



## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/23/2162/0R1
2.	<b>Proposed Development:</b>	APPLICATION FOR APPROVAL OF RESERVED MATTERS RELATING TO ACCESS, APPEARANCE, LANDSCAPING, LAYOUT & SCALE PURSUANT TO OUTLINE PLANNING APPROVAL 4/16/2175/001 FOR PLOTS 2, 3, 9, 10, 11, 12, 13, 17, 18 AND 19
3.	<b>Location:</b>	BONNY MEADOWS, MORESBY PARKS, WHITEHAVEN
4.	<b>Parish:</b>	Moresby
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Standing Advice - Data Subject To Change, Key Species - Bounds of Sensitive Area for Hen Harriers
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>Directly Relevant Planning Application History:</b></p> <p>Application ref. 4/16/2175/001 – Outline Application For Residential Development – Approved subject to planning conditions and a Section 106 Agreement.</p>

Application ref. 4/16/2175/001 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. 4/16/2175/001.

Application ref. 4/23/2015/0R1 approved the reserved matters of appearance and landscaping for Plot 4 pursuant to outline approval 4/16/2175/001.

Application ref. 4/23/2092/0R1 approved the reserved matters relating to appearance and landscaping for Plot 8 pursuant to outline approval 4/16/2175/001.

Application ref. 4/23/2093/0R1 approved the reserved matters relating to appearance and landscaping for Plot 7 pursuant to outline application approval 4/16/2175/001.

Application ref. 4/23/2098/0R1 approved appearance and landscaping for Plot 5 pursuant to outline approval 4/16/2175/001.

Application ref. 4/21/2325/DOC approved the discharge of conditions 4, 5, 8, 10, 13 and 14 of planning approval 4/16/2175/001 in relation to Site B.

**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 Plots 2, 3, 9, 10, 11, 12, 13, 17, 18 and 19 of the development approved under application ref. 4/16/2175/001 and application ref. 4/21/2327/0R1.

The Applicant has confirmed that the application has been submitted in order to keep the planning permission alive.

Plot 2 and Plot 3 include dwellings designed for individual plot purchasers.

The proposals comprise a combination of single storey and two storey dwellings under dual pitched roof structures with integral garages.



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

It is proposed to finish the dwellings 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	<p><i>6<sup>th</sup> July 2023</i></p> <p>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><i>30<sup>th</sup> October 2023</i></p> <p>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>
United Utilities	No comments received.
Northern Gas Networks	<p><i>28<sup>th</sup> June 2023</i></p> <p>Object to the order on the grounds that the protection given to our plant may be diminished by the works you intend to carry out, under <b>Paragraph 4, Schedule 12, Part II of the Town and Country Planning Act 1990.</b></p> <p><i>17<sup>th</sup> October 2023</i></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. There are specific building proximity distances for individual pipelines, which are dependent on pre-defined risk levels and the type of development.</p> <p><i>27<sup>th</sup> October 2023</i></p> <p>We are now willing to rely on our statutory powers and so withdraw our objection.</p>

	<p>Arb. Consultant</p>	<p><i>19<sup>th</sup> September 2023</i></p> <p>Following our site visit, we have the following comment/observation to make on the proposed development.</p> <p>There are currently no trees growing on the site.</p> <p>The applicant has not submitted a landscaping plan for the site.</p> <p>Attach the following condition to any planning permission requiring the applicant to:</p> <ul style="list-style-type: none"> <li>• Submit a detailed landscaping scheme, which should include a detailed planting design, a specification for the new trees and shrubs, and a five-year maintenance scheme. This must be agreed in writing by the Local Planning Authority and carried out during the first planting season following construction work. Any plants that die within 5-years must be replaced with a similar species in the same location, unless agreed in writing with the Local Planning Authority.</li> </ul> <p><i>20<sup>th</sup> October 2023</i></p> <p>Following our site visit, we have the following comment/observation to make on the proposed development.</p> <p>There are currently no trees growing on the site.</p> <p>The applicant has not submitted a landscaping plan for the site.</p> <p>Attach the following condition to any planning permission requiring the applicant to:</p> <ul style="list-style-type: none"> <li>• Submit a detailed landscaping scheme, which should include a detailed planting design, a specification for the new trees and shrubs, and a five-year maintenance scheme. This must be agreed in writing by the Local Planning Authority and carried out during the first planting season following construction work. Any plants that die within 5-years must be replaced with a similar species in the same location, unless agreed in writing with the Local Planning Authority.</li> </ul>
<p><b>Neighbour Responses:</b></p>		
<p>The application has been advertised by way of a neighbour notification letters, press notice and site notice.</p> <p>No representations have been received.</p>		



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### **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

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 advanced stage of preparation of the emerging Copeland Local Plan 2017-2038 weight can be attached to policies where no objections have been received or objections have been resolved. Consultation on the main modifications to the ELP is pending and will permit significant or full weight to be afforded to the policies of the ELP.

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).



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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 18<sup>th</sup> 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 10<sup>th</sup> August 2020.

Planning Condition 2 of application ref. 4/16/2175/001 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 10<sup>th</sup> 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 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 in part 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 dwellings are a variation of dwelling designs approved under application ref. 4/21/2327/0R1 and/or include similar design features/arrangements. The dwellings are therefore 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 dwellings accord with the provisions of Policy DM12.

The interface separation distances achieved between the proposed dwellings and the previously approved dwellings also accord with the provisions of Policy DM12.

