

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2015/OR1
2.	Proposed Development:	APPLICATION FOR APPROVAL OF RESERVED MATTERS RELATING TO APPEARANCE, LANDSCAPE, LAYOUT & SCALE FOR ONE DETACHED DWELLING PURSUANT TO OUTLINE APPROVAL 4/16/2175/001
3.	Location:	PLOT 4, BONNY MEADOWS, MORESBY PARKS, WHITEHAVEN
4.	Parish:	Moresby
5.	Constraints:	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	See report.
7.	Report: Site and Location: <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> Directly Relevant Planning Application History: <p>Application ref. 4/16/2175/001 – Outline Application For Residential Development –</p>	

Approved subject to planning conditions and a Section 106 Agreement.

Application ref. 4/16/2175/0O1 included two parcels of land denoted as Site A and Site B. Site A comprises land to the west of Moresby Parks School and Site B comprises the current Application Site.

Application ref. 4/21/2327/0R1 approved 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. 4/16/2175/0O1.

Proposal:

The proposed development comprises a self-build housing development. The Developer is 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 Developer.

This application seeks approval of the reserved matters of scale, layout, access, appearance and landscaping in relation to Plot 4 of the development approved under application ref. 4/16/2175/0O1 and application ref. 4/21/2327/0R1.

The proposed comprises a 3 bedroom two storey dwelling under a dual pitched roof structure with integral garage and accommodation in the roof structure.

A dual pitched gable feature is proposed to the front elevation.

A combination of dual pitched dormer window and roof lights are proposed within the roof structure.

It is proposed to finish the dwelling with a combination for facing brick with artstone details to the elevations and Marley Modern roof tiles to the roof structure.

Grey coloured uPVC windows and doors are proposed.

Consultee:	Nature of Response:
Parish Council	<p>Moresby Parish Council considered this application at their meeting held yesterday evening (9th February 2023) and resolved that they object to this proposal on the below grounds:</p> <ul style="list-style-type: none">• It is overdevelopment of the site with the size and scale of the proposed dwelling house being out of keeping with the local

		<p>architectural vernacular.</p> <ul style="list-style-type: none"> • There are known flooding issues in this location of both surface water, and over capacity of the existing sewage system. <p>Further Moresby Parish Council asked that:</p> <ul style="list-style-type: none"> • If the proposal be approved that flood monitoring should be a condition of it to ensure that the impacts of the houses being built is appropriately recorded. • Has consideration been given by Copeland Borough Council to the impacts that this development occurring at the same time as the A595 road closures with diversion through Moresby Parks will have? Can a condition be imposed preventing this development starting until the A595 works are completed, or if not can an appropriate construction management plan be put in place. • Finally, the Parish Council asked that a confirmation statement be provided that all of the pre-planning conditions on the outline approval have been completed? Please can you also provide a copy of the decision notice relating to the Outline Application please, as this is not available on your website? <p>I look forward to hearing from you relating to the final point above, and trust that you will take the other points under consideration when this application moves to a decision.</p>
	Highways and LLFA	<p>Response 1</p> <p>As this is a single dwelling, it falls under our Service Level Agreement (SLA) with your Council, this application does not need to be submitted to the Local Highway Authority or Lead Local Flood Authority; subject to the highway and drainage aspects of such applications being considered in accordance with the Agreement and previously approved outline applications for the wider site.</p> <p>The highway and drainage implications of this application would</p>

		<p>therefore have to be decided by the Local Planning Authority.</p> <p>However, I have looked at the plans and see that the dwelling is part of the wider site which has the layout and drainage approved as an outline development. Therefore Cumbria County Council as 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.</p> <p>Response 2</p> <p>Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below.</p> <p>I am satisfied that the proposal for the single dwelling (Plot 4) aligns with the previously approved overall highway and drainage strategy for the wider site. As such, the LHA and LLFA have no objection to the proposals.</p>
	United Utilities	No comments received.
	Northern Gas Networks	No comments received.
	Neighbour Responses:	
	<p>The application has been advertised by way of a site notice and neighbour notification letters.</p> <p>Three objections have been received.</p> <p>The comments outlined in the representations comprised:</p>	



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"With regards to the proposed dwelling/s the main concern we have are the dormer windows situated at the rear of the properties which we feel would have an elevated view over the rear of our properties.

The obvious concern would be privacy as we imagine they would have a direct view into our garden, kitchen and lounge.

We feel velux type windows would help address the issue as opposed to dormer windows.

I look forward to your response on this concern."

"I object to the application for the following reasons :

1) On the application form in pre application advice section : information or details not completed on the advice given and from whom, as it's clearly requested in that section if 'yes'.

2) The total height of the dwelling is too high and does not accord to the rurality of the area and will have a great negative impact on the surrounding area. The planning committee were clearly told by the developer that the development was to contain properties of only 2 floors, NOT as proposed for this property, which is of 3 floors/levels high.

