

## **ADDENDUM REPORT FOR PLANNING PANEL**

**Planning Panel Date:** 31<sup>st</sup> August 2022.

**Application Ref.:** 4/21/2327/OR1 and 4/21/2328/OF1.

### **Development:**

- Reserved matters approval for the erection of 20 detached dwellings including associated infrastructure (access, appearance, landscaping, layout and scale) pursuant to outline approval 4/16/2175/001.
- Formation of an attenuation basin including connection routes to adjoining proposed housing development.

### **Address:**

Land to the North of School Brow, Moresby Parks, Whitehaven.

### **Background**

At the meeting of the Planning Panel on the 10<sup>th</sup> August 2022, Members resolved that they wished to complete a site visit before determining planning application ref. 4/21/2327/OR1 and planning application ref. 4/21/2328/OF1.

Members completed a site visit on the 16<sup>th</sup> August 2022.

A copy of the Planning Panel reports for prepared for the meeting of the Planning Panel on the 10<sup>th</sup> August 2022 for planning application ref. 4/21/2327/OR1 and planning application ref. 4/21/2328/OF1 are appended to this report for completeness.

### **Further Representation Received From Applicant**

The removal of the lower footway was sought by Cumbria County Council – Highways and LLFA due to the known localised flood issues and to reduce the risks associated with the provision of two footways crossing the proposed access.

Content for the lower footway to be retained if required/desired by Members. It is confirmed that this will require the grading of the footway at either side of the proposed access by approximately 400mm due to the height of the proposed access; however, highlights that this practically can be easily achieved given the length of the footway.

Content to introduce drainage to the lower footway to seek to address the localised flooding issues on the lower footway. Have suggested the introduction of gullies at the entrance to School Brow Close and at the low point of the pavement adjacent to No.4 School Brow Close connecting into the new drainage pipe proposed to increase the capacity of the existing drainage culvert.

## **Matters Raised By Members At Planning Panel Meeting – 10<sup>th</sup> August 2022 and Site Visit - 16<sup>th</sup> August 2022**

In discussion at the Planning Panel Meeting – 10<sup>th</sup> August 2022 and at the Site Visit – 16<sup>th</sup> August 2022, Members raised a small number of issues in respect of which they would welcome clarity.

These are considered in turn below:

*David Bechelli - Flood and Coastal Defence Engineer*

- i. Are you content with the proposed drainage scheme as submitted?

Whilst some of the details provided by the Applicant may not be fully as I understand them, the existing flooding and drainage issues in the area are complex.

In my opinion the proposed development will actively reduce flood risk and the proposed overflow, will further reduce existing flooding, by providing extra capacity on a system that has capacity issues. This is something that the developer does not need to do.

Having an overflow system is a betterment over the current situation.

*Clarity from Cumbria County Council – Highways and LLFA:*

- i. Why is the removal of the lower footpath to School Brow sought/supported?

The lower footway on School Brow outside the proposed development has always stood in water during heavy rainfall and water would often remain in situ days after weather conditions changed. This would make the footway impassable and made the journey for school children dangerous, as the then alternative was to walk along the edge of the public highway.

Cumbria County Council made the decision to install a new footway along the edge of the highway and link to the existing footway outside the school to remove the need for the lower footway.

After various site visits to this location, it is evident the lower footway is not used by pedestrians and the new footway along the edge of the public highway is preferred.

- ii. Could be the lower footway to School Brow be retained?

The lower footway could be retained if needed or desired; however, as the footway is stood in water for prolonged periods, there would be limited benefit.

The removal of the lower footway and the reinstatement of the ground to grass will encourage infiltration in the area that held water which may benefit the localised surface water issues.

- iii. Could drainage be added to the lower footway to mitigate to localised flooding that is known to occur in this area?

Support the introduction of drainage if the lower footpath is to be retained.

Notwithstanding the above, it is retained that the lower footway offers no benefit even with extra drainage for the following reasons:

- Removal of the footway will encourage infiltration. When the footway is excavated, topsoil will be reinstated and regraded to remove low points within the grass verge, then in time grass will grow and hopefully discourage flooding, as water will be spread across the grass verge and not find the low point within the impermeable surface.
- The purpose of the proposed overflow is to allow surface water to reach the same outfall as the existing culvert in storm conditions, when the existing culvert cannot accommodate the flows. Any proposed drainage to the lower footway connecting into the proposed overflow may not be effective during heavy rainfall/storm events as the overflow will be at capacity or close to capacity.
- As the footway is not on the roadside and is at a lower level, routine maintenance including of any proposed drainage cannot be completed without specialist equipment. Given budget constraints, this may not be priority due to the presence of the roadside footway.

**OFFICER COMMENTS:**

The recommendations of Officers in relation to planning application ref. 4/21/2327/OR1 and planning application ref. 4/21/2328/OF1 remain unchanged from Planning Panel Meeting – 10<sup>th</sup> August 2022 i.e. approval subject to the defined planning conditions.

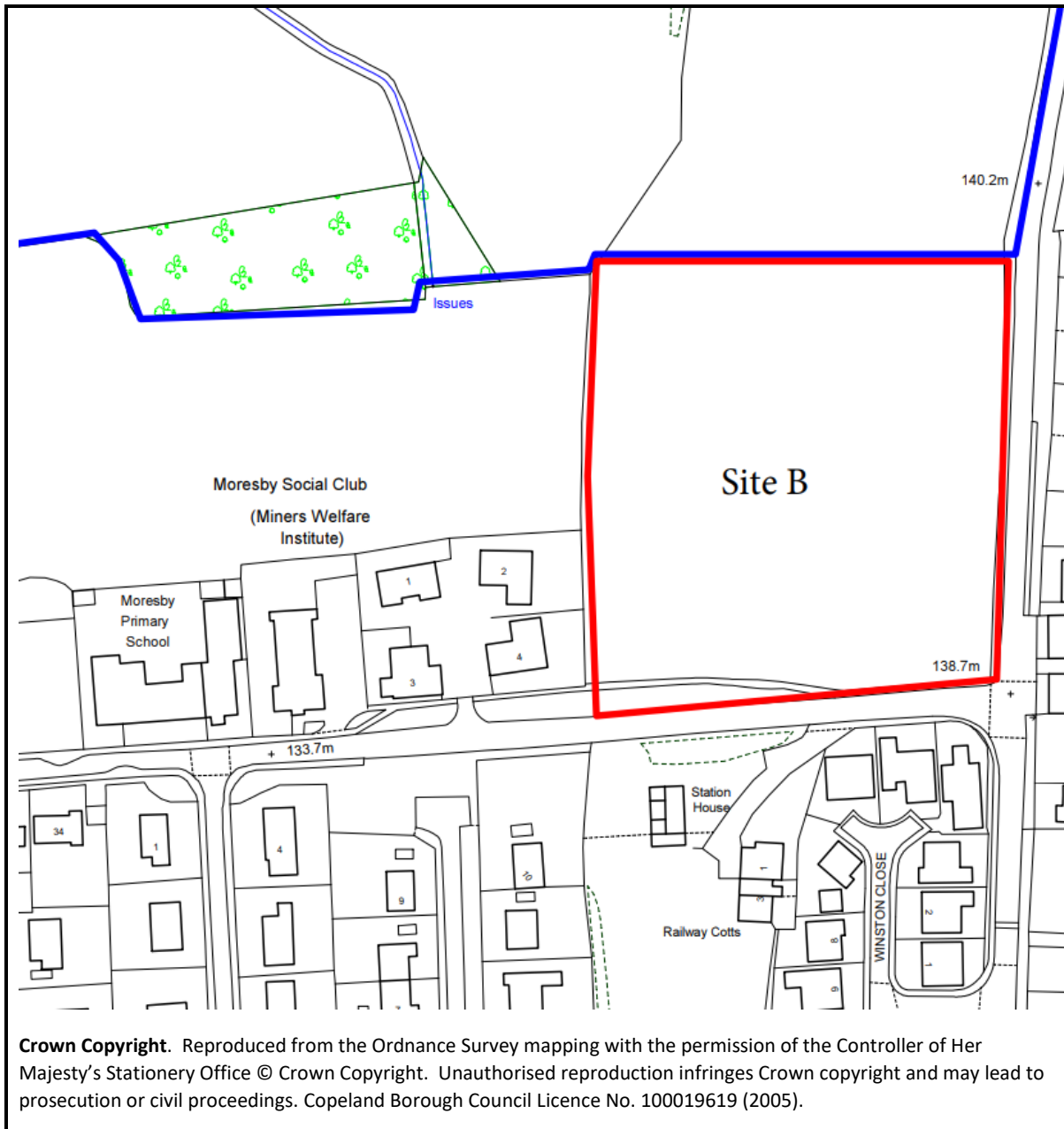


To: PLANNING PANEL

Development Management Section

Date of Meeting: 03/08/2022

<b>Application Number:</b>	4/21/2327/OR1
<b>Application Type:</b>	Reserved Matters
<b>Applicant:</b>	Raemore Developments Ltd
<b>Application Address:</b>	LAND TO THE NORTH OF SCHOOL BROW, MORESBY PARKS, WHITEHAVEN
<b>Proposal</b>	RESERVED MATTERS APPROVAL FOR THE ERECTION OF 20 DETACHED DWELLINGS INCLUDING ASSOCIATED INFRASTRUCTURE (ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) PURSUANT TO OUTLINE APPROVAL 4/16/2175/001
<b>Parish:</b>	Moresby
<b>Recommendation Summary:</b>	Approve subject to conditions



