

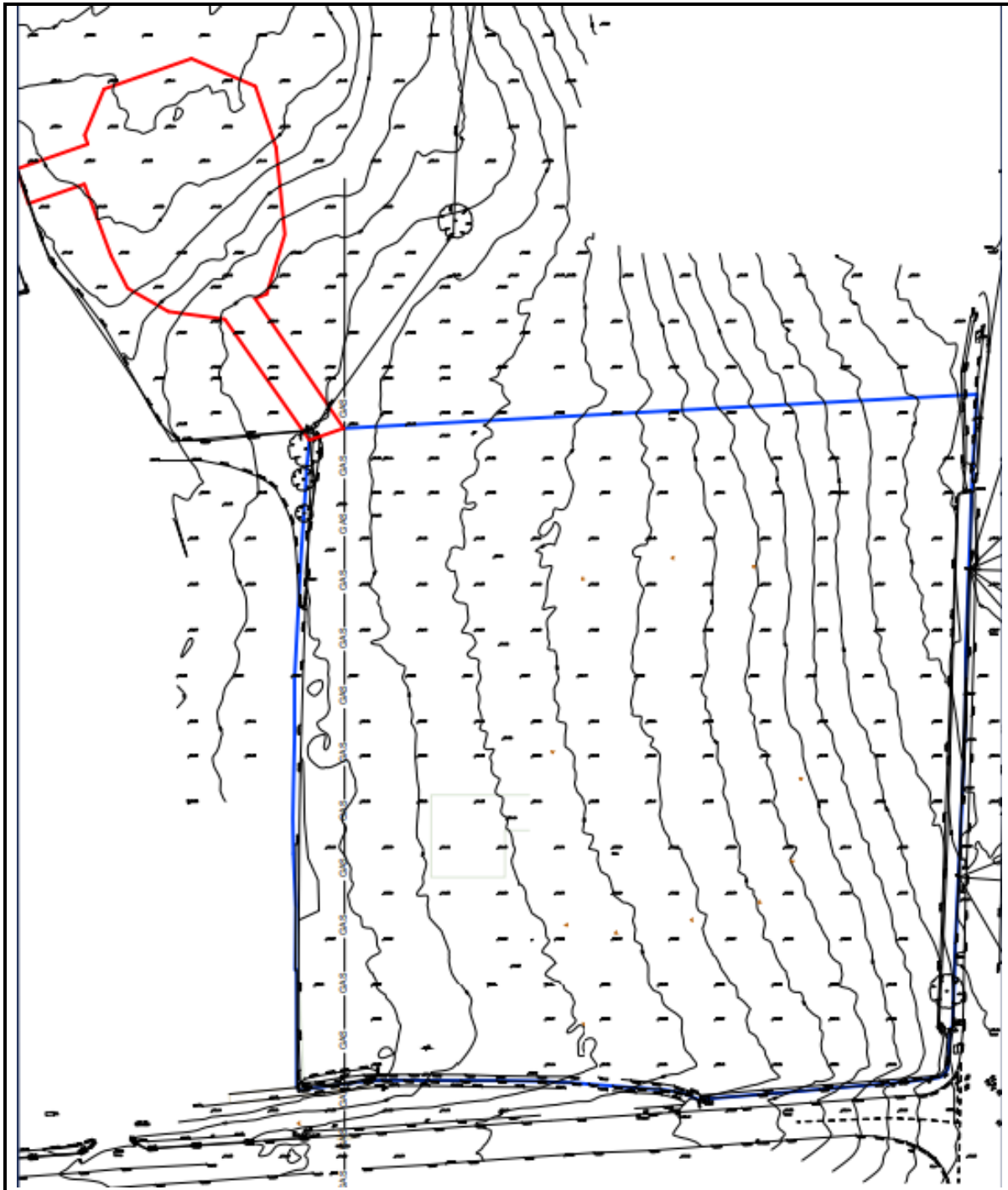


**To: PLANNING PANEL**

**Development Management Section**

**Date of Meeting: 03/08/2022**

<b>Application Number:</b>	4/21/2328/OF1
<b>Application Type:</b>	Full
<b>Applicant:</b>	Raemore Developments Ltd
<b>Application Address:</b>	LAND TO THE NORTH OF SCHOOL BROW, MORESBY PARKS, WHITEHAVEN
<b>Proposal</b>	FORMATION OF AN ATTENUATION BASIN INCLUDING CONNECTION ROUTES TO ADJOINING PROPOSED HOUSING DEVELOPMENT
<b>Parish:</b>	Moresby
<b>Recommendation Summary:</b>	Approve subject to conditions



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**Reason for Determination by Planning Panel:**

The application is brought for consideration by Members of the Planning Panel due to the level of local interest and as the Head of Planning and Place considers it to be of sufficient importance in planning terms to refer to the Planning Panel for determination.

