

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2218/0R1
2.	Proposed Development:	APPLICATION FOR APPROVAL OF RESERVED MATTERS FOR ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE PLANNING PERMISSION 4/16/2175/001 (OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT)
3.	Location:	LAND TO THE NORTH OF SCHOOL BROW, MORESBY PARKS, WHITEHAVEN
4.	Parish:	Moresby
5.	Constraints:	ASC Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations & Policy	See report.
7.	Report:	<p>Site and Location:</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; open agricultural land to the north and west; and, Moresby Primary School to the east.</p> <p>The Application Site slopes west to east.</p> <p>The Application Site is enclosed by a combination of fences, stone walls and hedgerows.</p> <p>Directly Relevant Planning Application History:</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.

The Section 106 Agreement secures the following:

- The payment of a primary education contribution of £224,000 on first occupation of the 40th dwelling on Site A for the creation of an additional 20 school places for children of primary age to meet the need for such having been created by the development.
- The provision of not less than 14% of the total number of dwellings on Site A and Site B as affordable dwellings for qualifying persons with a local connection and in affordable housing need at a price not exceeding 80% of the open market value prior to the occupation of 50% of the market dwellings on Site A.
- The payment of a commuted sum of £25,000 (index linked) to Cumbria County Council for the provision of traffic calming measures prior to the occupation of any dwelling on Site A.
- The provision, maintenance and management of open space on Site A in accordance with an approved Open Space Scheme.
- To provide 20 car parking spaces within the defined 'car parking land' area within Site A for use by Moresby Parks Primary School prior to the occupation of the 10th dwelling on Site A and to contract to transfer the completed parking spaces to Cumbria County Council.

Application Ref. 4/21/2328/0F1 – Formation of an attenuation basin including connection routes to adjoining proposed housing development.

Proposal:

This application seeks approval of the reserved matters of scale, layout, access, appearance and landscaping to the approval of Outline Planning Permission for residential development on the Application Site i.e. Site A of application ref. 4/16/2175/001.

The proposed development comprises 54no. detached single storey and two storey dwellings.

The proposed layout incorporates frontage dwellings to School Brow accessed via two cul de sacs linking to a sweeping primary road connecting to School Brow.

The layout has been designed to follow the change in levels across the Application Site.

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

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

Two or three or more off highway parking spaces are proposed to serve each dwelling.



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Formal and informal visitor parking spaces adjacent to and within the carriageways are proposed.

A pedestrian access and emergency vehicle access are proposed.

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

A detailed drainage specification has been prepared and submitted. It is proposed to drain surface water via a gravity fed drainage system to a surface water attenuation pond on land adjacent to the Application Site, which then discharges at a controlled rate to an unnamed tributary of Lowca Beck. Foul water is to be discharged to the public main.

The formation of the surface water attenuation pond on land adjacent to the Application Site is the subject of a Full Planning Permission under application ref. 4/21/2328/0F1 as this development is located out with the approved application site of Outline Planning Permission ref. 4/16/2175/0O1.

Consultee:	Nature of Response:
Parish Council	<p><i>September 2023</i></p> <p>The Council discussed this application at their meeting on 4th September. Although no objections were made in relation to the specific detail of the reserved matters, the Council wished to make it clear that it had objected previously to the development of the site, as had the parishioners, and nothing had changed to alter those objections. The points made against the development previously still stood.</p>
Highways and LLFA	<p><i>September 2023</i></p> <p>Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and would like the following points addressed.</p> <p>Local Highway Authority response:</p> <ul style="list-style-type: none"><input type="checkbox"/> Within the site plan submitted (drawing number 102) the LHA would like to see the road outside plots 17 and 18 to be connected to create a continuous loop.<input type="checkbox"/> The LHA would welcome a Design Access Statement for this development at this stage.<input type="checkbox"/> The LHA would welcome a detail plan showing visibility splays in both directions to the nearside kerb measured from 2.4m into the

access roads.

- The site plan (drawing number 102) is slightly confusing regarding shared surfaces as footways are within the blocked paved areas and no footways are within the bituminous areas, The LHA suggests a footway on either side of the main loop and into the junctions for a few metres, the main loop will be constructed in bituminous material and the shared surfaces to be block paved.
- The LHA would like to see a detailed parking plan.
- The LHA would welcome the carriageway and footway construction design, including longitudinal/cross sections.
- The LHA would welcome a Construction Traffic Management Plan (CTMP) at this stage.