**Reason for Determination by Planning Panel**

The application is brought for consideration by Members of the Planning Panel due to the level of local interest and as the Head of Planning and Place considers the planning application to be of sufficient importance in planning terms to refer to the Planning Panel for determination.

**Site and Location:**

The Application Site comprises a parcel of agricultural land located to the north of School Brow, Moresby Parks.

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.

The Application Site slopes gently from north to south and east to west.

The Application Site is enclosed by a combination of fences, stone walls and hedgerows.

### **Directly Relevant Planning Application History:**

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.

The Section 106 Agreement secures the following:

- The payment of a primary education contribution of £224,000 on first occupation of the 40<sup>th</sup> 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 10<sup>th</sup> 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 (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.

The proposed development is to comprise self-build housing. The Applicant proposes 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 Applicant.

Approval is sought for appearance and landscaping in relation to Plot 1, Plot 6 and Plots 14-16 only at this stage.

The Design Code prepared by the Applicant does not form part of the current planning application; however, control over the design of the dwellings will remain through the planning process as approval of the reserved matters of appearance and landscaping will be required for the individual plots before development of these plots can be commenced.

The proposed development comprises 19no. detached single storey and two storey dwellings.

The proposed layout incorporates frontage dwellings to School Brow to the south and Moresby Parks Road to the east and a cul de sac accessed from School Brow.

The layout has been designed to seek to follow the change in levels across the Application Site, with single storey dwellings to the east and two storey dwellings to the west.

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 and stone with concrete tiles to the roof structures.

Two or three off highway parking spaces are proposed to serve each dwelling. Formal and informal visitor parking spaces adjacent to and within the carriageways 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 dispose of 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, which is located approximately 55m northwest of the Application Site. The drainage system has been designed to an adoptable standard and will be offered for adoption by United Utilities.

The formation of the surface water attenuation pond and associated piped connections on land adjacent to the Application Site is the subject of a Full Planning Application under application ref. 4/21/2328/0F1 as this development is located out with the approved application site of Outline Planning Permission ref. 4/16/2175/001.

The proposed drainage scheme includes the diversion of an existing surface water culvert which runs through the adjacent residential development on land within the Application Site. This is proposed to resolve existing localised surface water flooding issues which are known to exist within the locality.

For the avoidance of doubt, the existing septic tanks located within the Application Site are to be removed and the properties connected into the public mains.

The Applicant is the owner of the two parcels of land denoted as Site A and Site B in Application ref. 4/16/2175/001. It has been confirmed the proposals for Site A are to be submitted following on from the determination of the current proposals for Site B, with the revenues from the sale of plots on Site B are to be utilised to assist in the delivery of Site A.

## **Consultation Responses**

### Moresby Parish Council

20<sup>th</sup> June 2022

The parish council have forwarded objections and comments on the original plan. They have now heard comments from residents and have discussed the matter further.

They still have real concerns with the entrance exit into School Brow accepting that fewer residents will need to use this entrance. There have been many problems with flooding along this road with the result that a new footway was required. The entrance is positioned in the dip and will cause more problems.

We remain of the view that the entrance should be at the Distinguon end of the site away from the village

The Parish Council considered the attenuation basin and the new position. We understand the reasons but still consider that flood water following heavy rain may cause problems further down towards Low Moresby and beyond

8<sup>th</sup> September 2021

### 1. The Original Decision 4/16/2175

The parish council does not seek to overturn what it thought was a particularly poor decision but is concerned that by salami slicing this single decision as set out in the letter of the 10<sup>th</sup> August 2020 into various applications it may provide the applicant with an opportunity to avoid some particular relevant issues. The parish council takes two examples. It is not clear whether the attenuation basin is intended to accommodate all necessary drainage for the land covered in the decision letter or simply for the site to which application 2327 refers. The decision letter indicates that consent is subject to a Section 106 agreement. There is no mention of what agreement has been made with a third party although the parish council in listening to public participation was told that a car park is planned for the use of the school. Whether this is to be subject, if correct, to a further application or attached to an application for dwellings on the larger site above the school has not been made clear.

### 2. Application for Development of Site B

The parish council considers that an access road from School Brow is inappropriate. The land at the point proposed is subject to flooding and in recent years a substantial amount of repair and resurfacing of the footpath was undertaken by the county council. It is a pathway used by very many pupils attending the school and that area is used as a dropping off point for parents taking their children to school when the weather is particularly inclement. There



is a septic tank in the area which is not shown in the plans. The parish council considers that a more sensible access point would be on Moresby Parks Road within the 30 mph boundary. It would not affect the site layout other than to move plot 9 to between plots 1 and 3. It would ensure that the footway was safer for pedestrians specifically school pupils. The parish council was asked to raise the question of affordable homes and an explanation of the legal position would be helpful.

### 3. The Attenuation Basin

The village has a serious problem with flooding. Station House on School Brow at the junction with Moresby Parks Road has been flooded on more than one occasion and the relatively new development below the school has been plagued by flooding. The parish council does not believe that this basin, which it considers in any event to be, (according to the figures given in the plans particularly relating to the level of the throttle valve adequate), meets the needs. Drainage water will flow into Lowca Beck and then to Low Moresby and finally Howgate leaving those settlements prone to flooding. It is unclear (see 1 above) whether a further application will simply refer to connecting routes from Site A. That would make matters worse. The strategy is at present totally ineffective and will not meet the requirements.

### 4. The Village School

Whilst the point in this paragraph may not be a material planning consideration it needs to be said and both the planning committee and the applicant should take note. This application was made in 2016 and now 9 months into 2021 it remains a matter still on the drawing board. There has been uncertainty on how such a development would affect the school and that may (the parish council knows not) have been resolved but both staff and pupils face an indeterminate period when Site B and then Site A are simply building sites with all the noise and disruption that will bring. Scholars at this primary school have had their learning disrupted for more than one year now and learning years between 5 and 11 are crucial to their education. There must be no delay once all planning matters have been resolved.

## Cumbria County Council – Highways and LLFA

4<sup>th</sup> July 2022

Supporting documents/plans have been submitted to the LHA and LLFA to discharge previous concerns regarding easements through the rear of plots 1-5. The LHA and LLFA are content with the new proposal regarding the overflow surface water system as new plans and documents submitted clearly identify who is responsible for the maintenance of the proposed system. A management company will be employed to carry out maintenance on the surface water system within the proposed development site and to the outfall, LHA will maintain from highway manhole until the surface water system enters the proposed development site at the rear of plot 1 as shown on drawing number 6972 202.

As the LHA will not be required to carry out maintenance to the surface water system within the proposed development site an easement for access is no longer required

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.

13<sup>th</sup> June 2022

Our previous response for this application highlighted 4 points to be addressed, 3 out of the 4 points have now been answered following the additional information in May 2022.

The remaining point below still needs answered as no evidence has been submitted within the recent information:

- The proposed new manhole and highway drainage from the footway routes through the rear gardens of plots 1,2,3,4 and 5 If this drainage is to become adopted by the Highway Authority (HA) then an easement will be required allowing for unrestricted access, as currently presented this would not be adoptable by the HA, we would note that a main gas line also lies in this area, consultation should be sought with the relevant undertaker in regard to easements and installation of a highway drain in close proximity to this service.