**Site and Location:**

The Application Site comprises a parcel of agricultural land located to the north of School Brow, Moresby Parks.

The Application Site is surrounded by agricultural land and is broadly level.

**Directly Relevant Planning Application History:**

Application Ref. 4/16/2175/001 – Outline Application For Residential Development – Approved subject to planning conditions and a Section 106 Agreement.

Application Ref. 4/21/2327/0R1 – Reserved matters approval for the erection of 19no. detached dwellings including associated infrastructure pursuant to Outline Planning Application Ref. 4/16/2175/001.

**Proposal:**

This application seeks Full Planning Permission for the formation of a surface water attenuation pond and piped connection to the residential development granted outline planning permission under application ref. 4/16/2175/001 and for which an Application for Approval of Reserved Matters following Outline Approval is sought under application ref. 4/21/2327/0R1.

A separate Full Planning Application for the formation of the surface water attenuation pond and piped connection is required as the development is located outside of the approved Application Site of application ref. 4/16/2175/001.

The proposed attenuation pond comprises an earth banked pond developed above the prevailing land level. The banks incorporate a 1:4 gradient internally and a 1:2.5 gradient externally with cast concrete headwalls internally within the pond and at the out fall. The pond is designed to hold water for short period of time during storm events and will not contain water for the significant majority of the time.

A track with a permeable surface is proposed from within the residential development granted outline planning permission under application ref. 4/16/2175/001 to provide access for management and maintenance.

**Consultation Responses:**

Moresby Parish Council

20<sup>th</sup> June 2022

The Parish Council considered the attenuation basin and the new position.

We understand the reasons but still consider that flood water following heavy rain may cause problems further down towards Low Moresby and beyond.

8<sup>th</sup> September 2021

### 3. The Attenuation Basin

The village has a serious problem with flooding. Station House on School Brow at the junction with Moresby Parks Road has been flooded on more than one occasion and the relatively new development below the school has been plagued by flooding. The parish council does not believe that this basin, which it considers in any event to be, (according to the figures given in the plans particularly relating to the level of the throttle valve adequate), meets the needs. Drainage water will flow into Lowca Beck and then to Low Moresby and finally Howgate leaving those settlements prone to flooding. It is unclear whether a further application will simply refer to connecting routes from Site A. That would make matters worse. The strategy is at present totally ineffective and will not meet the requirements.

### Flood and Coastal Defence Engineer

31<sup>st</sup> March 2022

- Calculations have been updated to include a 40% climate change allowance.
- It isn't clear if a 10% urban creep allowance has been included, although this is a recommendation, rather than a requirement. There is a 10% figure shown in calculations for all return periods and climate change allowances, so it could have been included.
- The updated plans still don't show the receiving watercourse, although this isn't really necessary.
- The updated plans show the overflow from the existing culvert being re-connected into the culvert within the school playing field, rather than into the site's surface water system upstream of the pond. As the surcharging from the existing culvert cannot be determined, this will provide more assurance of the actual discharge into and out of the pond based on calculations. In addition, it would have been unlikely that United Utilities would have adopted the system downstream of the overflow connection.

In conclusion, although everything may not be clear to me, I have no objection to the proposed development based on information provided to date.

10<sup>th</sup> August 2022

- It isn't clear where the receiving watercourse is actually located, as it is not clearly marked on plans.

- The design is based on only a 30% allowance for climate change, not 40% as is usual at present.
- It isn't clear whether urban creep is included in the design.

Cumbria County Council – Highways and LLFA

5<sup>th</sup> May 2022

No objections to the proposal, subject to the following recommended conditions being included in any Notice of Consent which may be issued:

Condition 1: There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.

Reason: To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety. To support Local Transport Plan Policies: LD7, LD8

Condition 2: Access gates, if provided, shall be hung to open inwards only away from the highway.

