

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2006/0F1
2.	Proposed Development:	PROPOSED DOMESTIC SELF-BUILD DWELLING
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, HighPressurePipeline - High Pressure Pipeline
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.

Application ref. 4/23/2098/0R1 - Application for approval of reserved matters relating to appearance and landscaping for plot 5 pursuant to outline approval 4/16/2175/0O1.

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. Primary 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 LLFA	Falls below our Service Level Agreement threshold. The highway and drainage implications of this application would therefore have to be

		decided by the Local Planning Authority.
	United Utilities	No comments.
	Northern Gas Networks	<p><i>21st 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>3rd February 2025</i></p> <p>Now willing to rely on our statutory powers and so withdraw our objection.</p>
	Neighbour Responses:	
	<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>Planning Policies</p> <p>Planning law requires 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> <p>The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.</p> <p><u>Copeland Local Plan 2021 - 2039 (LP):</u></p>	

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

The LP was adopted by Cumberland Council on the 5th of 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

Policy H1 - Improving the Housing Offer

Policy H6 - New Housing Development

Policy H7 - Housing Density and Mix

Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Policy N3: Biodiversity Net Gain

Policy N11: Provision of Open Space in New Development

Policy N14: Woodlands, Trees and Hedgerows

Policy CO4 - Sustainable Travel

Policy CO5 - Transport Hierarchy

Policy CO7 - Parking Standards and Electric Vehicle Charging Infrastructure

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. 4/16/2175/001 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. 4/23/2098/0R1 was submitted on the 5th April 2023 and approved on the 24th July 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 5 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 variation of a dwelling design approved elsewhere on the wider development.

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.

A Juliet balcony is proposed to the rear elevation of the dwelling. 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 limited landscaping scheme has been submitted; however, detailed planting plans/specifications have 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:

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. Any approved planting scheme should deliver a modest ecological net gain.

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.



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	<p><u>Planning Balance:</u></p> <p>Application ref. 4/23/2098/0R1 is a material planning consideration and establishes the principle of the development.</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 (commence within 3 years)</p>
9.	<p>Conditions:</p> <p>1. The development hereby permitted shall begin not later than three years from the date of this decision.</p> <p>Reason</p> <p>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.</p> <p>2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:</p> <p>Planning Application Form</p> <p>House Type 9FHLJ – Ground Floor Plan Part 1 – Drawing No. 24/410/01 Rev. 0 House Type 9FHLJ – Ground Floor Plan Part 2 – Drawing No. 24/410/02 Rev. 0 Ground Floor Plan General Arrangement - Drawing No. 24/410/03 Rev. 0 First Floor Plan Part 1 - Drawing No. 24/410/04 Rev. 0 First Floor Plan Part 2 - Drawing No. 24/410/05 Rev. 0 First Floor Plan General Arrangement - Drawing No. 24/410/06 Rev. 0 Second Floor Plan Part 1 - Drawing No. 24/410/07 Rev. 0 Second Floor Plan Part 2 - Drawing No. 24/410/08 Rev. 0 Sectional Elevation AA - Drawing No. 24/410/09 Rev. 0 Sectional Elevation BB - Drawing No. 24/410/10 Rev. 0 Front Elevation - Drawing No. 24/410/12 Rev. 0 Rear Elevation - Drawing No. 24/410/13 Rev. 0 End Elevation - Drawing No. 24/410/14 Rev. 0 End Elevation - Drawing No. 24/410/15 Rev. 0 Site Layout – Drawing No. 24/410/19 Rev. 0 Site Layout – Drawing No. 24/410/20 Rev. 0</p>

Reason:

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

Pre-Occupation Planning Conditions

3.

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

These details shall include:-

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

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers / densities; and an implementation programme.

- a) 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 the provisions of Policy DS5 of the Copeland Local Plan 2021-2039.

4. 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.



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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.

Ground Conditions

6. 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

7. The construction management details outlined in Design and Access Statement - Self Build Plot 5, Bonny Meadows 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.

Informative

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.

Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against, primarily, the development plan policies, any duties applicable and also all material considerations, including Local Plan policy, the National Planning Policy Framework and any stakeholder representations that may have been received. It has subsequently determined to grant planning permission.

Case Officer: C. Harrison

Date : 19.03.2025

Authorising Officer: N.J. Hayhurst

Date : 24.03.2025

Dedicated responses to:- N/A