Once evidence is obtained to discharge the above point the LLFA and LHA would be content and would have no objection to this proposal.

27<sup>th</sup> April 2022

We welcomed the additional information submitted to which most points from our previous response have been addressed. We still have a few points raised that remain unanswered, and with the changes submitted we require further information and clarification for the following points:

- The footway outside plot 1 needs to extend past the shared surface ramp, or the shared surface ramp is positioned closer to the entrance of the site, this is to allow safe transition from footway to shared surface for pedestrians.

- The 450mm surface water overflow pipe which is proposed to wrap round the existing private development and enter back into Lowca beck is welcomed by the LLFA but can the 90 degree direction changes be rethought as presented may present hydraulic issues.

- The height of the dwelling finished floor Level (FFL) within plots 1-5 should be considered, the site is flat and lower than the existing carriageway and plots 1-5 FFL is lower than the in FFL would be welcomed to protect from internal flooding should issues arise.

- The proposed new manhole and highway drainage from the footway routes through the rear gardens of plots 1,2,3,4 and 5 If this drainage is to become adopted by the Highway Authority (HA) then an easement will be required allowing for unrestricted access, as currently presented this would not be adoptable by the HA, we would note that a main gas line also lies in this area, consultation should be sought with the relevant undertaker in regard to easements and installation of a highway drain in close proximity to this service.

27<sup>th</sup> August 2021

Further information and clarification is required for the following points;

- Can the applicant confirm if Site A as part of the original outline application 4/16/2175/001 will ultimately use this attenuation pond or will another drainage option be established?
- Climate change must be calculated at 40%, we have noted the 10% increase and we assume that this has been added to account for Urban Creep which must also be considered.
- Discharge rate has been agreed at 8.16L/s QBAR, however this figure changes within the document to 8.2L/s and then 8.1L/s detailed and the hydrobrake from the pond in Doc 6972-201 RevH - Drainage Strategy, while these are minor changes can it be clarified for avoidance of doubt which rate is being proposed.
- The height of the dwelling finished floor Level (FFL) should be considered, the site is flat and lower than the existing carriageway, while we believe this has been factored into the drainage an increase in FFL would be welcomed to protect from internal flooding should issues arise.
- The proposed new manhole and highway drainage from the footway routes through the rear gardens of plots 1, 2, 16, 15, 14. If this drainage is to become adopted by the Highway Authority (HA) then an easement will be required allowing for unrestricted access, as currently presented this would not be adoptable by the HA, we would note that a main gas line also lies in this area, consultation should be sought with the relevant undertaker in regard to easements and installation of a highway drain in close proximity to this service.
- Exceedance routes for the drainage in events beyond 1 in 100yr +40% should be detailed and should not affect properties on or off site.
- Between plots 9 - 14 if the carriageway is to be a shared surface this needs to be identified on the plan with a transition ramp to allow safe passage for pedestrians from footway at plot 9 and 14.
- Parking for all 20 plots are shown as 2 cars per plot on all plans this does not align with the Design code submitted, we believe that 55no approximately parking spaces will be required for the site and should be shown on site plans, please note that Cumbria County Council only consider a garage as a parking space if it meets 21 square metres in size.
- Plots 9,10 and 13 driveways need to be reconsidered as it doesn't look practical.
- The internal junction within the site has limited visibility across plot 17 and will need a covenant across the plot to maintain visibility, this needs demonstrated on the site plan.
- We would welcome an early lighting plan at this stage to identify hard service margins.
- The applicant should consider permeable material within the driveways and if this is not being considered positive drainage needs to be identified and demonstrated.
- For guidance rear edging kerbs when installed need to be round top with 40mm up stand against soft surfaces and flat top need to be used in hard surfaces.

Upon receipt of the above information I will be able to form a further response.

### Northern Gas Networks

16<sup>th</sup> May 2022

Withdraw our objection.

4<sup>th</sup> April 2022

We 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.

2<sup>nd</sup> August 2021

We 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.

### United Utilities

9<sup>th</sup> May 2022

Further to our review of the submitted documents we can confirm the proposals are acceptable in principle.

9<sup>th</sup> August 2021

Request the drainage conditions are attached to any subsequent approval requiring the submission of a detailed drainage scheme and that foul and surface water be drained on separate systems.

### Copeland Borough Council – Flood and Coastal Defence Engineer

1<sup>st</sup> April 2022

Following additional and amended information for the above Planning Application, I have updated my original comments:

- It appears that a drain close to the western boundary is to be installed looking at the plans, but this is not documented in the Drainage Strategy. This has been amended in the updated plans. Although it doesn't appear to be documented, it is an overflow from an existing culvert that is causing flooding issues in the School Brow area of Moresby Parks. The developer does not need to do this, but is helping to reduce existing problems, so is a welcome addition.
- Attenuation is based on only 30% climate change allowance and not clear that urban creep has been factored. Calculations have been update to 40% climate change allowance. It is still not clear if urban creep has been included, as it has not been

referred to as far as I can tell, but there is a 10% figure in the calculations, which could be urban creep. As urban creep allowance is recommended, but not mandatory, to my understanding, this is OK, if not included.

- The developer will maintain the system, but it doesn't specifically state that this will be for the life of the development (as this is normal undertaken by a dedicated maintenance company), or until the development is complete. This still isn't clear.
- The mapping does not show the position of the watercourse, or the adjacent 4 properties. The properties are now shown, but the watercourse isn't. The culvert that discharges to the watercourse is included on plans.
- The disturbance of the land will create additional runoff during construction and this is likely to be laden in silt, so the Construction Management Plan needs to consider this, so as not to affect existing properties, or cause silt pollution to the watercourse. This matter hasn't been addressed from what I can see in the Construction Management Plan.

Overall there is a bit of clarity required at this stage, but less so than originally, and the matter of the possible septic tanks soakaways on the site has not been commented upon. This is still the case, but the developer is aware of the septic tanks and is likely to put the foul drainage into the foul sewer.

9<sup>th</sup> August 2021

- Percolation testing undertaken in June 2015 showed that soil infiltration meant that soakaways and permeable paving were deemed unsuitable for the site.
- CCC agreed that the Qbar greenfield discharge rate of 8.16l/s could be used for this site.
- Surface water discharge from the site is to a watercourse approximately 55m to the north west of the site via a detention basin.
- The site is in Flood Zone 1 and generally at a very low risk of surface water flooding.
- It is stated that surface flows from the east and south will be intercepted by the existing highway drainage and flows from the north and west will miss the site due to the natural topography.
- However, the reality is that the south west corner of the site frequently suffers surface water flooding and the original footpath sits under several inches of water, with the surface water flooding affecting the adjacent site.
- It appears that a drain close to the western boundary is to be installed looking at the plans, but this is not documented in the Drainage Strategy.
- Attenuation is based on only 30% climate change allowance and not clear that urban creep has been factored.
- It is proposed that the surface water system will not be adopted yet a Section 104 plan has been provided showing the main surface water system to be built to adoptable standards and United Utilities standards

- The developer will maintain the system, but it doesn't specifically state that this will be for the life of the development (as this is normal undertaken by a dedicated maintenance company), or until the development is complete.
- The mapping does not show the position of the watercourse, or the adjacent 4 properties.
- There doesn't appear to be any mention of exceedance.
- The disturbance of the land will create additional runoff during construction and this is likely to be laden in silt, so the Construction Management Plan needs to consider this, so as not to affect existing properties, or cause silt pollution to the watercourse.

Overall there is a bit of clarity required at this stage and the matter of the possible septic tanks soakaways on the site has not been commented upon.

### Tree Consultant

5<sup>th</sup> August 2021

There is very little information in relation to the hard and soft landscaping details. The site layout plan Drawing No. 19/0218/17 provides some indication, but no details of what is proposed.

The main issues to address are;

- Garden and boundary treatments – Are these to be the 2000mm fences as indicated in some places. Is the existing hedge to be retained.
- Gardens – What is being done to the gardens. Is it all to be grassed, or are the front and rear gardens to be different with some shrub and tree planting.

I can provide further comments once more details of the landscaping are provided.

### Copeland Housing Officer

28<sup>th</sup> July 2021

This is an application for approval of reserved matters following approval of outline planning permission granted in 2016 – this approval was for development on two pieces of land. Development is being done in a phased approach, with Site B, the smaller of the sites, to be started first. Site B will be for individual self-build plots. Site A will be submitted separately – there was a S106 in place regarding affordable housing for Site A.

