

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2428/0F1
2.	Proposed Development:	DETACHED DWELLING WITH INTEGRAL GARAGE
3.	Location:	PLOT 21, 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 A full application relating to a self-build residential site in Moor Row known as Rusper Drive. Outline planning permission was granted for erection of 26 dwellings (4/16/2206/0O1 refers) on this site in 2017. A large number of the plots are now complete and occupied. Site and Location Plot 21, the subject of this application, is situated on the upper north east side of Rusper Drive, adjacent to the eastern turning head. It is flanked by plot 20 (complete and occupied) to the north and plot 22 (also complete and occupied) to the west. To the east it adjoins the eastern boundary of the estate and a public footpath which runs the full extent of the estate's eastern boundary. Proposal Full permission is sought for the erection of a detached four bedroomed, two storey house on a triangular shaped plot, comprising one of the more restricted plots in terms of size and scope on the estate. Vehicular access is directly off the turning head leading to a paved	

driveway accommodating two cars and a single integral garage.

Proposed external finishes to the dwelling include flat grey concrete tiled roof, facing brick walls comprising Weinerberger brick, continental range 'Hamlet Antique', St Bees red sandstone mullions and cills and grey or white uPVC doors and windows.

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 planning conditions of the outline permission have subsequently been discharged.

Consultation Responses

Egremont Town Council

No comments received.

CCC Highways and LLFA

No comments.

United Utilities

No objection. Originally requested a pre-commencement drainage condition requiring details of a sustainable surface water drainage scheme and a foul water drainage scheme to be approved. Drainage on site, however, has already been addressed by conditions 4,5 and 6 of the outline consent which required that such details be approved, and the conditions have subsequently been discharged. The approved drainage system has now been installed on the site. As such a pre-commencement condition is unnecessary as all the relevant drainage infrastructure has been approved and is now installed and complete on site. It is considered that a condition ensuring that the dwelling connects into the approved system would provide an adequate safeguard.

Countryside Access Team

No objections

Inform that public right of way FP 406016 runs along the boundary of the site and has a recorded width of 1.8m. Any proposed boundary fencing must not infringe on the width of the right of way.



Cumberland Council

They advise that:

- The right of way as shown on the definitive map and statement must be kept open and unaltered for public use until an order made to divert or to temporarily close it has been confirmed.

Public Representation

The application was publicised by both a site notice and individual notification letters to the adjoining properties/ plot owners. No representations have been received as a result of this consultation.

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 emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and the report on the soundness of the plan currently remains awaited.

As set out at 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 stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) 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 NPPF.

The following policies are relevant to this proposal:

- Strategic Policy DS1PU - Presumption in favour of Sustainable Development
- Strategic Policy DS2PU - Reducing the impacts of development on Climate Change
- Policy DS6PU - Design and Development Standard
- Strategic Policy DS8PU - Reducing Flood Risk
- Policy DS9PU: Sustainable Drainage
- Strategic Policy H1PU - Improving the Housing Offer
- 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

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.

Scale, Layout and Design/ Residential Amenity

Although restricted in terms of size and shape it has been demonstrated that a two -storey dwelling of this scale and of a sensitive design can adequately be accommodated on this plot without detriment to neighbouring amenity and the living standards of the potential residents of the subject dwelling. Additional mitigation measures undertaken to make this possible include relocation of one of the first floor bedroom windows to the gable end to prevent overlooking of private neighbouring space and the erection of close boarded side boundary fencing on both neighbouring plots. As a result any potential for overlooking will not be significant.

The above accords with Policy ST1 of the CLP which includes provisions requiring that development provides or safeguards good levels of residential amenity and security. Policy DM12 (CLP) is also 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 especially in terms of sun lighting and daylighting. On the whole the dwelling design and positioning on the plot raises no contentious issues and will fit in generally on the estate.

The proposed external finishes Weinerberger facing brick, a flat grey tiled roof and either white or grey UPVC windows and doors are typical of those used elsewhere on the estate and are considered acceptable.

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. As explained previously, UU requested approval of a surface water and foul water drainage scheme for the proposed dwelling as a pre-commencement condition. However, as the drainage infrastructure has already been installed on the estate in accordance with these policies as part of the outline approval there will instead be a condition on the consent requiring that the dwelling connects into the approved scheme.

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

	<u>Highway Safety</u> Vehicular access is proposed directly off the north-eastern turning head on Rusper Drive with on-site parking for two vehicles directly in front of the proposed single garage which is acceptable. The amended block plan shows an ACO drainage channel proposed 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. <u>Planning Balance and Conclusion</u> 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. Although the plot is quite restricted it can accommodate a dwelling to reasonable development standards. And whilst there were initial issues relating to drainage on the plot it is considered that these have been satisfactorily mitigated via the imposition of a condition ensuring that drainage connects into the existing system. On balance therefore, taking the above assessment into account it is considered that the proposed erection of a detached dwelling on this plot constitutes an acceptable form of development and as such generally accords with local and national policies and guidance.
8.	Recommendation: Approve (commence within 3 years)
9.	Conditions: 1. 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. 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 Location Plan – Plot 21, drawing no. 22/05/1022-05a, scale 1:1250, dated Oct 2022, amendment received 27/03/2023.

Amended Site Plan – Plot 21, drawing no. 22/05/1022-06b, scale 1:500, , dated Oct 2022, amendment received 27/03/2023.

Amended Plans and Elevations, drawing no. 22/05/1022-08a, scale 1:100, dated Sept 2022, amendment received 10/03/2023.

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 e-mail from the Agent, Glen Beattie of Alpha Design, dated 4/04/2023. The drainage system shall be maintained and in use for the lifetime of the development`.

Reason

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

Highways

4. 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 in the interests of highway safety.

5. The dwelling shall not be occupied until the estate road including footways serving the dwelling have 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. The facing brick to be used for the development shall comprise Weinerberger 'Hamlet Antique' as per the details set out in the email from the Agent, Glen Beattie of Alpha Design, dated 20/02/2023.

Reason

To safeguard the appearance of the development on this plot in the interests of amenity.

Boundary Treatment

7. Before the dwelling is occupied a 1.8m high close boarded timber fence or wall shall be erected along the eastern rear boundary of the plot, details of which shall be submitted to and approved in writing by the Local Planning Authority before the fence/wall is erected. The approved boundary treatment shall be retained thereafter in perpetuity.

Reason

To safeguard neighbouring amenities.

Informative – Coal Mining Area

The proposed development lies within a coal mining area which may contain unrecorded coal



Cumberland Council

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

Informative – Public Right of Way

The right of way as shown on the definitive map and statement must be kept open and unaltered for public use until an order made to divert or to temporarily close it has been confirmed.

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. Morrison

Date : 12/04/2023

Authorising Officer: N.J. Hayhurst

Date : 12/04/2023

Dedicated responses to:- N/A