



**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/20/2417/0B1
2.	Proposed Development:	VARIATION OF PLANNING CONDITION 16 – SITE DRAINAGE LAYOUT OF PLANNING APPLICATION 4/18/2426/001 (OUTLINE FOR RESIDENTIAL DEVELOPMENT)
3.	Location:	LAND AT NORTH PARK, RHEDA, FRIZINGTON
4.	Parish:	Arlecdon and Frizington
5.	Constraints:	ASC;Adverts - ASC;Adverts, TPO - TPO, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations & Policy	See Report.
7.	Report:	<p>Site and Location:</p> <p>The Application Site comprises 3.75 hectares of land located to the southwest of Frizington.</p> <p>The Application Site is bounded by the existing residential developments of Rheda Park to the west and Rheda Close to the east, the B5294 highway to the south and a farmhouse and agricultural land to the north.</p> <p>The Application Site comprises an area of greenfield land which is currently used for agricultural grazing purposes.</p> <p>Two existing bands of mature trees are located adjacent to the south and east boundaries and two significant mature trees are located within the central area of the Application Site.</p> <p>Direct Planning Application History</p> <p>Application Ref. 4/18/2426/001 – Outline Planning Application for residential development with full details of access and all other matters reserved – Approved subject to Planning Conditions.</p> <p>Application Ref. 4/19/2261/0R1 - Reserved Matters Application Seeking Approval Of Appearance, Landscaping, Layout and Scale. Approved subject to Planning Conditions.</p>

The relevant pre-commencement planning conditions have been approved and the development has commenced.

Proposal:

This application seeks to vary Planning Condition 16 attached to Outline Planning Permission ref. 4/18/2426/001.

The proposed revisions comprise the following:

- Revision of the proposed foul water drainage layout to remove the foul water pumping station; and,
- Revision of the design/form of the proposed SuDS pond.

Consultee:	Nature of Response:
Parish Council	No comments received.
Cumbria County Council – Highways and LLFA	<p>Cumbria County Council as the Highways Authority and the Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below.</p> <p>I can confirm that the Highway Authority and Lead Local Flood Authority has no objection to the variation of condition 16.</p>
United Utilities	<p>10th November 2020 – Response 1</p> <p>Please can a drainage statement document be submitted for the above so the Engineer can carry out their assessment.</p> <p>10th November 2020 – Response 2</p> <p>The email from our Adoption Engineer, Tim Hunt dated Mon 02/11/2020 at 10:45 confirmed that the drainage submission is satisfactory with our Adoption team.</p> <p>I have no further comments on this application.</p>
Copeland – Flood and Coastal Defence Engineer	<p>16th November 2020</p> <p>There are two main matters, which relate to changes in the drainage.</p> <p>Firstly, it is proposed to remove the foul water pumping station. The engineering layout shows that there has been a change in the proposed foul</p>

	<p>system, as it now leaves site at a different point than was originally envisaged and takes a different route. The avoidance of having to utilise a pump is an major improvement and I have no objection to this.</p> <p>Secondly there has been proposed changes to the suds pond. Amended calculations have been submitted, to which I have queries:</p> <ul style="list-style-type: none">• These are for a 1 in 2 year, a 1 in 30 year and a 1 in 100 year with 40% climate change event. It is my understanding that these should be for a 1 in 1 year, a 1 in 30 year and a 1 in 100 year with 40% climate change event.• The rainfall event recorded on each is a 1 in 2 year event.• The calculations for 1 in 2 year show surcharging when there shouldn't be (to my untrained mind). <p>26th November 2020</p> <p>Apologies for the delay.</p> <p>I was still querying something about the calculations, although it doesn't materially change anything.</p> <p>Just to confirm then, I have no objection to the proposed changes.</p>
	<p>Neighbour Responses:</p> <p>The application has been advertised by way of a planning application site notice, press notice and neighbour notification letters issued to 34no. neighbouring dwellings.</p> <p>No written representations have been received in respect of the proposals.</p>
	<p>Development plan policies:</p> <p>Development Plan:</p> <p><u>Copeland Local Plan 2013-2028 (Adopted December 2013):</u></p> <p><u>Core Strategy (CS):</u></p> <p>Policy ST1 – Strategic Development Principles</p> <p>Policy SS5 – Provision and Access to Open Space and Green Infrastructure</p> <p>Policy ENV1 – Flood Risk and Risk Management</p> <p>Policy ENV3 – Biodiversity and Geodiversity</p> <p>Policy ENV5 – Protecting and Enhancing the Borough's Landscapes</p>

Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

Interim Housing Policy (IHP).