In terms of this site, plans are for 20 detached properties, including 5 bungalows. Strategically we are keen to see the development of bungalows as they are always in demand, but it is worth noting that according to our recent Housing Needs Study, Moresby has twice as many bungalows as other places in the borough and demand from within Moresby for bungalows is low. This does not mean that self-build plots for them would not be in demand from people wanting to move to that area.

Moresby is an established family area with higher-than-average incomes, and 40% of current homes have at least 4 bedrooms. The Housing Needs Study suggests that most of those who wanted to move within or out of the area were doing so to downsize – but were looking for 3 beds, reflecting the amount of 4+ bed properties in the area. There does seem to be interest in self-build for this area and we are keen to see more self-build opportunities in the Borough. We are therefore supportive of this application from a strategic housing perspective.

### Environment Agency

29<sup>th</sup> July 2021

We have no objection to the reserved matters as submitted insofar as they relate to the remit of the Environment Agency.

### **Public Representations**

The planning application has been advertised by way of a site notice, press notice and notification letters sent to neighbouring properties.

37no. presentations in objection, 36no. representations in support and 1no. neutral representation have been received.

The material planning issues raised are can be summarised as follows:

Application ref. 4/16/2175/001 has now expired and so the current application is not valid.

- The Application Site is not identified for development in the Development Plan.
- The settlement is at capacity and cannot accommodate additional development.
- The settlement is beyond its natural footprint.
- The development represents urban sprawl.
- There are no services with the settlement to support the development.
- Alternative brownfield land exists that could accommodate the development.
- There is no need for additional housing in the Borough or Moresby Parks.
- The development does not appear to comprise a self-build development but a housing estate by a single contractor.
- No affordable housing is proposed as part of the development.
- Demand exists for self-build plots and it will provide the opportunity for local people to build their dream homes.
- The development relates well to the settlement.
- The development is high quality and well thought out.
- The proposed does not represent over-development.
- The development will meet the need for additional housing in the Borough.

- The development will allow local young people to remain in the area.
- The development represents positive investment into the Borough.
- There is too much traffic in Moresby Parks and the development will exacerbate this issue.
- The development will increase congestion during school pick up and drop off times.
- The additional traffic poses a risk to children walking to and from school.
- What has happened to the parking provision for the school approved as part of application ref. 4/16/2175/001.
- It is questioned if the highways have the capacity to accommodate the additional traffic from the development.
- The access to the development will cross two footpaths, which is not safe.
- Poor visibility exists to the proposed access.
- Access to the development should be from Moresby Parks Road.
- Revised and updated traffic surveys should be required.
- The proposed access is too close to the junction of School Brow with Moresby Parks Road and the access to Station Cottages.
- The completed highway analysis was completed during school holidays.
- The access to the main road is an notorious black spot for accidents.
- The Application Site should remain green agricultural land.
- The development will remove and ruin views to the sea.
- The development will result in the loss of an important environmental asset and result in harmful impacts upon wildlife.
- There is no assessment or evidence of ecological impacts.
- The development will impact upon endangered wildlife species that occupy this area i.e. red squirrel, barn owls, woodpeckers, buzzards and deer.
- Have been told that the land is greenbelt and cannot be developed.
- The development will increase existing surface water flooding issues in the local area.
- Raw sewage leaks are a known issue.
- The proposed access ramps will increase the risk of localised flooding.
- The use of a pumped solution in relation to surface water drainage is not appropriate.
- The use of a surface water drainage basin is a risk to children.
- There is no evidence that the surface water from the development will not overwhelm Lowca Beck.
- The drainage scheme is inadequately designed and specified.



- The proposed houses should be environmentally friendly.
- The development will result in unacceptable noise during construction and from traffic generation.
- Moresby Parks Primary School is at capacity and cannot accommodate the additional pupil yield from this development.
- School Brow will be significantly busier through deliveries and other site arrivals, with no mitigating measures around the times children, families and staff will be using it. It is understood that the Section 106 agreed as part of application ref. 4/16/2175/001 does not contain any measures regarding delivery times and safe use of heavy vehicles around muster in/out of the school.
- The development will result in disruption to the business of the school through needing to work with multiple developers over the course of potentially years.
- The development potentially puts the school in the position of having to negotiate delivery times with up to twenty separate developers. This will potentially be highly disruptive to the business of the school and a failure to secure agreements could increase risk to children, families and staff.
- The growth of the school since 2016, to a position where it is entirely full, means that the payment of £224,000 agreed as part of application ref. 4/16/2175/001 is unlikely to satisfactorily achieve the agreed increase in PAN while protecting the quality of education the school is able to provide. No additional space is added to the school, meaning that families currently living in the village may be in the position of being unable to access places through no fault of their own. There is no feasible footprint on school grounds to accommodate an extra classroom without significant remodelling and layout changes. The costs for building a new hall on the school field area would be well in excess £750,000.
- The triggers for the car park and £224,000 payment are attached to Site A and so neither measure will be forthcoming because of this application.
- School staff cars remain on School Brow, continuing to add to the hazards on the road. Staff numbers have increased since 2016 with the average number of staff cars parked daily being 18no..

**Development plan policies:**

**Copeland Local Plan 2013-2028 (Adopted December 2013):**

Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ST4 – Providing Infrastructure

Policy SS1 – Improving the Housing Offer

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

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 - Landscaping

Policy DM28 – Protection of Trees

Copeland Local Plan 2001-2016 (LP):

Policy TSP8 – Parking Requirements

Emerging Copeland Local Plan (ECLP).

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Publication Draft Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of the Copeland Local Plan 2017-2035 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

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 Strategic

Policy DS8PU - Reducing Flood Risk

Policy DS9PU - Sustainable Drainage

Policy H1PU - Improving the Housing Offer

Policy H6PU - New Housing Development

Policy H7PU - Housing Density and Mix

Policy H11PU - Community-Led, Self-Build and Custom Build Housing

Policy N1PU - Conserving and Enhancing Biodiversity and Geodiversity

Policy N3PU - Biodiversity Net Gain

Policy N5PU: Protection of Water Resources

Policy N6PU - Landscape Protection

Policy N13PU: Woodlands, Trees and Hedgerows

Policy CO4PU - Sustainable Travel

Policy CO5PU - Transport Hierarchy

Policy CO6PU - Countryside Access

Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

National Design Guide (NDG).

The Conservation of Habitats and Species Regulations 2017 (CHSR).

Cumbria Development Design Guide (CDDG).

### **Assessment:**

#### **Principle of Development**

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.

Application ref. 4/16/2175/001 establishes the principle of residential development on the Application Site including the acceptability of the impacts of the development on the wider landscape/settlement character, the impact on the safe operation of the wider highway network and the impact upon existing services.

The provisions of the Section 106 Agreement executed in relation application ref. 4/16/2175/001 are not open for reconsideration as part of the current application, the scope of which is limited to the referenced reserved matters and technical details only.

Application ref. 4/16/2175/001 is not the subject of planning conditions limiting the number of dwellings approved or preventing the development from coming forward as a self-build development.

The Section 106 Agreement does not include provisions/trigger in relation to the Application Site i.e. Site B, with the relevant triggers for the delivery of affordable housing etc. secured in relation to Site A only.

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.

For the avoidance of doubt, Planning Condition 8 of application ref. 4/16/2175/001 secures the requirement for a Construction Environmental Management Plan to control the impacts of the development on the highway, environment and amenity etc. during construction.

Planning Condition 10 of application ref. 4/16/2175/001 secures the requirement to submit a detailed scheme for the design of the parking area to serve Moresby Parks Primary School.

### **Housing Mix**

Policy SS3 of the CS and Policy H7PU of the ELP seek that applications for housing development should demonstrate how the proposals meet local housing needs and aspirations identified in the Strategic Housing Market Assessment.

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 is supportive of 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 proposed comprises a self-build development including 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.

### **Design**

Policy SS1 of the CS seeks to make Copeland a more attractive place to build homes and to live through requiring new development to be designed and built to a high standard.

Policy DM10 of the DMP expects high standards of design and the fostering of quality places. It is required that development responds positively to the character of the site and the immediate and wider setting and enhance local distinctiveness. It is required that developments incorporate existing features and address vulnerability to and fear of crime and antisocial behaviour.

Policy DM12 of the DMP outlines the requirements for the provision of open space and play equipment.