The CTMP is to include,

- 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

Lead Local Flood Authority response:

- Drainage calculations need amended to 50% climate change plus 10% urban creep as set by new Environment Agency Guidelines.
- Drainage calculations for a 100yr event plus 40% plus 10% show flooding at SW 10,11,12,16 and 21, as the calculations for climate change will increase it is likely more flooding may occur at these manholes possibly more within the development site. The LLFA would like to know how the site will deal with the flooding predicted ?
- Reviewing the 3 Drainage plans submitted, the LLFA have concerns regarding pipe size from SW18 to SW23 and further on to SW24 can this be looked at as an increase in size may reduce the flooding discussed on the previous point.
- The LLFA would welcome an amended Drainage plan showing



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highway gullys and connections to the proposed drainage system.

Conclusion:

In light to the above comments additional details are required from the applicant.

Upon receipt of the amended plans I shall be better placed to provide full response,

May 2025

The Local Highway Authority and Lead Local Flood Authority can confirm that we have no objections to the proposal, we would however recommend that the following conditions are included in any consent you may grant:

Condition 1:

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.

Condition 2:

Any existing highway fence/wall boundary shall be reduced to a height not exceeding 1.05m above the carriageway level of the adjacent highway in accordance with details submitted to the Local Planning Authority and which have subsequently been approved (before development commences) (before the development is brought into use) and shall not be raised to a height exceeding 1.05m thereafter.

Reason: In the interests of highway safety.

Condition 3:

No dwellings shall be occupied until the estate road including footways and cycleways to serve such dwellings has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.

Reason: In the interests of highway safety

Condition 4:

		<p>Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto the development from higher ground rear of plots 1 -8 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.</p> <p>Condition 5: The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. Any works so approved shall be constructed before the development is complete. Reason: To ensure a minimum standard of construction in the interests of highway safety.</p>
	<p>United Utilities</p>	<p><i>August 2023</i></p> <p>Further to our review of the submitted drainage documents (Drawings 7584-200 Rev B dated 28/06/2023, 7584-101 Rev B dated 28/06/2023, and 7584-202 Rev B dated 28/06/2023), we can confirm the proposals are not acceptable to United Utilities for the following reasons:</p> <ul style="list-style-type: none"> - The final point of connection for foul needs to be clearly shown on the plans for further review. - If the intention is for the drainage to be offered for adoption by United Utilities, we would require access to/around the basin, flow control and outfall which is not currently shown. We would also discourage having properties connect to the adoptable drainage at a higher cover level than the property FFL which appears to be the case (although plot drainage is not shown on the drawings so this cannot be confirmed). <p><i>May 2025</i></p> <p>Further to our review of the submitted "Drainage Strategy for Proposed Residential Development at Moresby Parks CA28 8UX" (prepared by Tweddell & Slater), we can confirm the proposals are acceptable in principle. The applicant should be made aware, however, that the surface water system would not be adoptable by United Utilities.</p>



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Strategic Housing	No comments.
Environment Agency	<p><i>August 2023</i></p> <p>We have no objection to the reserved matters as submitted in so far as they relate to the remit of the Environment Agency.</p> <p><i>May 2025</i></p> <p>Please refer to our previous response referenced NO/2023/115484/01-L0 and dated 22 August 2023. We do not wish to make any additional comments.</p>
Neighbour Responses:	
<p>The application has been advertised by way of a site notice, press notice and neighbour notification letters.</p> <p>35 representations have been received in objections across multiple consultations. These include multiple objections from individual parties and a generic letter submitted by multiple parties.</p> <p>2 representations have been received in comment.</p> <p>A considerable number of the objections relate to the principle of the development and the impacts of the development upon the highway network etc. which have been established and are not for consideration as part of the current planning application.</p> <p>1. Procedural / Legal</p> <ul style="list-style-type: none"> • Reserved Matters submission considered out of time under outline planning conditions. • Delays between outline approval (2017) and S106 signing (2020). • Surveys and assessments considered out of date. • Perceived inconsistency with previous refusal at Round Close Park. <p>2. Policy / Principle of Development</p> <ul style="list-style-type: none"> • Site lies outside original settlement boundary. • Conflict with Policy ENV5 - landscape protection. • Conflict with NPPF Paragraph 174 - valued landscapes and countryside character. • Conflict with Landscape Character Sub-Type 5d guidance. • Area suggested as candidate for Local Green Space designation. <p>3. Landscape and Visual Impact</p> <ul style="list-style-type: none"> • Loss of open countryside and long-range views across the Solway Firth. 	

