

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2420/0F1
2.	<b>Proposed Development:</b>	PROPOSED DOMESTIC SELF-BUILD DWELLING
3.	<b>Location:</b>	PLOT 4, 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, HighPressurePipeline - High Pressure Pipeline
6.	<b>Publicity Representations &amp;Policy</b>	See report.
7.	<b>Report:</b>  <b>Site and Location:</b>  <p>The Application Site comprises Plot 4 of Bonny Meadows, Moresby Parks.</p> <p>Bonny Meadows comprises a parcel of agricultural land located to the north of School Brow, Moresby Parks.</p> <p>Bonny Meadows 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>Bonny Meadows slopes gently from north to south and east to west.</p> <p>Bonny Meadows is enclosed by a combination of fences, stone walls and hedgerows.</p> <b>Directly Relevant Planning Application History:</b>	

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

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, landscape, layout and scale for Plot 4 pursuant to outline approval 4/16/2175/001.

**Proposal:**

This application seeks Full Planning Permission for the erection of a single self-build dwelling on the Application Site.

The proposal comprises a 5-bedroom two storey dwelling under a dual pitched roof structure with integral garage. Living accommodation is proposed at ground floor and second floor level.

Dual pitched gable features are proposed to the front elevation with dual pitched dormer windows to the rear roof slope.

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

Coloured uPVC windows and doors are proposed.

The Application Site comprises part of a self-build housing development. The Developer is to provide all of the required infrastructure including access and services etc. to serve each individual plot. The plot purchasers are 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. The junction with the public highway, highway within the development site and drainage infrastructure is substantially complete.

Consultee:	Nature of Response:
Parish Council	None received.
Highways and	Cumberland Council as the Local Highway Authority (LHA) and Lead

	LLFA	Local Flood Authority (LLFA) has reviewed the above planning reference and I 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.
	Northern Gas Networks	<p><i>3<sup>rd</sup> January 2025</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.</p> <p><i>13<sup>th</sup> March 2025</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.</p> <p><i>14<sup>th</sup> March 2025</i></p> <p>Now willing to rely on our statutory powers and so withdraw our objection.</p>
<b>Neighbour Responses:</b>		
<p>The application has been advertised by way of a site notice and neighbour notification letters.</p> <p>No representations have been received.</p>		
<p><b>Development Plan</b></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> <p>The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.</p>		

### 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 5<sup>th</sup> November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2001-2016.

Strategic Policy DS1: Settlement Hierarchy  
Strategic Policy DS2: Settlement Boundaries  
Strategic Policy DS3: Planning Obligations  
Policy DS4: Design and Development Standards  
Policy DS5: Hard and Soft Landscaping  
Strategic Policy DS6: Reducing Flood Risk  
Policy DS7: Sustainable Drainage  
Policy DS8: Soils, Contamination and Land Stability  
Policy DS9: Protecting Air Quality  
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  
Policy N5: Protection of Water Resources  
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:**

Principle

Application ref. 4/16/2175/0O1 was considered by Members of the Planning Panel on the 18<sup>th</sup> January 2017. It was resolved that application ref. 4/16/2175/0O1 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. 4/16/2175/0O1 was formally approved and the Decision Notice issued on the 10<sup>th</sup> August 2020.

Planning Condition 2 of application ref. 4/16/2175/0O1 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 10<sup>th</sup> 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. 4/21/2327/0R1 was submitted on the 19<sup>th</sup> July 2021 and was approved on the 2<sup>nd</sup> November 2022.

Application ref. 4/23/2015/0R1 was submitted on the 18<sup>th</sup> January 2023 and was approved on the 2<sup>3rd</sup> August 2023.

As such, the principle of a detached executive style dwelling on the Application Site has been established.

Given the terms of Planning Condition 2 of application ref. 4/16/2175/0O1 it is not possible to progress a further reserved matters planning application in relation to Plot 4 and hence a Full Planning Application has been submitted.

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 comprises a Full Planning Application there is no procedural conflict with application ref. 4/21/2327/0R1.

The proposed dwelling is a broad variation of a dwelling design approved elsewhere on the wider development, albeit including additional glazing and a projecting glazed porch.

Whilst the glazed porch is at odds with the other dwellings approved on the development, its inclusion is not sufficiently harmful to warrant refusal.