National Design Guide (NDG).

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

Cumbria Development Design Guide (CDDG).

Emerging Copeland Local Plan 2017-2035 (ELP).

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Preferred Options Consultation. The Preferred Options Consultation builds upon the completed Issues and Options Consultation which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but 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.

Assessment:

Principle

Outline Planning Permission was approved and Reserved Matters Approval subsequently approved.

The relevant pre-commencement planning conditions have been discharged and the development has been commenced.

The development approved under Application Ref. 4/18/2426/001 and Application Ref. 4/19/2261/0R1 remains extant.

Design and Landscape Impact

The removal of the previously proposed foul water pumping infrastructure will deliver visual improvement of the green space at the entrance to the Application Site.

The design and shape of the proposed SuDS pond is less organic than that previously approved;

however, in the context of the proposed landscaping treatment of this area of the Application Site, the design and shape of the proposed will be clearly discernible once the landscaping is established.

Drainage

It remains proposed to dispose of foul water to the existing mains drainage system and surface water to an existing watercourse as per the approved drainage scheme.

The removal of the previously approved foul water pumping station simplifies the design of the proposed drainage system. The removal of the mechanical pump reduces the number of potential points of failure within the system to the benefit of it's the long-term maintenance and management.

The revisions to the proposed SuDS pond relate to its shape and design only, with the operation design principles remaining as per the approved system.

Planning Condition Revisions/Reconciliation

Outline Planning Permission

Planning Condition	Comments
1. Reserved Matters	Development commenced – remove condition.
2. Submission of Reserved Matters	Approved – remove condition.
3. Approved Plans	Amend as per approved plans and drawings.
4. Approval of highway specifications etc.	Include in Planning Condition 3 – Remove. Implementation covered by Planning Condition 5.
5. Implementation of highways	Retain.
6. Single access only	Retain.
7. Approval of road signage	Retain.
8. Vehicle management	Amend to refer to approved scheme.
9. Ramps to junctions	Retain.
10. Highway drainage system	Amend to retain implementation element.
11. Hard and soft landscaping.	Include in Planning Condition 3 – Amend to control implementation.
12. Landscape management plan	Amend to refer to approved scheme.
13. Construction Method Statement	Remove – Combine with Planning Condition 8.
14. Working Hours	Retain
15. Refuse collection	Retain
16. Surface water drainage scheme	Remove- Combine implementation element with Planning Condition 10.
17. Foul and SW on separate systems	Retain
18. SW drainage management plan	Amend to refer to approved scheme.

	19. Ecological Works	Amend to refer to approved scheme.
	20. Ground conditions	Amend to refer to approved scheme.
	21. Archaeological works	Amend to refer to approved scheme.
	Reserved Matters Planning Permission	
	Planning Condition	Comments
	1. Adherence to condition on Outline	Not required
	2. Approved Plans	Update – Consolidation to Planning Condition 3 on Outline.
	3. Implementation of highways specification etc.	Remove as duplicate of Planning Condition 5 on Outline.
	4. Finished floor levels	Include in Planning Condition 3 on Outline – Remove.
	5. Play provision	Retain.
	6. Lighting - external	Retain.
	7. Implementation of landscaping	Retain.
	8. Landscape management plan	Retain.
	9. Removal of permitted development	Retain – Reference amended layout plan.
	10. Removal of permitted development	Retain – Reference amended layout plan.
<i>Conclusion</i>		
The principle of the development has previously been established.		
The proposed revisions are appropriate to the development.		
8.	Recommendation: Approve	
9.	Condition(s): 1. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: - Outline Site Location Plan – Drawing No. Rheda 13 Rev 01 received 28 th September 2018 Access Plan A103335 C001- Drawing No. C001, received 28 th September 2018 Phase 1 Desktop Study Report - Geo Environmental - Reference No. 2017-2566 dated 31 st May 2017 Planning Statement – Reference - A109666 Design and Access Statement dated September 2018 Transport Assessment Report – WYG - Reference A103335 dated November 2017	

Interim Travel Plan Report – WYG - Reference A103335 dated November 2017
Flood Risk and Drainage Statement - Reference A109666
Landscape and Visual Amenity Issues Brief Report - Eden Environment Ltd dated September 2018
Preliminary Ecological Appraisal – WYG - Reference A103720 dated November 2017
Archaeological Assessment – Reference A107463
Bat Survey – Reference - A103720
Tree Survey – Reference - EES17-082 V2