- Loss of agricultural land forming part of village setting.
- Loss of recreational green space valued for wellbeing.
- Removal or alteration of historic dry-stone walls.
- Perceived erosion of rural identity and openness.

4. Highways, Traffic and Road Safety

- Increased traffic from 50–60+ dwellings plus cumulative impact of Site B.
- School Brow already congested at school peak times.
- Narrow road width and existing roadside parking issues.
- Safety risks to pupils walking to and from school.
- Traffic survey undertaken during school holidays.
- School Brow previously overwhelmed when used as an A595 diversion route.
- Additional junctions considered excessive for a minor road.
- Headlight glare affecting nearby properties.
- Concerns regarding construction vehicle access.

5. Drainage, Flooding and Utilities

- Historical flooding at Station House and Parklands estate.
- Existing surface water and foul drainage systems reported as already overloaded.
- Uncertainty over attenuation basin capacity and long-term maintenance.
- Concern that shared or relocated attenuation basin lies outside village boundary.
- Risk of downstream flooding affecting Lowca Beck.
- Safety risk associated with open water attenuation features.
- General concerns relating to climate change and increased rainfall.
- Additional strain on utilities (electricity, water pressure, telecoms).

6. Moresby Primary School Concerns

Safeguarding

- Overlooking of school field from new dwellings.
- Requirement for obscured glazing and/or solid boundary fencing.

School Car Park (Section 106)

- No vehicular access provided to the car park.
- Existing track unsuitable for vehicle use.
- Obstruction caused by school gates and field layout.
- Removal of tree planting and dry-stone wall required.
- Car park in current location deemed unusable and unsafe.
- Questions regarding lighting, ownership, and maintenance responsibilities.

Classroom Provision (Section 106)

- S106 contribution considered insufficient due to inflation.
- Additional classroom may not meet long-term pupil capacity needs.

7. Ecology and Wildlife



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- Presence of red squirrels, barn owls, deer, foxes and other wildlife.
- Loss of established wildlife corridors connecting local woodlands.
- Doubts over future maintenance of planted habitats.

8. Local Services and Infrastructure Capacity

- Frequent power outages in parts of the village.
- Low water pressure and historic drainage issues.
- Poor broadband and telecom service.
- No public transport services.
- Closure of local shops/Post Office.
- Poor condition of footpaths, kerbs and verges.
- Concerns infrastructure cannot support further population growth.

9. Housing Need / Demand / Deliverability

- Slow sales and build-out at Bonny Meadows Phase 1.
- Concern that development may proceed slowly or remain incomplete.
- Doubts about local housing need given declining population projections.
- Risk of long-term construction disruption.
- Concern that affordable housing may later be replaced with higher-value dwellings.
- Preference for brownfield alternatives not pursued.

10. Residential Amenity

- Headlight glare into existing dwellings near the site entrance.
- Increased noise, disturbance, and dust.
- Impact of construction lighting during prolonged build period.
- Loss of privacy from new dwellings.

11. Community Wellbeing and Recreation

- Loss of well-used walking routes and open landscape beneficial for mental health.
- Loss of scenic views valued by both residents and visitors.
- Perceived decline in quality of life associated with urbanisation.

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 2021 - 2039 (LP):

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5th November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2001-2016.

Policy DS4: Design and Development Standards

Policy DS5: Hard and Soft Landscaping

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Strategic Policy H1: Improving the Housing Offer

Strategic Policy H2: Housing Requirement

Strategic Policy H3: Housing Delivery

Strategic Policy H4: Distribution of Housing

Policy H6: New Housing Development

Policy H7: Housing Density and Mix

Strategic Policy H8: Affordable Housing

Policy H11: Community-led, Self-build and Custom Build housing

Strategic Policy SC1: Health and Wellbeing

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy N6: Landscape Protection

Strategic Policy N9: Green Infrastructure

Policy N14: Woodlands, Trees and Hedgerows

Strategic Policy CO2: Priority for improving transport networks within Copeland

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

Other Key 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:



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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. 4/16/2175/001 requires that any 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 and that the development shall be commenced not later than 3 years from the date of the permission or 2 years from the final approval of the reserved matters.