The proposed dwelling is larger than the dwelling previously approved on Plot 4 under application ref. 4/23/2015/0R1 and the dwellings approved on Plot 3 and Plot 5; however, given the level of projection beyond the rear elevation of Plot 3 and the staggered arrangement of the rear elevations of the dwellings in this area of the development, the dwelling is considered acceptable.

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.

#### Residential Amenity

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

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 limited landscaping scheme has been submitted. This is in accordance with the principles of the Design Code.

Whilst the planting scheme is limited, it is not in appropriate in the context of the site and wider development.

#### Highways Impacts

It is proposed to access the dwelling via the access approved under application ref. 4/21/2327/0R1.

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

The proposed development comprises a self-build dwelling; therefore, a biodiversity net gain of 10% is not required to be delivered.

The development is a self-build development as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 and the design of the proposed dwelling has been commissioned by the Applicants.

An informative is imposed in relation to biodiversity net gain for information and clarity.

The Application Site previously comprised a grassland monoculture with limited ecological value.

### Drainage

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 as approved under application ref. 4/21/2325/DOC and application ref. 4/21/2328/0F1.

The design and capacity of the surface water drainage system and the means of maintenance and management are considered and secured under application ref. 4/21/2325/DOC and application ref. 4/21/2328/0F1.

### **Planning Balance**

The dwelling approved on the Application Site under application ref. 4/16/2175/0O1, application ref. 4/21/2327/0R1 and application ref. 4/23/2015/0R1 is a material planning consideration and establishes the principle of the development.

In overall terms, subject to the planning conditions proposed, the development accords with the provisions of the development plan.

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| 8. | <b>Recommendation:</b><br>Approve (commence within 3 years) |
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| 9. | <b>Conditions:</b><br><br>1. The development hereby permitted shall begin not later than three years from the date of this decision. |
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Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Planning Application Form

Proposed Elevations Plan – Drawing No. P4-SC-001 Rev. C received 10<sup>th</sup> March 2025

Proposed Ground & 1st Floor Plan – Drawing No. P4-SC-002 Rev. B received 10<sup>th</sup> March 2025

Proposed 2nd Floor, Block & Site Plan – Drawing No. P4-SC-003 Rev. B received 10<sup>th</sup> March 2025

Proposed Site Drainage Plan – Drawing No. P4-SC-004 Rev. A received 27<sup>th</sup> February 2025

Proposed Site Layout Plan – Drawing No. P4-SC-007 Rev. A received 27<sup>th</sup> February 2025

Design and Access Statement (DAS) DAS-001 Plot 4, Land to the North of School Brow, Moresby Parks

Reason

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

*Pre-Occupation Planning Conditions – Access and Parking*

3. The dwelling hereby approved shall not be occupied until the vehicular access and parking requirements to serve the dwelling 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 CO2 of the Copeland Local Plan 2021-2039.

*Ground Conditions*

4. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 14 days to



the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.

An assessment must be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority.

#### Reason

To prevent harm to human health and the environment in accordance with the provisions of Policy DS8 of the Copeland Local Plan 2021-2039.

#### *Construction Management*

5. No construction work associated with the development hereby approved shall be carried out outside of the hours of 07.30 hours -18.00 hours Monday-Saturday, nor at any time on Sundays and bank holidays.

#### Reason

In the interests of neighbouring residential amenity in accordance with the provisions of the National Planning Policy Framework.

6. The construction management details outlined in Design and Access Statement (DAS) DAS-001 Plot 4, Land to the North of School Brow, Moresby Parks shall be implemented for the duration of the construction period.

#### Reason

To prevent pollution and in the interests of neighbouring residential amenity in accordance with the provisions of Policy DS8, Policy N1, Policy N5 of the Copeland Local Plan 2021-2039 and the relevant provisions of the National Planning Policy Framework.

#### *Landscaping*

7. All hard and soft landscape works are to be carried out in accordance with the approved details in the first planting season following 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 requirements of Policy DS5 of the Copeland Local Plan 2021-2039.

#### Informative Notes

##### 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 because one or more of the statutory exemptions or transitional arrangements is considered to apply.

Applicable exemption:

##### **Self-build and custom build development**

Development which:

consists of no more than 9 dwellings, and is carried out on a site which has an area no larger than 0.5 hectares, and consists exclusively of dwellings which are self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015.

##### **Development Low Risk Area - Standing Advice – Mining Remediation Authority**

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



## Cumberland Council

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

### 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 2021 – 2039 policies and the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

**Case Officer:** C. Harrison

**Date:** 11.04.2025

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

**Date :** 14.04.2025

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