Reason: In the interests of highway safety. To support Local Transport Plan Policies: LD7, LD8

Condition 3: Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason :

In the interests of highway safety and environmental management. To support Local Transport Plan Policies: LD7, LD8

Condition 4: Development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- Pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
- Details of proposed crossings of the highway verge;
- Retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- Cleaning of site entrances and the adjacent public highway;
- Details of proposed wheel washing facilities;

- The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- Construction vehicle routing;
- The management of junctions to and crossings of the public highway and other public rights of way/footway;
- Details of any proposed temporary access points (vehicular / pedestrian)
- Surface water management details during the construction phase
- Specific measures to manage and limit the impact on the school, including working hours, any special measures to accommodate pedestrians Note: deliveries and movement of equipment on the road network surrounding the site must not take place during school muster times in the interests of road safety.

Reason:

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety. To support Local Transport Plan Policies: WS3, LD4

25<sup>th</sup> August 2022

Further information and clarification is required for the following points;

- Can the applicant confirm if Site A as part of the original outline application 4/16/2175/001 will ultimately use this attenuation pond or will another drainage option be established?
- Climate change must be calculated at 40%, we have noted the 10% increase and we assume that this has been added to account for Urban Creep which must also be considered.
- Discharge rate has been agreed at 8.16L/s QBAR, however this figure changes within the document to 8.2L/s and then 8.1L/s detailed and the hydrobrake from the pond in Doc 6972-201 RevH - Drainage Strategy, while these are minor changes can it be clarified for avoidance of doubt which rate is being proposed.
- The height of the dwelling finished floor Level (FFL) should be considered, the site is flat and lower than the existing carriageway, while we believe this has been factored into the drainage an increase in FFL would be welcomed to protect from internal flooding should issues arise.
- The proposed new manhole and highway drainage from the footway routes through the rear gardens of plots 1, 2, 16, 15, 14. If this drainage is to become adopted by the Highway Authority (HA) then an easement will be required allowing for unrestricted access, as currently presented this would not be adoptable by the HA, we would note that a main gas line also lies in this area, consultation should be sought with the relevant undertaker in regard to easements and installation of a highway drain in close proximity to this service.

- Exceedance routes for the drainage in events beyond 1 in 100yr +40% should be detailed and should not effect properties on or off site.

### Environment Agency

29<sup>th</sup> July 2022

No comments.

### Northern Gas Networks

3<sup>rd</sup> May 2022

Withdraw our objection.

4<sup>th</sup> April 2022

We object to the planning application on the grounds that the protection given to our plant may be diminished by the works you intend to carry out.

29<sup>th</sup> July 2021

Withdraw our objection.

2<sup>nd</sup> August 2021

We object to the planning application on the grounds that the protection given to our plant may be diminished by the works you intend to carry out.

### **Public Representations**

The planning application has been advertised by way of a site notice and notification letters sent to neighbouring properties.

5no. presentations in objection and 1no. representation in support have been received.

The material planning issues relevant to the attenuation pond comprise:

- The attenuation basin/overflow falls outside the development boundaries and in itself poses additional risks to the public. At its deepest it is 1.5m deep and there are no provisions for a safety barrier around it to prevent drowning. Children and adults alike will want to see what this strange object in the field especially with light nights and school holidays.
- There is no defined maintenance regime merely a set of proposed schedules for maintenance.
- The site plan is incorrect. It is showing the Miners Welfare Institute to the west of the proposed development. There is a small development of 4 houses on that area and this has in the past been subject to flooding.

- The development is located outside of the approved boundary.
- The development will increase flood risk elsewhere.
- There are trees and hedges around the development, which should be referenced on the Application Site.
- There is a large amount of biodiversity in the area. Wildlife abounds all the surrounding fields.
- It is valuable agricultural land that is increasingly becoming scarce, the government themselves are recommending not to develop greenfield areas.
- Do you think United Utilities will adopt this system bearing in mind the rate climate change is taking place and 1 in 100 year events are now happening 1 in 20 years for example. It will increase United Utilities costs and risks. Also we all know policing the plot owners to maintain related attenuation tank and equipment maintenance will not happen and neglect will cause havoc in the area in the future.
- This is not an area that should be used for developing services for residential properties. The whole idea of developing this area is very foolhardy and will in the future if given the go ahead will prove to be a massive error of judgement. Greenfield sites in the near future will be so needed for agriculture to feed the people of this country and should be kept for our future generations.
- The whole series of related applications for developing this good agricultural area should be rejected, following government recommendations and to retain valuable green field areas.
- The western end of this proposed site is constantly flooded throughout the Winter. The drainage of this part of the village has always been a problem. The houses on the other side of the road are prone to flooding, as are the houses to the west of this site. The run-off from new housing, new roads and new paving will simply exacerbate this problem. Simply putting in new drainage would simply transfer the problem down the hill to Low Moresby. It would be interesting to gain their opinion on this project. What happens when the "attenuation basin" is full? Because it will fill up.
- Have objected to the proposal for housing and cannot see why the attenuation basin is separate, unless it is a backdoor route for getting it started. I'd support drainage without connection to housing development.