Policy H6PU of the ELP requires that the design, layout, scale and appearance of development is appropriate to the locality and that development proposals clearly demonstrate that consideration has been given to surrounding natural, cultural and historical assets and local landscape character.

Moresby Parks has a varied development character. Moresby Parks Road is principally characterized by frontage development that faces on to the public highway, albeit there are areas where this character is diminished, with the rear of dwellings and extensive areas of boundary fences negatively impact upon the street scene. School Brow has a less defined character, with numerous gable elevations and rear elevations facing onto the highways, some of which are setback and screened by vegetation to seek to reduce their prominence etc. Both Moresby Parks Primary School and the Social Club present strong frontages to the highway; however, the adjacent residential development does not follow this form.

The proposed layout has been designed to respond to the features and constraints of the Application Site and the surrounding development.

A clear hierarchy exists within the development. The proposed layout incorporates frontage dwellings to School Brow to the south and Moresby Parks Road to the east and a cul de sac accessed from School Brow maintaining the developed form and seeking to reinforce the form of development that contributes positively to the character of these areas. The proposed cul de sac has been designed to minimise car dominance and incorporates articulation in the highway to reduce traffic speeds and increase visual interest.

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.

Given the number of dwellings proposed, the level of open space provision would be minimal and so would serve a limited purpose. It is therefore proposed that a larger and more meaningful open space and the required children's play space as also required by Policy DM12 be provided on Site A.

The proposed dwellings are simple in design; however, incorporate some vernacular features. Given the significant variety of dwelling designs and forms within the wider locality, the proposed dwelling designs and materials are not considered inappropriate in this context.

The Design Code prepared by the Applicant does not form part of the current planning application; however, control over the design of the dwellings will remain through the planning process as approval of the reserved matters of appearance and landscaping will be required for the individual plots before development of these plots can be commenced.

## **Landscaping**

Policy DM26 of the LP requires that development proposals, where necessary, will be required to include landscaping schemes that retain existing landscape features, reinforce local landscape character and mitigate against any adverse visual impact. It is required that care should be taken that landscaping schemes do not include invasive non-native species and landscaping schemes be maintained for a minimum of five years.

Policy DS7PU requires that where appropriate a high-quality landscaping scheme should be submitted with all proposals for development.

A comprehensive scheme of landscaping is proposed and includes the retention and enhancement of the sandstone walling to School Brow and planting to both the site peripheries/boundaries, open spaces and along the highway frontages. Significant planting is proposed to define and reinforce the site boundaries.

Whilst the proposed structure of the landscaping is acceptable, the proposed scheme incorporates non-native species and does not provide detailed planting specifications or details of the landscape management.

A planning condition is therefore proposed to secure a detailed landscaping specification and a landscape management plan which demonstrates how the landscaping will be maintained.

## **Residential Amenity**

Policy DM12 of the DMP defines minimum interface separation distances that are required be achieved between dwellings.

Policy H6PU of the ELP requires that an acceptable level of amenity is provided for future residents and maintained for existing neighbouring residents in terms of sunlighting and daylighting; that privacy is protected through distance or good design; and, that the development will have no unacceptable overbearing impact upon neighbouring residents due to its scale, height and/or proximity.

The interface separation distances between existing and proposed dwellings required by Policy DM12 of the DMP are achieved.

Given the scale, form and layout of the proposed development adverse impacts upon existing and proposed dwellings will not result through loss of light, overshadowing and overbearing effects as required by Policy H6PU of the ELP.

## **Ecology and Arboriculture**

Policy ENV3 of the CS and Policy N1PU of the ELP seeks to ensure that new development will protect and enhance biodiversity and geodiversity.

Policy N3PU of the ELP seeks that development achieve a biodiversity net gain of 10%; however, given that outstanding objections exist to the policy, only limited weight can currently be afforded this policy in decision making.

The ecological impact of the development was assessed as part of application ref. 4/16/2175/001 and given that Policy N3PU of the ELP did not have material weight when the application was considered/determined, the requirement to achieve a biodiversity net gain of 10% was not secured. Notwithstanding, the proposed scheme of landscaping will deliver some ecological enhancements.

### **Highways Impacts**

Policy DM22 of the DMP requires that development proposals be accessible to all users; respond positively to existing movement patterns in the area; and, incorporate parking provision to meet defined standards.

In addition to the above, Policies CO4PU, CO5PU and CO7PU of the ELP promotes active travel.

Access to the development is proposed via frontage accesses to the dwellings to Moresby Parks Road to the east and a new junction connecting to a cul de sac accessed from School Brow.

Footways are proposed to the highway and a new footway is proposed to Moresby Parks Road. These are to link to the existing footways which connect to the wider locality and the available services including Moresby Parks Primary School.

Off highway parking spaces are proposed to each dwelling with additional visitor spaces proposed.

The proposed cul de sac has been designed to minimise car dominance and incorporates articulation in the highway to reduce traffic speeds. The raised surfacing proposed to elements of the central spinal road creates a sense of pedestrian priority and acts to further reduce traffic speeds.

Appropriate visibility splays are demonstrated as achievable to the proposed frontage assessed and new junction with School Brow.

Cumbria County Council – Highways has been consulted and has raised no objection to the development subject to planning conditions.

The proposed development layout and parking provision accords with the provisions of the Cumbria Development Design Guide.

### **Northern Gas Networks Infrastructure**

Northern Gas Networks initially raised objection to the proposed development on the basis that the protection given to their existing pipelines within and adjacent to the Application Site may be diminished by the proposed development; however, following discussions in relation to the relevant issues and construction working practices, they have withdrawn the objection.

### **Specific Requirements of Planning Conditions Imposed on Planning Application Ref. 4/16/2175/001**

Planning Condition 4, Planning Condition 6, Planning Condition 7 and Planning Condition 10 of application ref. 4/16/2175/001 require the submission of specific details as part of any application for approval of reserved matters.

The requirements of the relevant planning conditions are considered in turn below.

#### **Planning Condition 4 and Planning Condition 7**

Planning Condition 4 requires that any application for approval of reserved matters shall provide full engineering details of the estate road layout and Planning Condition 7 requires that reserved matters for the house plots shall incorporate full details of the access arrangements, including 'in curtilage' parking commensurate with the parking standards.

The relevant technical details have been provided and as outlined above, Cumbria County Council – Highways has been consulted and has raised no objection subject to planning conditions.

#### **Planning Condition 6**

Planning Condition 6 requires that any application for approval of reserved matters 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 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.

It is proposed that Plot 17 comprise the construction site compound for the duration of the construction works. This plot is located centrally within the Application Site and so is accessible removing the requirement for vehicles to park on the highway but is sufficiently distant from existing dwellings to minimise impacts upon residential amenity of existing properties.

#### **Planning Condition 10**

Planning Condition 10 requires that any application for approval of reserved matters shall include a full surface water drainage scheme, based on the hierarchy of drainage options with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) and that no surface water shall discharge to the public sewerage system either directly or indirectly.

A detailed surface water drainage scheme has been submitted.



It has been demonstrated that the ground conditions on the Application Site are not suitable for infiltration; therefore, it is proposed to dispose of the surface water to a watercourse, which is in accordance with the drainage hierarchy. No surface water is to be disposed to the public sewage system.

The proposed drainage system includes a surface water attenuation pond on land adjacent to the Application Site which has been designed to accommodate flows during defined storm events and to discharge the surface water into an unnamed tributary of Lowca Beck at a controlled rate not greater than the existing greenfield run off rate.

There are known localised surface water flooding issues in this area of Moresby Parks. These issues have been investigated by the Applicant in consultation with United Utilities, the LLFA and the Copeland Flood and Coastal Defence Engineer. It has been identified that these issues are principally caused by blockages/failures of an existing surface water culvert which runs through the adjacent residential development and issues with its outfall. The issues with the outfall have been resolved. A number of options to resolve the issues with the culvert have been reviewed. The Applicant proposes to introduce a diversion of this existing culvert on land within the Application Site at their expense to increase the capacity of the culvert during storm conditions to reduce the flood risk. This solution removes the requirement to dig up the existing adjacent estate, minimising the impact upon its residents.

Cumbria County Council – LLFA, United Utilities and the Copeland Flood and Coastal Defense Engineer have been consulted and has raised no objection to the development subject to planning conditions.