Reserved Matters

Existing Site – Drawing No. 1843 000 received 23rd July 2019;
Car Parking Spaces Layout - Drawing No. 1843 013 Rev. J received 13th March 2020;
Planting Plan – Drawing No. 01 R12 received 11th February 2020;
Plant Specification and Schedules – Drawing No. 02 Rev. 03 received 2nd January 2020;

Discharge of Planning Conditions Outline

Tree Survey For Proposed Development – Project No. EES17-082 received 28th August 2019
Construction Environmental Management Plan (Ecology) Version R3 received 28th August 2019
Arboricultural Method Statement & Tree Protection Plan V3 received 17th June 2020
Construction Phase Plan – Land at North Park received 8th April 2020
Construction Method Statement – Land at North Park received 8th April 2020
Plant Specification and Schedules – Drawing No. 02 Revision 03 received 8th April 2020
Planting Plan – Drawing No. 01 R11 received 8th April 2020
Phase 2 Ground Investigation Report – Report Ref. 2018-3719 received 8th April 2020
Exceedance Plan – Drawing No. 91 Issue P2 received 8th April 2020
Long Sections Sheet 1 – Drawing No. 61 Issue P4 received 8th April 2020
Long Sections Sheet 2 – Drawing No. 62 Issue P4 received 8th April 2020
Long Sections Sheet 3 – Drawing No. 05 Issue P2 received 8th April 2020
Highway Construction Details – Drawing No. 41 Issue P4 received 8th April 2020
Drainage Construction Details – Drawing No. 31 Issue P2 received 8th April 2020
SUDS Maintenance Plan – Report Number 19046-SMP1 received 27th April 2020
Street Lighting – Drawing No. 014 received 28th April 2020

Discharge of Planning Conditions RM

Proposed Finished Floor Levels – Sheet 1 – Drawing No. 101 P1 received 22nd June 2020
Proposed Finished Floor Levels – Sheet 2 – Drawing No. 102 P1 received 22nd June 2020

Revisions – Non-Material Amendment

Boundary Treatments Layout – Drawing No. 1843.003 Rev M received 28th January 2021
Boundary Details – Drawing No. 1843 008 Rev. A received 28th January 2021
Planning Layout – Drawing No. 1843.001 Rev M received 17th October 2020

Elevation Treatments Layout – Drawing No. 1843.004 Rev M received 17th October 2020
The Dee – House type Specification Rev L received 17th October 2020
The Derwent – House type Specification SG2 Rev L received 17th October 2020
The Eden – House type Specification Rev L received 17th October 2020
The Ellen – House type Specification V1 DG1 Rev L received 17th October 2020
The Ellen – House type Specification Ellen V1 SG1 Rev L received 17th October 2020
The Esk Bungalow – House type Specification Rev L received 17th October 2020
The Gelt – House type Specification SG2 Rev L received 17th October 2020
The Lowther – House type Specification Rev L received 17th October 2020
The Lowther – House type Specification 1.5G1 Rev L received 17th October 2020
The Tunstall – House type – Specification DG1 Rev L received 17th October 2020
The Tunstall – House type Specification SG1 Rev L received 17th October 2020
The Whillan – House type Specification DG2 Rev L received 17th October 2020
The Wreay – House type Specification Rev L received 17th October 2020
Materials Schedule Rev A received 17th October 2020
Hard Surfaces Layout – Drawing No. 1843 002 Rev. J received 28th January 2021

Revision Section 73

Engineering Layout Sheet 1 – Drawing No 01 - Rev C received 17th October 2020
Engineering Layout Sheet 2 – Drawing No 02 - Rev D received 17th October 2020
Engineering Layout Sheet 3 – Drawing No 03 - Rev E received 17th October 2020
Section 104 – Drawing No. 71 Rev B received 17th October 2020
Microdrainage Calculations received 17th October 2020 as amended by email from Coast Engineering dated 17th November 2020

Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

Pre-Occupation

2. A detailed scheme for any road signage associated with the development shall be submitted to the Local Planning Authority for approval prior to the first occupation of any dwelling hereby approved. These details shall be in accordance with the standards laid down in the Cumbria Design Guide. Any works approved shall be constructed before the development is complete.

Reason

To ensure a minimum standard of construction in the interests of highway safety in accordance with Policies T1 and DM22 of the Copeland Local Plan 2013-2028.

3. Ramps shall be provided on each side of every junction to enable wheelchairs and pushchairs to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to, and approved in writing, by the local planning authority prior to the first occupation of any dwelling hereby approved. Development shall be carried out in accordance with the approved details and shall be constructed before the development is complete.