### **Development Plan Policies:**

#### **Copeland Local Plan 2013-2028 (Adopted December 2013):**

##### Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity



Policy ENV5 – Protecting and Enhancing the Boroughs Landscapes

Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place

Policy DM24 – Development Proposals and Flood

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 - Landscaping

Policy DM28 – Protection of Trees

Emerging Copeland Local Plan (ECLP).

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Publication Draft Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of the Copeland Local Plan 2017-2035 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft 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 National Planning Policy Framework.

Policy DS1PU - Presumption in favour of Sustainable Development

Policy DS2PU - Reducing the impacts of development on Climate Change

Policy DS6PU - Design and Development Standards

Policy DS7PU - Hard and Soft Landscaping Strategic

Policy DS8PU - Reducing Flood Risk

Policy DS9PU - Sustainable Drainage

Policy N1PU - Conserving and Enhancing Biodiversity and Geodiversity

Policy N3PU - Biodiversity Net Gain

Policy N5PU: Protection of Water Resources

Policy N6PU - Landscape Protection

Policy N13PU: Woodlands, Trees and Hedgerows

**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:**

### **Principle of Development**

The proposed development comprises the formation of a surface water attenuation pond and piped connection to serve the residential development granted outline planning permission under application ref. 4/16/2175/001 and for which an Application for Approval of Reserved Matters following Outline Approval is sought under application ref. 4/21/2327/0R1.

The proposed development is located outside of the approved Application Site of application ref. 4/16/2175/001.

Locating drainage infrastructure separate from any proposed residential is not specifically prevented in Development Plan policies.

Such development can deliver benefits where such proposals enable the delivery of improved design, layout or planning outcomes as part of a wider development and where the infrastructure is acceptable in all other planning respects.

### **Landscape and Visual Impact**

Policy DM26 of the LP requires that development proposals, where necessary, will be required to include landscaping schemes that retain existing landscape features, reinforce local landscape character and mitigate against any adverse visual impact. It is required that care should be taken that landscaping schemes do not include invasive non-native species and landscaping schemes be maintained for a minimum of five years.

Policy DS7PU requires that where appropriate a high-quality landscaping scheme should be submitted with all proposals for development.

The Application Site is located in an area of Sub Type 5a Ridge and Valley as defined in the Cumbria Landscape Character Guidance.

The key characteristics of the area include a series of ridges and valleys that rise gently toward the limestone fringes of the Lakeland Fells with well managed regular shaped medium to large pasture fields. Hedge bound pasture fields dominate, which are interspersed with native woodland, tree clumps and plantations. Scattered farms and linear villages are found along ridges and large scale structures are generally scarce.

The Application Site is located to the northwest of the residential development granted outline planning permission under application ref. 4/16/2175/001.

The Application Site is located in the corner of a low-lying field bounded by an established hedgerow and group of trees to the west.

Long range and short-range views of the Application Site are limited due to the screening provided by existing development, existing vegetation and the form of the surrounding topography. Further screening of the Application Site will be provided by the residential development granted outline planning permission under application ref. 4/16/2175/001.

The proposed will be viewed in the visual context of the development that it will serve.

The grassed surfacing of the pond will help assimilate the development into the landscape.

Whilst developed above the prevailing land level, given its surface finish and low-lying location, the proposed would not be visually prominent where the limited views of the development exist and will not impact the key landscape characteristics of the area.

### **Ecology and Arboriculture**

Policy ENV3 of the CS and Policy N1PU of the ELP seeks to ensure that new development will protect and enhance biodiversity and geodiversity.

Policy N3PU of the ELP seeks that development achieve a biodiversity net gain of 10%; however, given that outstanding objections exist to the policy, only limited weight can currently be afforded this policy in decision making.

