

**COPELAND BOROUGH COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/21/2327/OR1
2.	<b>Proposed Development:</b>	RESERVED MATTERS APPROVAL FOR THE ERECTION OF 20 DETACHED DWELLINGS INCLUDING ASSOCIATED INFRASTRUCTURE (ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) PURSUANT TO OUTLINE APPROVAL 4/16/2175/001
3.	<b>Location:</b>	LAND TO THE NORTH OF SCHOOL BROW, MORESBY PARKS, WHITEHAVEN
4.	<b>Parish:</b>	Moresby
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>Site and Location:</b></p> <p>The Application Site comprises a parcel of agricultural land located to the north of School Brow, Moresby Parks.</p> <p>The Application Site is enclosed by the highway known as School Brow to the south; the highway known as Moresby Parks Road to the east; open agricultural land to the north; and, a combination of dwellings and agricultural land to the west.</p> <p>The Application Site slopes gently from north to south and east to west.</p> <p>The Application Site is enclosed by a combination of fences, stone walls and hedgerows.</p> <p><b>Proposal:</b></p> <p>This application seeks approval of the reserved matters of scale, layout, access, appearance (part) and landscaping (part) pursuant to the approval of Outline Planning Permission for residential development on the Application Site i.e. Site B of application ref. 4/16/2175/001.</p>

The proposed development is to comprise self-build housing. The Applicant proposes to provide all the required infrastructure including access and services etc. to serve each individual plot, with the plot purchasers free to design and build their own dwellings subject to agreed limitations in relation to scale and layout and an approved Design Code prepared by the Applicant.

Approval is sought for appearance and landscaping in relation to Plot 1, Plot 6 and Plots 14-16 only at this stage.

The Design Code prepared by the Applicant does not form part of the current planning application; however, control over the design of the dwellings will remain through the planning process as approval of the reserved matters of appearance and landscaping will be required for the individual plots before development of these plots can be commenced.

The proposed development comprises 19no. detached single storey and two storey dwellings.

The proposed layout incorporates frontage dwellings to School Brow to the south and Moresby Parks Road to the east and a cul de sac accessed from School Brow.

The layout has been designed to seek to follow the change in levels across the Application Site, with single storey dwellings to the east and two storey dwellings to the west.

A comprehensive scheme of landscaping is proposed incorporating a combination of structural and decorative planting to the open spaces, boundaries and streets.

It is proposed to finish the dwellings with a combination of facing bricks and stone with concrete tiles to the roof structures.

Two or three off highway parking spaces are proposed to serve each dwelling. Formal and informal visitor parking spaces adjacent to and within the carriageways are proposed.

The proposed development has been amended during the course of the application to respond to the comments of consultees and Officers.

A detailed drainage specification has been prepared and submitted. It is proposed to surface water via a gravity fed drainage system to a surface water attenuation pond on land adjacent to the Application Site, which then discharges at a controlled rate to an unnamed tributary of Lowca Beck, which is located approximately 55m northwest of the Application Site. The drainage system has been designed to an adoptable standard and will be offered for adoption by United Utilities.

The formation of the surface water attenuation pond and associated piped connections on land adjacent to the Application Site is the subject of a Full Planning Application under application ref. 4/21/2328/0F1 as this development is located out with the approved application site of Outline

Planning Permission ref. 4/16/2175/001.

The proposed drainage scheme includes the diversion of an existing surface water culvert which runs through the adjacent residential development on land within the Application Site. This is proposed to resolve existing localised surface water flooding issues which are known to exist within the locality.

For the avoidance of doubt, the existing septic tanks located within the Application Site are to be removed and the properties connected into the public mains.

**Report:**

On the 31<sup>st</sup> August 2022, Members of the Planning Panel resolved to grant delegated authority to the Head of Planning and Place to approve Full Planning Permission for the development subject to the following:

- The receipt of revised plans detailing the retention of the lower footway and the installation of drainage infrastructure to the lower footway
- The confirmation of no objections from Cumbria County Council – Highways and LLFA, David Bechelli - Flood and Coastal Defence Engineer and United Utilities in relation to the revised plans
- Amendments to the planning conditions set out in the report to reflect any revised plans; and
- Any revisions to the development as deemed necessary and acceptable to the Head of Planning and Place.

*Revised Plans*

Revised plans detailing the retention of the lower footway and the installation of drainage infrastructure to the lower footway have been received from the Applicant.