Given the difference in levels throughout the site, it is arguable that greater distances should be achieved between Plots 11-13 and Plots 17-19; however, given the distances achieved, the overall difference in levels and the inclusion of single storey dwellings at the higher level, the arrangement is considered acceptable.

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





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	<p>implementation of a detailed hard and soft landscaping scheme.</p> <p><u>Highways Impacts:</u></p> <p>Off highway parking for in excess of 3no. vehicles is proposed with access directly taken from the turning head and public highway as assessed and previously approved under application ref. 4/21/2327/0R1.</p> <p>The access and parking provision are in accordance with the requirements of the Cumbria Development Design Guide.</p> <p><u>Ecology:</u></p> <p>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> <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><b>Planning Balance</b></p> <p>In overall terms, subject to the planning conditions proposed, the development accords with the provisions of the development plan.</p>
8.	<p><b>Recommendation:</b> Approve</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"><li>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.</li></ol> <p>Reason:</p>

To comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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

Block Plan – Drawing No. RM19/2018/01 Rev. B 16.10.2023

The Wilton

Ground Floor Plan – Drawing No. 19/0218/31 Rev. 00/00/0000

First Floor Plan – Drawing No. 19/0218/32 Rev. A 17/05/2023

Sectional Elevation BB – Drawing No. 19/0218/35 Rev. 00/00/0000

Front Elevation – Drawing No. 19/0218/37 Rev. 00/00/0000

Rear Elevation – Drawing No. 19/0218/38 Rev. A 17/05/2023

End Elevation – Drawing No. 19/0218/39 Rev. 00/00/0000

End Elevation – Drawing No. 19/0218/40 Rev. 00/00/0000

The Dovenby

Ground Floor Plan – Drawing No. 19/0218/4-01 Rev. 00/00/0000

First Floor Plan – Drawing No. 19/0218/4-02 Rev. 00/00/0000

Sectional Elevation AA – Drawing No. 19/0218/4-04 Rev. 00/00/0000

Front Elevation – Drawing No. 19/0218/4-07 Rev. 00/00/0000

Rear Elevation – Drawing No. 19/0218/4-08 Rev. 00/00/0000

End Elevation – Drawing No. 19/0218/4-09 Rev. 00/00/0000

End Elevation – Drawing No. 19/0218/4-10 Rev. 00/00/0000

Plot 3 – Type 8 Based On The Borrowdale (Handed)

Ground Floor Plan and First Floor Plans – Drawing No. 23/0377/01

Ground Floor Plan Part A – Drawing No. 23/0377/02

Ground Floor Plan Part B – Drawing No. 23/0377/03

First Floor Plan Part A – Drawing No. 23/0377/04

First Floor Plan Part B – Drawing No. 23/0377/05

Sectional Elevation – Drawing No. 23/0377/06

Front Elevation – Drawing No. 23/0377/07

Rear Elevation – Drawing No. 23/0377/08

End Elevation – Drawing No. 23/0377/09

End Elevation – Drawing No. 23/0377/10

Foundations - Drawing No. 23/0377/11 Rev. 00/00/0000

Foundations Part A - Drawing No. 23/0377/12 Rev. 00/00/0000

Foundations - Drawing No. 23/0377/13 Rev. 00/00/0000

Loft Plan - Drawing No. 23/0377/14 Rev. 00/00/0000

Loft Plan Part A - Drawing No. 23/0377/15 Rev. 00/00/0000

Loft Plan - Drawing No. 23/0377/16 Rev. 00/00/0000



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Site Layout - Drawing No. 23/0377/17 Rev. 00/00/0000

Plot 2 – Type One The Lorton (Modified)

Ground Floor Plan Part 1 – Drawing No. 23/0376/01 Rev 00/00/0000

Ground Floor Plan Part 2 – Drawing No. 23/0376/02 Rev 00/00/0000

Ground Floor Plan General Arrangement – Drawing No. 23/0376/03 Rev 00/00/0000

First Floor Plan Part 1 – Drawing No. 23/0376/04 Rev 00/00/0000

First Floor Plan Part 2 – Drawing No. 23/0376/05 Rev 00/00/0000

First Floor Plan General Arrangement – Drawing No. 23/0376/06 Rev 00/00/0000

Second Floor Plan – Drawing No. 23/0376/07 Rev 00/00/0000

Sectional Elevation AA – Drawing No. 23/0376/08 Rev 00/00/0000

Sectional Elevation BB – Drawing No. 23/0376/09 Rev 00/00/0000

Sectional Elevation CC – Drawing No. 23/0376/10 Rev 00/00/0000

Front Elevation – Drawing No. 23/0376/11 Rev 00/00/0000

Rear Elevation – Drawing No. 23/0376/11 Rev 00/00/0000

End Elevation – Drawing No. 23/0376/13 Rev 00/00/0000

End Elevation – Drawing No. 23/0376/14 Rev 00/00/0000

Foundations Part 1- Drawing No. 23/0377/15 Rev. 00/00/0000

Foundations Part 2- Drawing No. 23/0377/16 Rev. 00/00/0000

Foundations General Arrangement- Drawing No. 23/0377/17 Rev. 00/00/0000

Reason:

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

3.

- a) Prior to occupation of the dwellings hereby approved full details of both hard and soft landscape works shall be 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 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.

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.

**Case Officer:** Chris Harrison

**Date :** 23.01.2024

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

**Date :** 23.01.2024

**Dedicated responses to:-** N/A