For the avoidance of doubt, Planning Condition 13 of application ref. 4/16/2175/001 secures the requirement to submit a detailed scheme for the maintenance and management of the drainage system and Planning Condition 8 secures a Construction Management Plan, which includes construction surface water management.

### **Planning Balance**

The principle of the development has previously been established under application ref. 4/16/2175/001.

The proposed mix of housing accords with the needs mix detailed the SHMA.

The layout and design is appropriate to the site and its surrounds.

No issues are arising in respect of drainage, flood risk, highway safety, gas infrastructure and residential amenity subject to the planning conditions proposed.

On balance, it is considered that the proposed development is acceptable and accords with the relevant provisions of the Development Plan.

### **Recommendation:**

Approve subject to the following conditions:-

## Standard Conditions

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.

### Reason

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:

Planning Application Form received 13<sup>th</sup> July 2021

Type One – The Lorton – House Design Pack received 24<sup>th</sup> March 2022

Type Two (H) – The Borrowdale (Handed For Plot) – House Design Pack received 24<sup>th</sup> March 2022

Type 3 (H) – The Wilton – House Design Pack received 24<sup>th</sup> March 2022

Type 4 – The Dovenby – House Design Pack received 24<sup>th</sup> March 2022

Type 5 – Plot 6 – House Design Pack received 24<sup>th</sup> March 2022

Site Layout – Drawing No. 6972 01 Rev. D received 19<sup>th</sup> May 2022

Adoptable Road Layout – Drawing No. 6972 100 Rev. J received 19<sup>th</sup> May 2022

Section 38 Plan – Drawing No. 6972 106 Rev. C received 24<sup>th</sup> March 2022

Road and Drainage Longsections Sheet One – Drawing No. 6972 101 Rev. F received 24<sup>th</sup> March 2022

Road and Drainage Longsections Sheet 2 – Drawing No. 6972 102 Rev. B received 24<sup>th</sup> March 2022

Road Cross Sections – Drawing No. 6972 105 received 24<sup>th</sup> March 2022

Typical Road Construction Details – Drawing No. 6972 103 Rev. B received 24<sup>th</sup> March 2022

Drainage Strategy Sheet 1 of 3 – Drawing No. 6972 200 Rev. P received 24<sup>th</sup> March 2022

Drainage Strategy Sheet 2 of 3 – Drawing No. 6972 201 Rev. Q received 24<sup>th</sup> March 2022

Drainage Strategy Sheet 3 of 3 – Drawing No. 6972 202 Rev. L received 24<sup>th</sup> March 2022

Contributing Areas – Drawing No. 6972 203 Rev. E received 24<sup>th</sup> March 2022

Section 104 Agreement Plan – Drawing No. 6972 204 Rev. C received 24<sup>th</sup> March 2022

Adoptable Drainage Easement Plan – Drawing No. 6972 205 Rev. B received 24<sup>th</sup> March 2022

Adoptable Surface Water Manhole Base Details – Drawing No. 6972 206 Rev. A received 24<sup>th</sup> March 2022

Adoptable Foul Water Manhole Base Details – Drawing No. 6972 208 Rev. A received 24<sup>th</sup> March 2022

Adoptable Manhole Schedule – Drawing No. 6972 400 Rev. A received 24<sup>th</sup> March 2022

Detention Basin Section – Drawing No. 6972 210 Rev. C received 24<sup>th</sup> March 2022

Proposed Housing Development, Moresby Parks Drainage Strategy March 2022 received 24<sup>th</sup> March 2022

Outdoor Lighting Report Ref. SHD130 18 March 2022 received 13<sup>th</sup> July 2021

Reason

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

3. For the avoidance of doubt, this permission approves the reserved matters of appearance and landscape in relation to Plot 1, Plot 6, Plot 14, Plot 15 and Plot 16 as identified on Site Layout – Drawing No. 6972 01 Rev. D received 19<sup>th</sup> May 2022 only.

A further application for Approval of Reserved Matters following Outline Approval is required in relation to the reserved matters of appearance and landscape for all other plots.

Reason

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

#### Pre-Occupation Conditions

Landscaping

4. Notwithstanding the submitted details, prior to the first occupation of any dwellinghouse hereby approved, full details of the soft landscape works to the site boundaries and communal area shall be submitted to and approved in writing by the Local Planning Authority. These details 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.

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

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 DM26 of the Copeland Local Plan 2013-2028.

### Other Planning Conditions

#### Highways

5. No dwelling hereby approved shall be occupied until the estate road including footways to serve that dwelling have been constructed in all aspects 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 T1 of the Copeland Local Plan 2013-2028.

6. 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 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 T1 of the Copeland Local Plan 2013-2028.

7. 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 T1 of the Copeland Local Plan 2013-2028.

#### Drainage

8. No dwelling hereby approved shall be occupied until the foul and surface water infrastructure to serve that dwelling have been constructed and brought into full operational use.

#### Reason

To prevent suitable provision for the control and management of surface and foul water in accordance with the provisions of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013-2028.

### **Informative**

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 Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

### **Statement**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

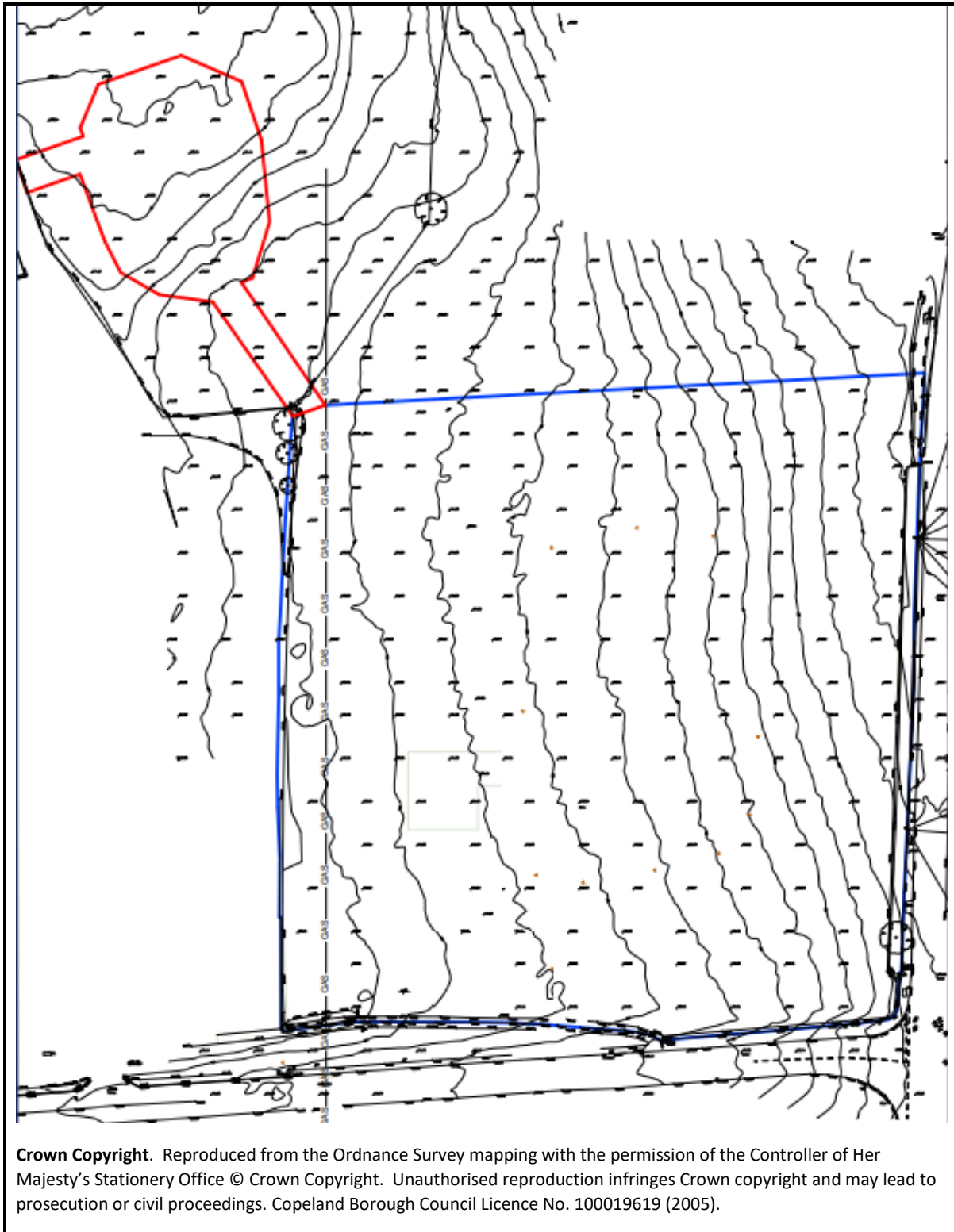


**To: PLANNING PANEL**

**Development Management Section**

**Date of Meeting: 03/08/2022**

<b>Application Number:</b>	4/21/2328/0F1
<b>Application Type:</b>	Full
<b>Applicant:</b>	Raemore Developments Ltd
<b>Application Address:</b>	LAND TO THE NORTH OF SCHOOL BROW, MORESBY PARKS, WHITEHAVEN
<b>Proposal</b>	FORMATION OF AN ATTENUATION BASIN INCLUDING CONNECTION ROUTES TO ADJOINING PROPOSED HOUSING DEVELOPMENT
<b>Parish:</b>	Moresby
<b>Recommendation Summary:</b>	Approve subject to conditions



**Crown Copyright.** Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Copeland Borough Council Licence No. 100019619 (2005).