3) On outline and detailed plans previously submitted and agreed by planning committee and accepted by the planning officers, it was stated before any building of properties commenced that ALL Utility services, including attenuation basin, were to be in place. This fact and obligations to comply has not been confirmed by the developer in this application. This was a key requirement to ensure adequate drainage and water surface management for this development was installed before commencement.

4) A building material/works vehicles/storage compound was to be in place before any building takes place. Works vehicles (Wagons,Diggers etc.) Wheels, etc. Cleaning Station was to be erected and available for use before site development takes place.

These are just a few of the stipulated provisions that were agreed by the planning officers and the Planning Council. I believe that it is the planning officers duty to police and should ensure adherence of the developer to these rules and requirements.

There should be no changing or manipulation that decrease or lower the levels of standards or obligations required of the developer to maintain. This scenario of developers riding roughshod, ignoring requirements of planning permissions, happens quite regularly on the policing of developments by Copeland planning officers and should be improved."

“My reason for objecting concerns a discrepancy regarding the height given for the said property from ground to apex.

The bungalow is of the Lorton design. The developer, Raemore, gives a figure of 9.479m but the

planning application states 11.335m. At this height it is taller than any of the other designs given on the original application.

It begs the question therefore as to the visual impact this will have in relation to the other homes

and whether we can have confidence in the detailed specifications given by the builder.

Where the development borders existing properties the final heights could have a detrimental effect on their right to light and privacy.”

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 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 2013-2028 (Adopted December 2013):

Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability



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Policy SS5 – Provision and Access to Open Space and Green Infrastructure

Policy T1 – Improving Accessibility and Transport

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 DM11 – Sustainable Development Standards

Policy DM12 – Standards for New Residential Development

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 - Landscaping

Policy DM27 – Built Heritage and Archaeology

Copeland Local Plan 2001-2016 (LP) Saved Policies:

Policy TSP8 – Parking Requirements

Emerging Copeland Local Plan (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 their report on the soundness of the plan currently remains awaited.

The Planning Inspector has now issued their post hearing letter, which identifies the next steps for the Examination. This includes proposed modifications to the plan to ensure a sound plan on adoption.

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.

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

Policy DS8PU - Reducing Flood Risk

Policy H6PU - New Housing Development

Policy H7PU - Housing Density and Mix

Policy SC1PU - Health and Wellbeing

Policy N1PU - Conserving and Enhancing Biodiversity and Geodiversity Strategic

Policy N3PU - Biodiversity Net Gain

Policy N6PU - Landscape Protection

Policy N9PU - Green Infrastructure

Policy N13PU - Woodlands, Trees and Hedgerows

Policy CO4PU - Sustainable Travel

Policy CO5PU - Transport Hierarchy

Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure

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).

Copeland Borough Council Housing Strategy 2018-2023 (CBCHS)

Assessment:

Principle:

Application ref. 4/16/2175/001 was considered by Members of the Planning Panel on the 18th



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January 2017. It was resolved that application ref. 4/16/2175/001 be approved subject to the Applicant entering into a Section 106 Agreement.

Due to the time taken to negotiate, prepare and execute the required Section 106 Agreement, application ref. 4/16/2175/001 was formally approved and the Decision Notice issued on the 10th August 2020.

Planning Condition 2 of application ref. 4/16/2175/001 requires that an application(s) for approval of the reserved matters shall be submitted to the Local Planning Authority within three years of the date of the planning permission i.e. prior to the 10th August 2023.

The principle of residential development on the Application Site has been established and the current application as submitted is lawful pursuant to application ref. 4/16/2175/001.

Housing Mix:

The Application Site is located within the Whitehaven Rural Housing Market Area (HMA) in the Copeland Strategic Housing Market Assessment 2021 Update (SHMA).

In terms of housing mix, the SHMA concludes that the analysis broadly suggests a need for 60% of market homes to have 3 or more bedrooms and 40% of market homes to have 1-2 bedrooms. It is stated that the Council should also consider the potential role of bungalows as part of the future mix of housing.

The Copeland Housing Officer commented in relation application ref. 4/21/2327/0R1 and confirmed support for the development and specifically highlights the need/demand for bungalows, that the SHMA data shows that those who wanted to move within or out of the Moresby area were doing so to downsize – but were looking for 3 beds and that there does seem to be interest in self-build for this area and that they are keen to see more self-build opportunities in the Borough.

The development as a whole includes plots for single storey dwellings. The size of the dwellings will be dictated by the purchasers and so will be tailored to their individual needs and circumstances. The development therefore reasonably accords with the SHMA.

Design and Landscape Impact:

The overall form and layout of the development was approved under application ref. 4/21/2327/0R1. The layout follows the change in levels across the Application Site, with single storey dwellings to the east and two storey dwellings to the west, minimising the overall finished floor and ridge levels of the development. The finished floor levels proposed follow the existing ground levels within and adjacent to the Application Site.

The proposed dwelling is a variation of a dwelling design approved under application ref. 4/21/2327/0R1 and so is appropriate to the development and context.