Application ref. 4/23/2218/0R1 was validated on the 27th July 2023; therefore, the requirements of Planning Condition 2 have been met and the planning permission remains extant.

Housing Mix:

No revisions are proposed to the level of affordable housing provision approved under application ref. 4/16/2175/001.

The proposed development includes the provision of a wider range of 2, 3, 4 and 5 bed houses and bungalows.

The General Housing Needs Study (GHNS) evidences a need for all property sizes regardless of tenure in West Cumbria, but with a weighting towards one and two bedroom dwellings.

The proposed mix shows an under provision of one two bed properties and an over-supply of four plus bed houses.

Cumberland Council – Housing has confirmed no comments.

Design and Landscape Impact:

The layout of the development responds to the primary constraints of the Application Site, incorporating a single entrance to prevent conflict with the adjacent school, frontage development to the public highway, a strong primary route through the development and the maximized views including from the public open space.

The proposed layout incorporates some character areas each with its own identity derived

through the use of varying scale, density and enclosure etc.

There is no predominant development character within this area. The dwellings are traditional in design with some contemporary elements, which are appropriate in this location/context.

A limited pallet of materials are proposed. Oak and render are proposed to accentuate key features and landmark elevations.

Planning conditions are proposed to secure boundary details and earthworks including retaining structures required to respond to the changing levels etc..

Copeland Borough Council Open Space Assessment identifies Moresby Parks has a greater amount of provision per 1,000 population in allotments (0.36). However, the settlement is below the current provision levels for all Copeland settlements in amenity greenspace (1.58), provision for children and young people (0.10) and natural greenspace (3.05).

Policy N11 defines the levels of open space that should be provided on site where possible. Given the nature of the development, it does not include natural and semi-natural greenspace and allotments, the latter of which has high provision already. The development includes c.2300sqmm of open/amenity space, which exceeds the requirements of Policy N11 of the LP.

The development does not include the c. 130sqm play space provision required by Policy N11. Such a limited level of provision would not provide a meaningful play space and a high quality play space exists within walking distance of the site – c.550-600m.

Residential Amenity:

The interface separation distances achieved between the existing dwellings and proposed dwellings and the proposed dwellings and proposed dwellings are acceptable to maintain residential amenity.

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

Landscaping:

A landscaping scheme has been submitted. This includes tree lined streets, decorative planting to the site frontage/accesses, a scheme of structural and decorative planting to the public open space, boundary planting to the west and in plot planting to the front curtilages of the proposed dwellings.

A scheme of maintenance and management has been submitted.

Highways Impacts:



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A single vehicular access is proposed to the west of the Application Site to minimise the impact upon the operation of the adjacent school. A separate pedestrian access and emergency vehicle access is proposed to the east.

Off highway parking for 2-3no. vehicles is proposed to each dwelling with visitor parking spaces included within the public highway.

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

A pedestrian access and emergency vehicle access are proposed to improve accessibility and as required.

Cumberland Council – Highways have confirmed no objections.

Ecology:

The Application Site continues to comprise grazing pasture; therefore, its ecological value is limited and no further ecological assessment considered necessary.

The development is exempt from biodiversity net gain.

Requirements Of Planning Conditions Attached To Application Ref. 4/16/2175/001:

The planning conditions attached to application ref. 4/16/2175/001 require the following:

5. Any application for Reserved Matters Application shall provide full engineering details of the estate road layout, which shall be designed, constructed, drained and lit to a standard suitable for adoption. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. All works so approved shall be constructed before the development is considered complete.

These details have been submitted and confirmed as acceptable by Cumberland Council – Highways.

6. Any application for Reserved Matters Application shall include a plan reserving adequate land for site offices and stores and the turning and parking of vehicles engaged in Construction Operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

These details have been submitted and confirmed as acceptable by Cumberland Council – Highways.

7. Any application for Reserved Matters for the house plots shall incorporate full details of the access arrangements, including 'in curtilage' parking commensurate with the Parking standards. No dwelling shall be occupied until its access and parking facilities have been constructed in accordance with the approved plan. These facilities shall be retained capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.

These details have been submitted and confirmed as acceptable by Cumberland Council – Highways.