**Reason for Determination by Planning Panel:**

The application is brought for consideration by Members of the Planning Panel due to the level of local interest and as the Head of Planning and Place considers it to be of sufficient importance in planning terms to refer to the Planning Panel for determination.

**Site and Location:**

The Application Site comprises a parcel of agricultural land located to the north of School Brow, Moresby Parks.

The Application Site is surrounded by agricultural land and is broadly level.

**Directly Relevant Planning Application History:**

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

Application Ref. 4/21/2327/0R1 – Reserved matters approval for the erection of 19no. detached dwellings including associated infrastructure pursuant to Outline Planning Application Ref. 4/16/2175/001.

**Proposal:**

This application seeks Full Planning Permission for the formation of a surface water attenuation pond and piped connection to the residential development granted outline planning permission under application ref. 4/16/2175/001 and for which an Application for Approval of Reserved Matters following Outline Approval is sought under application ref. 4/21/2327/0R1.

A separate Full Planning Application for the formation of the surface water attenuation pond and piped connection is required as the development is located outside of the approved Application Site of application ref. 4/16/2175/001.

The proposed attenuation pond comprises an earth banked pond developed above the prevailing land level. The banks incorporate a 1:4 gradient internally and a 1:2.5 gradient externally with cast concrete headwalls internally within the pond and at the out fall. The pond is designed to hold water for short period of time during storm events and will not contain water for the significant majority of the time.

A track with a permeable surface is proposed from within the residential development granted outline planning permission under application ref. 4/16/2175/001 to provide access for management and maintenance.

**Consultation Responses:**

Moresby Parish Council

20<sup>th</sup> June 2022

The Parish Council considered the attenuation basin and the new position.



We understand the reasons but still consider that flood water following heavy rain may cause problems further down towards Low Moresby and beyond.

8<sup>th</sup> September 2021

### 3. The Attenuation Basin

The village has a serious problem with flooding. Station House on School Brow at the junction with Moresby Parks Road has been flooded on more than one occasion and the relatively new development below the school has been plagued by flooding. The parish council does not believe that this basin, which it considers in any event to be, (according to the figures given in the plans particularly relating to the level of the throttle valve adequate), meets the needs. Drainage water will flow into Lowca Beck and then to Low Moresby and finally Howgate leaving those settlements prone to flooding. It is unclear whether a further application will simply refer to connecting routes from Site A. That would make matters worse. The strategy is at present totally ineffective and will not meet the requirements.

### Flood and Coastal Defence Engineer

31<sup>st</sup> March 2022

- Calculations have been updated to include a 40% climate change allowance.
- It isn't clear if a 10% urban creep allowance has been included, although this is a recommendation, rather than a requirement. There is a 10% figure shown in calculations for all return periods and climate change allowances, so it could have been included.
- The updated plans still don't show the receiving watercourse, although this isn't really necessary.
- The updated plans show the overflow from the existing culvert being re-connected into the culvert within the school playing field, rather than into the site's surface water system upstream of the pond. As the surcharging from the existing culvert cannot be determined, this will provide more assurance of the actual discharge into and out of the pond based on calculations. In addition, it would have been unlikely that United Utilities would have adopted the system downstream of the overflow connection.

In conclusion, although everything may not be clear to me, I have no objection to the proposed development based on information provided to date.

10<sup>th</sup> August 2022

- It isn't clear where the receiving watercourse is actually located, as it is not clearly marked on plans.

- The design is based on only a 30% allowance for climate change, not 40% as is usual at present.
- It isn't clear whether urban creep is included in the design.

Cumbria County Council – Highways and LLFA

5<sup>th</sup> May 2022

No objections to the proposal, subject to the following recommended conditions being included in any Notice of Consent which may be issued:

Condition 1: There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.

Reason: To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety. To support Local Transport Plan Policies: LD7, LD8

Condition 2: Access gates, if provided, shall be hung to open inwards only away from the highway.

Reason: In the interests of highway safety. To support Local Transport Plan Policies: LD7, LD8

Condition 3: 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. To support Local Transport Plan Policies: LD7, LD8

Condition 4: Development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- Pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
- 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 Note: deliveries and movement of equipment on the road network surrounding the site must not take place during school muster times in the interests of road safety.

Reason:

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety. To support Local Transport Plan Policies: WS3, LD4

25<sup>th</sup> August 2022

Further information and clarification is required for the following points;

- Can the applicant confirm if Site A as part of the original outline application 4/16/2175/001 will ultimately use this attenuation pond or will another drainage option be established?
- Climate change must be calculated at 40%, we have noted the 10% increase and we assume that this has been added to account for Urban Creep which must also be considered.
- Discharge rate has been agreed at 8.16L/s QBAR, however this figure changes within the document to 8.2L/s and then 8.1L/s detailed and the hydrobrake from the pond in Doc 6972-201 RevH - Drainage Strategy, while these are minor changes can it be clarified for avoidance of doubt which rate is being proposed.
- The height of the dwelling finished floor Level (FFL) should be considered, the site is flat and lower than the existing carriageway, while we believe this has been factored into the drainage an increase in FFL would be welcomed to protect from internal flooding should issues arise.
- The proposed new manhole and highway drainage from the footway routes through the rear gardens of plots 1, 2, 16, 15, 14. If this drainage is to become adopted by the Highway Authority (HA) then an easement will be required allowing for unrestricted access, as currently presented this would not be adoptable by the HA, we would note that a main gas line also lies in this area, consultation should be sought with the relevant undertaker in regard to easements and installation of a highway drain in close proximity to this service.

- Exceedance routes for the drainage in events beyond 1 in 100yr +40% should be detailed and should not effect properties on or off site.

### Environment Agency

29<sup>th</sup> July 2022

No comments.

### Northern Gas Networks

3<sup>rd</sup> May 2022

Withdraw our objection.

4<sup>th</sup> April 2022

We 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.

29<sup>th</sup> July 2021

Withdraw our objection.

2<sup>nd</sup> August 2021

We 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.

### **Public Representations**

The planning application has been advertised by way of a site notice and notification letters sent to neighbouring properties.

5no. presentations in objection and 1no. representation in support have been received.

The material planning issues relevant to the attenuation pond comprise:

- The attenuation basin/overflow falls outside the development boundaries and in itself poses additional risks to the public. At its deepest it is 1.5m deep and there are no provisions for a safety barrier around it to prevent drowning. Children and adults alike will want to see what this strange object in the field especially with light nights and school holidays.
- There is no defined maintenance regime merely a set of proposed schedules for maintenance.
- The site plan is incorrect. It is showing the Miners Welfare Institute to the west of the proposed development. There is a small development of 4 houses on that area and this has in the past been subject to flooding.