*Consultation*

Cumbria County Council – Highways and LLFA, David Bechelli - Flood and Coastal Defence Engineer and United Utilities have been consulted in relation to the revised plans.

The consultation responses received comprise the following:

*Cumbria County Council – Highways and LLFA*

*14<sup>th</sup> September 2022*

Welcome a plan showing levels from proposed gully within the footway to the proposed outfall pipe.

*27<sup>th</sup> September 2022*

Looking through the plans and Mikes email we as the LHA and LLFA are content with the proposal and have no objections to the installation of the footway gully and connection to the proposed overflow pipe.

Can I suggest that a highway standard gully pot is to be installed, as existing footway gully pots within the network are reduced in size which easily become blocked as they have to be hand cleaned which unfortunately gets overlooked and forgotten about. A highway standard pot is easily cleaned with mechanical cleansing equipment which would encourage maintenance in the future.

*David Bechelli - Flood and Coastal Defence Engineer*

*14<sup>th</sup> September 2022*

From memory, due to it flooding frequently, Cumbria Highways had attended site with the intention of installing a gully.

However, due to levels a gully installed at the low point would actually have been lower than the culvert, so flooding at this point would have been made worse by installing a gully, so it was never installed.

Consequently, if my memory was correct, what the Planning Panel have requested may not be practical.

At this time the developer will need to check level on site to see if a gully will work at this location.

Whilst a non return valve may prevent water coming back up out of the gully when it is closed, this will prevent it from draining the flooding of the footpath, so it would be pointless installing it.

*26<sup>th</sup> September 2022*

Based on the levels the proposed gully in the footpath should work.

The additional info in Mike Rae's e-mail provides further ways in which flooding to the lower should be reduced.

I'm quite happy with this.

*United Utilities*

*21<sup>st</sup> October 2022*

	<p>United Utilities wish to make the following comments regarding the proposal detailed above. It should be noted that we have previously commented on the Outline Application (Planning Ref: 4/16/2175/001) to which the above application relates. Our previous response (Our Ref: DC/16/2529) is available from the Local Planning Authority.</p> <p><b>DRAINAGE</b></p> <p>In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the surface water should drain in the most sustainable way. Further to our review of the submitted documents, Drawings 6972 200 (rev P, dated 09/03/2022), 6792 201 (rev Q dated 09/03/2022) and 6792 202 (rev L dated 09/03/2022), we can confirm the proposals are acceptable in principle.</p> <p>It is clear that no objections have been received from any of the consultees.</p> <p><i>Amendments to Planning Conditions</i></p> <p>Revision of Planning Condition 2 is required to reference the revised plans.</p> <p>An additional Grampian Planning Condition is required to control completion of the culvert diversion and lower footway drainage prior as these works are on third party land located outside of the Application Site.</p> <p>In the context of the above, the planning application can now be approved.</p> <p><b>Conclusion</b></p> <p>Approve Reserved Matters (in part) subject to planning conditions.</p>
8.	<p><b>Recommendation:</b> Approve Reserved Matters</p>
9.	<p><b>Conditions:</b></p> <p><u>Standard Conditions</u></p> <p>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.</p> <p>Reason</p> <p>To comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning</p>

and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Planning Application Form received 13<sup>th</sup> July 2021

Type One – The Lorton – House Design Pack received 24<sup>th</sup> March 2022

Type Two (H) – The Borrowdale (Handed For Plot) – House Design Pack received 24<sup>th</sup> March 2022

Type 3 (H) – The Wilton – House Design Pack received 24<sup>th</sup> March 2022

Type 4 – The Dovenby – House Design Pack received 30<sup>th</sup> October 2022

Type 5 – Plot 6 – House Design Pack received 24<sup>th</sup> March 2022

Site Layout – Drawing No. 6972 01 Rev. E received 13<sup>th</sup> September 2022

Adoptable Road Layout – Drawing No. 6972 100 Rev. K received 13<sup>th</sup> September 2022

Section 38 Plan – Drawing No. 6972 106 Rev. E received 13<sup>th</sup> September 2022

Road and Drainage Longsections Sheet One – Drawing No. 6972 101 Rev. F received 24<sup>th</sup> March 2022

Road and Drainage Longsections Sheet 2 – Drawing No. 6972 102 Rev. B received 24<sup>th</sup> March 2022

Road Cross Sections – Drawing No. 6972 105 received 24<sup>th</sup> March 2022

Typical Road Construction Details – Drawing No. 6972 103 Rev. B received 24<sup>th</sup> March 2022