The Application Site comprises an existing area of agricultural grassland. As a grassland monoculture, the Application Site is not of significant ecological interest.

No protected species are known to exist on the Application Site.

The proposed development incorporating a grassed surface to the pond, which would not be managed as per the existing agricultural land, so will deliver ecological enhancement beyond the existing situation.

### **Flood Risk and Drainage**

The Application Site is located in Flood Zone 1. The proposed development comprises a water compatible development, which is acceptable in Flood Zone 1.

Planning Condition 10 of application ref. 4/16/2175/001 requires that any application for approval of reserved matters shall include a full surface water drainage scheme.

As such, assessment of the technical suitability of the overall surface water drainage scheme serving the residential development falls for consideration under application ref.

4/21/2327/0R1 and not this planning application, of which the proposed surface water attenuation pond and piped connection are simply component parts.

## **Northern Gas Networks Infrastructure**

Northern Gas Networks initially raised an objection to the proposed development on the basis that the protection given to their existing pipelines within and adjacent to the Application Site may be diminished by the proposed development.

Following discussion with Northern Gas Networks, it has been confirmed that their objection has been removed.

## **Highways**

Policy DM22 of the DMP requires that development proposals be accessible to all users; respond positively to existing movement patterns in the area; and, incorporate parking provision to meet defined standards.

A track with a permeable surface is proposed from within the residential development granted outline planning permission under application ref. 4/16/2175/001 to provide access for management and maintenance.

Cumbria County Council have been consulted and have raised no objections to the development subject to the imposition of planning conditions requiring: access via the approved access only; that access gates be hung to open inwards only; approval of measures to prevent surface water discharging onto the public highways; and, the securing of a Construction Traffic Management Plan.

## **Residential Amenity**

Policy DM12 of the DMP defines minimum interface separation distances that are required to be achieved between dwellings.

Policy H6PU of the ELP requires that an acceptable level of amenity is provided for future residents and maintained for existing neighbouring residents in terms of sunlighting and daylighting; that privacy is protected through distance or good design; and, that the development will have no unacceptable overbearing impact upon neighbouring residents due to its scale, height and/or proximity.

Given the scale, form and layout of the proposed development adverse impacts upon existing and proposed dwellings will not result through loss of light, overbearing, overshadowing and overbearing effects as required by Policy H6PU of the ELP.

## **Planning Balance and Conclusion**

The principle of the development is acceptable subject to site specific matters.

The proposed will not cause unacceptable visual impacts and will not impact the key landscape characteristics of the area.

No issues are arising in respect of drainage, flood risk, highway safety, gas infrastructure and residential amenity subject to the planning conditions proposed.

On balance, it is considered that the proposed development is acceptable and accords with the relevant provisions of the Development Plan.

**Recommendation:-**

Approve subject to the following conditions:-

Standard Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning 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

Existing Site Location Plan – Drawing No, 6972 214 Rev. – received 13<sup>th</sup> July 2021

Detention Basin Section – Drawing No. 6972 210 Rev. C received 24<sup>th</sup> March 2022

Drainage Strategy Sheet 2 of 3 – Drawing No. 6972 201 Rev. Q received 24<sup>th</sup> March 2022

Reason

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

Pre-Commencement Conditions

3. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority.

The CTMP shall include details of:

- Pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
- Details of proposed crossings of the highway verge;
- Retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- Cleaning of site entrances and the adjacent public highway;

- Details of proposed wheel washing facilities;
- The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- Construction vehicle routing;
- The management of junctions to and crossings of the public highway and other public rights of way/footway;
- Details of any proposed temporary access points (vehicular / pedestrian)
- Surface water management details during the construction phase
- Specific measures to manage and limit the impact on the school, including working hours, any special measures to accommodate pedestrians Note: deliveries and movement of equipment on the road network surrounding the site must not take place during school muster times in the interests of road safety.

#### Reason

To ensure the undertaking of the development does not adversely impact upon the fabric and in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

4. No development shall commence until details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway have been submitted and approved in writing by the local planning authority. Any approved works shall be implemented prior to the development being completed and shall be maintained 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.

#### Other Conditions

5. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.

#### Reason

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

6. Access gates, if provided, shall be hung to open inwards only away from the highway.

#### Reason

In the interests of highway safety in accordance with the provisions of Policy T1 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.