

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2098/OR1
2.	Proposed Development:	APPLICATION FOR APPROVAL OF RESERVED MATTERS RELATING TO APPEARANCE & LANDSCAPING FOR PLOT 5 PURSUANT TO OUTLINE APPROVAL 4/16/2175/001 (OUTLINE FOR RESIDENTIAL DEVELOPMENT)
3.	Location:	PLOT 5, 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 Application Site comprises part of 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 5 of the development approved under application ref. 4/16/2175/0O1 and application ref. 4/21/2327/0R1.

The proposal comprises a 4/5-bedroom two storey dwelling under a dual pitched roof structure with integral garage.

Dual pitched gable features are proposed to the front and rear elevations.

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	None received.
Highways and LLFA	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.
United Utilities	No comments received.
Northern Gas	24 th April 2023

	<p>Networks</p>	<p>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.</p> <p><i>31st May 2023</i></p> <p>Now willing to rely on our statutory powers and so withdraw our objection.</p>
	<p>Neighbour Responses:</p> <p>The application has been advertised by way of a site notice and neighbour notification letters.</p> <p>Five representations in support have been received.</p> <p>The comments outlined in the representations comprised:</p> <ul style="list-style-type: none"> - Overjoyed to support this development. This will bring better utility systems to Moresby as well as supporting local business in the village. - Improves drainage in the area and provides better surface water into culverts and not the sewer network. Also provides extra storage within the existing sewage network. - Excited for the new development and additions to the village. Hopeful that this will enhance the community and attract amenities. - Fully support the decision. - I have no objections to this application. 	
	<p>Planning Policy</p> <p>Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.</p> <p>Development Plan</p> <p>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.</p> <p>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.</p> <p>The inherited local development plan documents continue to apply to the geographic area of their sovereign Councils only.</p>	

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

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



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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 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. 4/16/2175/0O1 requires that an application(s) for approval of the 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. 4/16/2175/0O1.

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 development aligns with the form and layout of the development approved under application ref. 4/21/2327/0R1. The distances between the gable elevations and boundaries fall below those indicated in application ref. 4/21/2327/0R1; however, these reductions are not deemed to cause unacceptable harm to the character of the development. As this application seeks approval of the reserved matters of scale, layout, access, appearance and landscaping, there is no procedural conflict with application ref. 4/21/2327/0R1.

The proposed dwelling is a variation of a dwelling design approved under application ref.



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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, with the exception of the gable to boundary distances.

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.

A balcony is proposed to the side elevation of the rear projection. Given the location/orientation of the balcony and the design/orientation of the dwelling on Plot 6, including the presence of an intervening garage building, direct overlooking of windows will not occur. Some overlooking of the garden area of Plot 6 will occur and is similar in impact to that which would result from other first floor windows as is common in a residential context.

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.

	<p>Secondary legislation/regulation that defines exemptions to mandatory biodiversity net gain 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 Reserved Matters</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: <p>Location Plan – Drawing No. 22/0355/12 Rev. 00/00/0000 Site Layout – Drawing No. 22/0355/11 Rev. 00/00/0000</p> <p>Part Ground Floor Plan – Drawing No. 22/0355/1A Rev. 00/00/0000 Part Ground Floor Plan – Drawing No. 22/0355/1B Rev. 00/00/0000 Ground Floor Plan and Site Block Plan – Drawing No. 22/0355/1C Rev. 00/00/0000</p> <p>Part First Floor Plan – Drawing No. 22/0355/2A Rev. 00/00/0000</p>



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Part First Floor Plan – Drawing No. 22/0355/2B Rev. 00/00/0000

Part First Floor Plan – Drawing No. 22/0355/2C Rev. 00/00/0000

Sectional Elevation AA – Drawing No. 22/0355/3 Rev. 00/00/0000

Front Elevation – Drawing No. 22/0355/4 Rev. 00/00/0000

Rear Elevation – Drawing No. 22/0355/5 Rev. 00/00/0000

End Elevation – Drawing No. 22/0355/6 Rev. 00/00/0000

End Elevation – Drawing No. 22/0218/7 Rev. 00/00/0000

Foundations – Drawing No. 22/0355/8 Rev. 00/00/0000

Foundations – Drawing No. 22/0355/9 Rev. 00/00/0000

Foundations – Drawing No. 22/0355/10 Rev. 00/00/0000

Site Layout – Drawing No. 22/0355/6 Rev. 00/00/0000

Reason:

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

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.

	<p>4. The dwelling hereby approved shall not be occupied until the vehicular access and parking requirements 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.</p> <p>Reason:</p> <p>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.</p> <p>Statement</p> <p>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.</p>	
Case Officer: Chris Harrison		Date : 24.07.2023
Authorising Officer: N.J. Hayhurst		Date : 24.07.2023
Dedicated responses to:-		