12. Any application for Reserved Matters Application shall include a full surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

Planning Condition 12 is in conflict with the requirements of Planning Condition 11 which requires that *drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment (ref No. 15020/FRA/1, dated July 2015) which was prepared by RWO Associated Limited, proposing surface water discharging into watercourse. No surface water will be permitted to drain directly or indirectly into the public sewer.*

It is proposed to dispose of foul water to the public main and to dispose of surface water to watercourse via a scheme of attenuation to prevent an increase in flood risk downstream as approved under application ref. application ref. 4/21/2328/0F1. A scheme of maintenance has been submitted.

The proposed arrangement is in accordance with the requirements of Planning Condition 11 and with that

The design and capacity of the surface water drainage system and the means of maintenance and management are considered and secured under application ref. 4/21/2328/0F1.

These details have been submitted and confirmed as acceptable by Cumberland Council – LLFA subject to the imposition of a planning condition securing details of a cut off drain to the west boundary to control overland flows from the land above. Given the terms of Planning Condition 12 including drainage within the scope of the Reserved Matters Application, it is acceptable to impose a planning condition to secure.



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Other Matters

There are a number of other matters raised within objections requiring consideration.

The principle of the development, its impact upon landscape character and settlement character and highways were established under application ref. 4/16/2175/0O1.

The flooding issue at Station House and Parklands Estate has been resolved by works completed by the Applicant in the construction of Site B. This development will not increase surface water flows upstream of these issues.

The overlooking of open spaces including play areas and schools by dwellings is not uncommon. It is unreasonable to require obscure glazing or solid fencing.

The terms of the Section 106 Agreement were secured as part of application ref. 4/16/2175/0O1 and cannot be revisited.

The provision of the parking provision is secured by the terms of the Section 106 Agreement. The Agreement requires the provision of the parking spaces and the offering of the land to the Council at a defined cost. The Agreement does not require the provision of improvement to the access, which is in the ownership of the Council. Enquiries have been made to Education, Parking and Estates to ascertain a willingness to improve the access and take ownership of the parking spaces. These discussions have not secured a solution to this matter; however, it is not reasonable to withhold planning permission on this basis given that it does not prevent the Applicant from delivering their requirements under the terms of the Agreement. It has been agreed that positioning the parking spaces close to the public highway is acceptable to limit the extent of any improvements required to the access.

The capacity of existing utilities to accommodate the development is a matter for the statutory undertakers.

Construction impacts are controlled by planning conditions imposed on application ref. 4/16/2175/0O1.

Planning Balance:

The principle of the development has previously been established.

The proposed mix of housing whilst showing an under provision of one two bed properties and an over-supply of four plus bed houses is considered acceptable in the context of delivery within the wider housing market area.

The layout and design of the scheme accords is appropriate to the site constraints and character of the wider settlement.

	<p>No issues are arising in respect of highway safety, ecology, arboriculture and residential amenity subject to the planning conditions proposed.</p> <p>The development does not include the c. 130sqm play space provision required by Policy N11. Such a limited level of provision would not provide a meaningful a play space and a high quality play space exists within walking distance of the site – c.550-600m. The development includes c.2300sqmm of open/amenity space, which exceeds the requirements of Policy N11 of the LP.</p> <p>On balance, it is considered that despite the slight conflict with the requirements of Policy N11, the development is acceptable and accords in overall terms with the relevant provisions of the Development Plan when taken as a whole.</p>
8.	<p>Recommendation: Approve Reserved Matters</p>
9.	<p>Conditions:</p> <p>1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:</p> <p>Location Plan - Drawing No. 2095 010 Rev. a Site Layout - Drawing No. 2095 102 Rev. Y Hard Surfaces - Drawing No. 2095 104 Rev. a Parking Layout – Drawing No. 2095 105 Rev. a</p> <p>Colliford Semi Detached - Drawing No. 2095 009 Colliford Terrace - Drawing No. 2095 008 Derwent - Drawing No. 2095 005 Rev. c Grafham - Drawing No. 2059 007 Kielder - Drawing No. 2059 003 Pitsford - Drawing No. 2095 004 Rutland 4 Bed - Drawing No. 2095 002 Rutland 5 Bed - Drawing No. 2095 001</p> <p>Materials List - Raemore Developments LTD - Land to the North of School Brow, Moresby Parks, Whitehaven - Application reference 4/23/2218/0R1 Proposed Road Long Section - Drawing No. 7584 C-P-ZZ01 Rev. A</p> <p>Raemore Developments LTD - Health and Safety Construction Phase Plan Proposed Road and FF Levels - Drawing No. 7584 C-P-00-01 Rev. B Proposed Road and FF Levels - Drawing No. 7584 C-P-00-02 Rev. B</p>