The Design Code prepared by the Applicant does not form part of the current planning application; however, the proposed design broadly aligns with its principles and limitations.

The proposed development aligns with the form and layout of the development approved under application ref. 4/21/2327/0R1.

The proposed dwelling is not located wholly within the development footprint outlined and approved under application ref. 4/21/2327/0R1; however, will not adversely impact upon the overall form of the development and composition of the street scene.

The dwelling is two storey in height and includes accommodation within the roof structure. Whilst the resulting ridge height of the dwelling is high, it is not wholly inappropriate or incomparable to the other dwellings approved on the development.

Residential Amenity:

The interface separation distances achieved between the existing dwellings and proposed dwelling accord with the provisions of Policy DM12.

The interface separation distances achieved between the proposed dwelling and the dwelling positions identified within the layout approved under application ref. 4/21/2327/0R1 also accord with the provisions of Policy DM12.

Dormer windows are proposed within the rear roof plane. Given the offset location in relation to the dwellings to the west on School Brow and the distance between the windows within the respective dwellings, unacceptable adverse impacts through overlooking will not reasonably result. The impacts are comparable to those that will result from the proposed windows at first floor level.

Given the scale, form and design of the proposed dwelling unacceptable adverse impacts will not result through overbearing, loss of light, overlooking or overshadowing.

Landscaping:

A detailed landscaping scheme has not been prepared and submitted.

A pre-occupation planning condition is proposed requiring submission, approval and implementation of a detailed hard and soft landscaping scheme.

Highways Impacts:

Off highway parking for in excess of 3no. vehicles with access directly taken from the turning head approved under application ref. 4/21/2327/0R1.

The access and parking provision are proposed in accordance with the requirements of the Cumbria Development Design Guide.

Ecology:

Mandatory biodiversity net gain legislation becomes law in relation to minor developments in early 2024. Policy N3PU of the ELP requires that biodiversity net gain is achieved for applicable development in Copeland in advance of November 2023.

Secondary legislation/regulation that defines exemptions to mandatory biodiversity net gain

	<p>has not yet been published; therefore, it remains to be confirmed if mandatory biodiversity net gain will be applicable to developments for which outline planning permission is approved before November 2023. The consensus view of planning lawyers is that biodiversity net gain would not apply to reserved matters planning applications approved before November 2023.</p> <p>Planning conditions were not imposed on application ref. 4/16/2175/001 requiring the delivery of a biodiversity net gain; therefore, measurable biodiversity net gain calculations demonstrating the achievement of 10% has not been sought.</p> <p>In the context of the existing characteristics of the Application Site i.e. grassland monoculture any approved planting scheme should deliver a modest net gain.</p> <p><u>Planning Balance:</u></p> <p>In overall terms, subject to the planning conditions proposed, the development accords with the provisions of the development plan.</p>
8.	<p>Recommendation:</p> <p>Approve</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 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>Reason:</p> <p>To comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p> <ol style="list-style-type: none"> 2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: <ul style="list-style-type: none"> Location Plan - Drawing No. 22/354/18 Rev. 00/00/000 Site Layout - Drawing No. 22/354/17 Rev. 00/00/000 Ground and First Floor Plans – Drawing No. 22/354/01 Rev. A Ground Floor Plan Part A – Drawing No. 22/354/02 Rev. A Ground Floor Plan Part B – Drawing No. 22/354/03 Rev. A First Floor Plan Part A – Drawing No. 22/354/04 Rev. A First Floor Plan Part B – Drawing No. 22/354/05 Rev. A Loft Plan – Drawing No. 22/354/14 Rev. 00/00/000

Loft Plan – Drawing No. 22/354/15 Rev. 00/00/000

Loft Plan – Drawing No. 22/354/16 Rev. 00/00/000

Sectional Elevation – Drawing No. 22/354/06 Rev. A

Front Elevation – Drawing No. 22/354/07 Rev. A

Rear Elevation – Drawing No. 22/354/08 Rev. A

End Elevation – Drawing No. 22/354/09 Rev. A

End Elevation – Drawing No. 22/354/010 Rev. A

Foundations – Drawing No. 22/354/11 Rev. 00/00/000

Foundations Part A – Drawing No. 22/354/12 Rev. 00/00/000

Foundations – Drawing No. 22/354/13 Rev. 00/00/000

Reason:

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

Pre-Occupation Planning Conditions

3.

- a) Prior to occupation of the dwelling hereby approved full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority.

These details shall include:-

- proposed finished levels or contours;
- means of enclosure; and,
- hard surfacing materials;

Soft landscape works 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.

- b) 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

To safeguard and enhance the character of the area and secure high quality landscaping in accordance with Policy DM26 of the Copeland Local Plan 2013-2028.

4. The dwelling hereby approved shall not be occupied until the vehicular access and turning requirements have been constructed in accordance with the approved plan and brought into use. The vehicular access/turning 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 T1 and Policy DM22 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

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 : 22.08.2023

Authorising Officer: N.J. Hayhurst

Date : 23.08.2023

Dedicated responses to:-