the plan.

The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council. Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is considered to apply.

Applicable exemption:

Self-build and custom build development

Development which:

consists of no more than 9 dwellings, and is carried out on a site which has an area no larger than 0.5 hectares, and consists exclusively of dwellings which are self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015.

**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: D. Gibson**

**Date : 15/12/2025**

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

**Date : 22/12/2025**

**Dedicated responses to:-**