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Proposed Housing School Brow, Moresby Landscape Maintenance & Management Plan
Raemore Developments Ltd 07.02.25
Landscape Plan - Drawing Number: WWL-01B Rev. B
Raemore Developments Ltd - School Brow Moresby 07.02.25 - Landscape Implementation
Programme
Raemore Developments Ltd - School Brow, Moresby - Landscape Management Scheduled
Tasks

Drainage Strategy For Proposed Residential Development At Moresby Parks, CA28 8UX

Reason

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

Pre-Commencement Planning Conditions

2. 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 to 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 operational thereafter.

Reason

In the interests of highway safety in accordance with the provisions of Policy C02 and Policy C05 of the Copeland Local Plan 2021-2039.

3. No development shall commence until details of all measures to be taken by the applicant/developer to prevent surface water discharging onto the development from higher ground rear of Plots 1 - 8 as identified on Site Layout - Drawing No. 2095 102 Rev. Y have been submitted to 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 operational thereafter.

Reason

In the interests of highway safety in accordance with the provisions of Policy C02 and Policy C05 of the Copeland Local Plan 2021-2039.

4. No development shall commence until a plan detailing the positions, height, design, materials and type of boundary treatments to be erected has been submitted to and approved in writing by the Local Planning Authority.

The boundary treatments shall be completed as approved before the development is occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority.

Reason

These details are required to be approved before the commencement of development to safeguard and enhance the character of the area and secure high quality landscaping in accordance with the provisions of Policy DS4, Policy DS5 and Policy C05 of the Copeland Local Plan 2021-2039.

5. No development shall commence until details of all earthworks including any retaining structures have been submitted to and approved in writing by the Local Planning Authority.

These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform.

The earthworks shall be carried out in accordance with the approved details.

Reason

These details are required to be approved before the commencement of development to safeguard and enhance the character of the area and secure high quality landscaping in accordance with the provisions of Policy DS4 and Policy DS5 of the Copeland Local Plan 2021-2039.

Pre-Occupation Planning Conditions

6. No dwelling hereby approved shall be occupied until the estate road including footways to serve that dwelling has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.

Reason

In the interests of highway safety in accordance with the provisions of Policy C02 and Policy



Cumberland Council

C05 of the Copeland Local Plan 2021-2039.

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

The approved off parking layout and any associated turning spaces associated shall be retained for the lifetime of the development.

Reason

In the interests of highway safety in accordance with the provisions of Policy C02 and Policy C05 of the Copeland Local Plan 2021-2039.

Other Planning Conditions

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

Reason

In the interests of highway safety in accordance with the provisions of Policy C02 and Policy C05 of the Copeland Local Plan 2021-2039.

9. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first planting season following the completion of the development. 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.

Reason

To safeguard and enhance the character of the area and secure high-quality landscaping in accordance with the provisions of Policy DS5 of the Copeland Local Plan 2021-2039.

Informative Notes:

Informative 1

This Decision Notice is to be read in conjunction with the Decision Notice for application ref.

4/16/2175/001.

The planning conditions imposed on application ref. 4/16/2175/001 remain applicable and include the requirement to submit details prior to the commencement of the development – specifically Planning Condition 4, Planning Condition 8 and Planning Condition 14.

Informative 2

Coal Authority - Development Low Risk Area – Standing Advice

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 Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: [Mining Remediation Authority - GOV.UK](#)

Informative 3

Biodiversity Net Gain – Exemption

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and
- (b) the local planning authority has approved the plan.

The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun.

Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and negotiating with the applicants acceptable amendments to address them. As a result the Local Planning Authority has been able to grant planning permission for an acceptable proposal in accordance with Copeland Local Plan policies and the presumption in favour of sustainable development as set out in the National Planning Policy Framework.



**Cumberland
Council**

Case Officer: C. Harrison	Date : 03.02.2026
Authorising Officer: N.J. Hayhurst	Date : 03.02.2026
Dedicated responses to:-	