- The development is located outside of the approved boundary.
- The development will increase flood risk elsewhere.
- There are trees and hedges around the development, which should be referenced on the Application Site.
- There is a large amount of biodiversity in the area. Wildlife abounds all the surrounding fields.
- It is valuable agricultural land that is increasingly becoming scarce, the government themselves are recommending not to develop greenfield areas.
- Do you think United Utilities will adopt this system bearing in mind the rate climate change is taking place and 1 in 100 year events are now happening 1 in 20 years for example. It will increase United Utilities costs and risks. Also we all know policing the plot owners to maintain related attenuation tank and equipment maintenance will not happen and neglect will cause havoc in the area in the future.
- This is not an area that should be used for developing services for residential properties. The whole idea of developing this area is very foolhardy and will in the future if given the go ahead will prove to be a massive error of judgement. Greenfield sites in the near future will be so needed for agriculture to feed the people of this country and should be kept for our future generations.
- The whole series of related applications for developing this good agricultural area should be rejected, following government recommendations and to retain valuable green field areas.
- The western end of this proposed site is constantly flooded throughout the Winter. The drainage of this part of the village has always been a problem. The houses on the other side of the road are prone to flooding, as are the houses to the west of this site. The run-off from new housing, new roads and new paving will simply exacerbate this problem. Simply putting in new drainage would simply transfer the problem down the hill to Low Moresby. It would be interesting to gain their opinion on this project. What happens when the "attenuation basin" is full? Because it will fill up.
- Have objected to the proposal for housing and cannot see why the attenuation basin is separate, unless it is a backdoor route for getting it started. I'd support drainage without connection to housing development.

**Development Plan Policies:**

**Copeland Local Plan 2013-2028 (Adopted December 2013):**

Core Strategy (CS):

Policy ST1 – Strategic Development Principles

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 DM24 – Development Proposals and Flood

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 - Landscaping

Policy DM28 – Protection of Trees

Emerging Copeland Local Plan (ECLP).

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Publication Draft Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of the Copeland Local Plan 2017-2035 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

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 Strategic

Policy DS8PU - Reducing Flood Risk

Policy DS9PU - Sustainable Drainage

Policy N1PU - Conserving and Enhancing Biodiversity and Geodiversity

Policy N3PU - Biodiversity Net Gain

Policy N5PU: Protection of Water Resources

Policy N6PU - Landscape Protection

Policy N13PU: Woodlands, Trees and Hedgerows

**Other Material Planning Considerations**

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

National Design Guide (NDG).

The Conservation of Habitats and Species Regulations 2017 (CHSR).

Cumbria Development Design Guide (CDDG).

## **Assessment:**

### **Principle of Development**

The proposed development comprises the formation of a surface water attenuation pond and piped connection to serve the residential development granted outline planning permission under application ref. 4/16/2175/001 and for which an Application for Approval of Reserved Matters following Outline Approval is sought under application ref. 4/21/2327/0R1.

The proposed development is located outside of the approved Application Site of application ref. 4/16/2175/001.

Locating drainage infrastructure separate from any proposed residential is not specifically prevented in Development Plan policies.

Such development can deliver benefits where such proposals enable the delivery of improved design, layout or planning outcomes as part of a wider development and where the infrastructure is acceptable in all other planning respects.

### **Landscape and Visual Impact**

Policy DM26 of the LP requires that development proposals, where necessary, will be required to include landscaping schemes that retain existing landscape features, reinforce local landscape character and mitigate against any adverse visual impact. It is required that care should be taken that landscaping schemes do not include invasive non-native species and landscaping schemes be maintained for a minimum of five years.

Policy DS7PU requires that where appropriate a high-quality landscaping scheme should be submitted with all proposals for development.

The Application Site is located in an area of Sub Type 5a Ridge and Valley as defined in the Cumbria Landscape Character Guidance.

The key characteristics of the area include a series of ridges and valleys that rise gently toward the limestone fringes of the Lakeland Fells with well managed regular shaped medium to large pasture fields. Hedge bound pasture fields dominate, which are interspersed with native woodland, tree clumps and plantations. Scattered farms and linear villages are found along ridges and large scale structures are generally scarce.

The Application Site is located to the northwest of the residential development granted outline planning permission under application ref. 4/16/2175/001.

The Application Site is located in the corner of a low-lying field bounded by an established hedgerow and group of trees to the west.

Long range and short-range views of the Application Site are limited due to the screening provided by existing development, existing vegetation and the form of the surrounding topography. Further screening of the Application Site will be provided by the residential development granted outline planning permission under application ref. 4/16/2175/001.

The proposed will be viewed in the visual context of the development that it will serve.

The grassed surfacing of the pond will help assimilate the development into the landscape.

Whilst developed above the prevailing land level, given its surface finish and low-lying location, the proposed would not be visually prominent where the limited views of the development exist and will not impact the key landscape characteristics of the area.

### **Ecology and Arboriculture**

Policy ENV3 of the CS and Policy N1PU of the ELP seeks to ensure that new development will protect and enhance biodiversity and geodiversity.

Policy N3PU of the ELP seeks that development achieve a biodiversity net gain of 10%; however, given that outstanding objections exist to the policy, only limited weight can currently be afforded this policy in decision making.

The Application Site comprises an existing area of agricultural grassland. As a grassland monoculture, the Application Site is not of significant ecological interest.

No protected species are known to exist on the Application Site.

The proposed development incorporating a grassed surface to the pond, which would not be managed as per the existing agricultural land, so will deliver ecological enhancement beyond the existing situation.

### **Flood Risk and Drainage**

The Application Site is located in Flood Zone 1. The proposed development comprises a water compatible development, which is acceptable in Flood Zone 1.

Planning Condition 10 of application ref. 4/16/2175/001 requires that any application for approval of reserved matters shall include a full surface water drainage scheme.

As such, assessment of the technical suitability of the overall surface water drainage scheme serving the residential development falls for consideration under application ref.

4/21/2327/0R1 and not this planning application, of which the proposed surface water attenuation pond and piped connection are simply component parts.



## **Northern Gas Networks Infrastructure**

Northern Gas Networks initially raised an objection to the proposed development on the basis that the protection given to their existing pipelines within and adjacent to the Application Site may be diminished by the proposed development.

Following discussion with Northern Gas Networks, it has been confirmed that their objection has been removed.

## **Highways**

Policy DM22 of the DMP requires that development proposals be accessible to all users; respond positively to existing movement patterns in the area; and, incorporate parking provision to meet defined standards.

A track with a permeable surface is proposed from within the residential development granted outline planning permission under application ref. 4/16/2175/001 to provide access for management and maintenance.

Cumbria County Council have been consulted and have raised no objections to the development subject to the imposition of planning conditions requiring: access via the approved access only; that access gates be hung to open inwards only; approval of measures to prevent surface water discharging onto the public highways; and, the securing of a Construction Traffic Management Plan.

## **Residential Amenity**

Policy DM12 of the DMP defines minimum interface separation distances that are required to be achieved between dwellings.

Policy H6PU of the ELP requires that an acceptable level of amenity is provided for future residents and maintained for existing neighbouring residents in terms of sunlighting and daylighting; that privacy is protected through distance or good design; and, that the development will have no unacceptable overbearing impact upon neighbouring residents due to its scale, height and/or proximity.

Given the scale, form and layout of the proposed development adverse impacts upon existing and proposed dwellings will not result through loss of light, overbearing, overshadowing and overbearing effects as required by Policy H6PU of the ELP.

## **Planning Balance and Conclusion**

The principle of the development is acceptable subject to site specific matters.

The proposed will not cause unacceptable visual impacts and will not impact the key landscape characteristics of the area.

No issues are arising in respect of drainage, flood risk, highway safety, gas infrastructure and residential amenity subject to the planning conditions proposed.

On balance, it is considered that the proposed development is acceptable and accords with the relevant provisions of the Development Plan.

**Recommendation:-**

Approve subject to the following conditions:-

Standard Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.

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:

Planning Application Form received 13<sup>th</sup> July 2021

Existing Site Location Plan – Drawing No, 6972 214 Rev. – received 13<sup>th</sup> July 2021

Detention Basin Section – Drawing No. 6972 210 Rev. C received 24<sup>th</sup> March 2022

Drainage Strategy Sheet 2 of 3 – Drawing No. 6972 201 Rev. Q received 24<sup>th</sup> March 2022

Reason

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

Pre-Commencement Conditions

3. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority.

The CTMP shall include details of:

- Pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
- 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 Note: deliveries and movement of equipment on the road network surrounding the site must not take place during school muster times in the interests of road safety.

Reason

To ensure the undertaking of the development does not adversely impact upon the fabric and in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

4. 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 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 for the lifetime of the development.

Reason

In the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

Other Conditions

5. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.

Reason

In the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

6. Access gates, if provided, shall be hung to open inwards only away from the highway.

Reason

In the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2028.

### **Informative**

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 Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

### **Statement**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.