Proposed Housing Development, Moresby Parks – Drainage Strategy – March 2022 received 24<sup>th</sup> March 2022

Drainage Strategy Sheet 1 of 3 – Drawing No. 6972 200 Rev. Q received 13<sup>th</sup> September 2022

Drainage Strategy Sheet 2 of 3 – Drawing No. 6972 201 Rev. R received 30<sup>th</sup> October 2022

Drainage Strategy Sheet 3 of 3 – Drawing No. 6972 202 Rev. M received 13<sup>th</sup> September 2022

Contributing Areas – Drawing No. 6972 203 Rev. G received 13<sup>th</sup> September 2022

Section 104 Agreement Plan – Drawing No. 6972 204 Rev. F received 13<sup>th</sup> September 2022

Adoptable Drainage Easement Plan – Drawing No. 6972 205 Rev. B received 24<sup>th</sup> March 2022

Adoptable Surface Water Manhole Base Details – Drawing No. 6972 206 Rev. A received 24<sup>th</sup> March 2022

Adoptable Foul Water Manhole Base Details – Drawing No. 6972 208 Rev. A received 24<sup>th</sup> March 2022

Adoptable Manhole Schedule – Drawing No. 6972 400 Rev. A received 24<sup>th</sup> March 2022

Detention Basin Section – Drawing No. 6972 210 Rev. D received 30<sup>th</sup> October 2022

Proposed Housing Development, Moresby Parks Drainage Strategy March 2022 received 24<sup>th</sup> March 2022

Proposed New Housing Development Moresby Parks – Cumbria – 5<sup>th</sup> April 2022 – Operation and Maintenance Plan Surface Water Drainage System received 30<sup>th</sup> October 2022

Outdoor Lighting Report Ref. SHD130 18 March 2022 received 13<sup>th</sup> July 2021

A3 Land Registry Plan – Drawing No. 6972 205 Rev. D received 13<sup>th</sup> September 2022

Reason

For the avoidance of doubt and in the interests of proper planning.

3. For the avoidance of doubt, this permission approves the reserved matters of appearance and landscape in relation to Plot 1, Plot 6, Plot 14, Plot 15 and Plot 16 as identified on Site Layout – Drawing No. 6972 01 Rev. D received 19<sup>th</sup> May 2022 only.

A further application for Approval of Reserved Matters following Outline Approval is required in relation to the reserved matters of appearance and landscape for all other plots.

Reason

For the avoidance of doubt and in the interests of proper planning.

Pre-Commencement Conditions

4. No development shall commencement until the culvert diversion and lower footpath drainage works detailed on Drainage Strategy Sheet 3 of 3 – Drawing No. 6972 202 Rev. M received 13<sup>th</sup> September 2022 have been completed in accordance with the approved details and brought into full operational use.

Reason

To prevent suitable provision for the control and management of surface and foul water in accordance with the provisions of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013-2028.

Pre-Occupation Conditions

*Landscaping*

5. Notwithstanding the submitted details, prior to the first occupation of any dwellinghouse hereby approved, full details of the soft landscape works to the site boundaries and communal area shall be submitted to and approved in writing by the Local Planning Authority. These details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers / densities; and an implementation programme.

The agreed scheme shall be carried out as approved to the agreed timetable. 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 unless the Local Planning Authority gives written consent to any variation.

Reason

These details are required to be approved before the commencement of development to safeguard and enhance the character of the area and secure high quality landscaping in accordance with the provisions of Policy DM26 of the Copeland Local Plan 2013-2028.

Other Planning Conditions

*Highways*

6. No dwelling hereby approved shall be occupied until the estate road including footways to serve that dwelling have been constructed in all aspects 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 in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

7. No dwelling hereby approved shall be occupied until the approved parking layout and any associated turning spaces associated with the use of that dwelling have been constructed, marked out and made available for use. The approved parking layout and any associated turning spaces associated shall be retained for the lifetime of the development.

Reason

In the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

8. There shall be no vehicular access to or egress from the Application Site other than via the approved accesses.

Reason



In the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

*Drainage*

9. No dwelling hereby approved shall be occupied until the foul and surface water infrastructure to serve that dwelling have been constructed and brought into full operational use.

Reason

To prevent suitable provision for the control and management of surface and foul water in accordance with the provisions of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013-2028.

**Informative**

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:** Chris Harrison

**Date :** 31<sup>st</sup> October 2022

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

**Date :** 02.11.2022

**Dedicated responses to:-**