Reason

To ensure that pedestrians and people with impaired mobility can negotiate road junctions safely in accordance with Policy DM22 of the Copeland Local Plan 2013-2028.

4. No dwelling hereby approved shall be occupied until details of proposed refuse collection arrangements have been submitted to and approved in writing by the Local Planning Authority. Following occupation of the first dwelling on the site, refuse collection shall be commenced and maintained in accordance with the approved management and maintenance details approved by the local planning authority.

Reason

To ensure that adequate provision is made with the development for refuse collection arrangements in the interests of residential amenity and highway safety and in accordance with the National Planning Policy Framework and Policy DM22 of the Copeland Local Plan 2013-2028.

5. No dwelling hereby approved shall be occupied unless and until a scheme detailing the layout and design of a children's play space measuring 100sqm has been submitted to and approved in writing by the Local Planning Authority. The approved scheme is to be completed prior to the occupation of the 30th dwelling hereby approved. The area shall not thereafter be used for any purpose other than a children's play space.

Reason

To ensure sufficient open space and children's plays space is provided within the site for use by future occupants in accordance with the requirements of Policy SS5 and Policy DM12 of the Copeland Local Plan 2013 – 2028.

- 6.
- a) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas is to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of any dwelling.
 - b) The landscape management plan is to be implemented as approved before the development

is occupied.

Reason

To safeguard and enhance the character of the area and secure high quality landscaping in accordance with the requirements of Policy DM26 of the Copeland Local Plan 2013 – 2028.

Other Planning Conditions

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

Reason

In the interests of highway safety, in accordance with the National Planning Policy Framework and to support Local Transport Plan policies LD5, LD7, LD8 and policies T1 and DM22 of the Copeland Local Plan.

8. 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 in accordance with the National Planning Policy Framework and Policies T1 and DM22 of the Copeland Local Plan 2013-2028.

9. Approved Construction Method Statement – Land at North Park received 8th April 2020 shall be implemented for the duration of the construction period.

Reason

To ensure that construction vehicles can be safely accommodated within the development site to prevent obstruction of the highway in accordance Policy DM22 of the Copeland Local Plan 2013-2028.

10. The approved foul water and surface water drainage systems shall be implemented in full in accordance with the approved details and retained for the lifetime of the development. No surface water shall discharge to the public sewerage system either directly or indirectly.

	<p>Reason</p> <p>In the interests of highway safety and surface water management and in accordance with policies DM22 and ENV1 of the Copeland Local Plan 2013-2028.</p>
11.	<p>Foul and Surface water shall be drained on separate systems</p> <p>Reason</p> <p>To secure proper drainage and to manage the risk of flooding and pollution in accordance with the National Planning Policy Framework and in accordance with Policies ST1 and ENV1 of the Copeland Local Plan 2013-2028.</p>
12.	<p>The approved drainage scheme shall be managed and maintained in accordance with SUDS Maintenance Plan – Report Number 19046-SMP1 received 27th April 2020 for the lifetime of the development.</p> <p>Reason</p> <p>To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development in accordance with the National Planning Policy Framework and Policies ST1 and ENV1 of the Copeland Local Plan 2013--2028.</p>
13.	<p>No construction work associated with the development hereby approved shall be carried out outside of the hours of 07.30 hours-18.00 hours Monday-Saturday, nor at any time on Sundays and bank holidays, unless otherwise agreed in writing by the local planning authority.</p> <p>Reason</p> <p>In the interests of neighbouring residential amenity and in accordance with Policy ST1 of the Copeland Local Plan 2013-2028.</p>
14.	<p>Approved Construction Environmental Management Plan (Ecology) Version R3 received 28th August 2019 shall be adhered to for the duration of the construction period.</p> <p>Reason</p> <p>To ensure that adequate protection is given to protected species, in the interests of the environmental protection and in accordance with Policy DM25 of the Copeland Local Plan 2013-2028.</p>

	<p>15. The development hereby approved shall be completed in accordance with the provisions and recommendations of Phase 2 Ground Investigation Report – Report Ref. 2018-3719 received 8th April 2020.</p> <p>Reason</p> <p>To prevent development from contributing to or being put at acceptable risk from, or being adversely affected by unacceptable levels of pollution in accordance with Policy ST1 of the Copeland Local Plan 2013-2028.</p> <p>16.</p> <p>a) No lighting is to be installed unless and until a scheme for the provision of external lighting has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of the location, design, luminance levels, light spillage and hours of use of all external lighting within the site.</p> <p>b) The approved lighting scheme is to be implemented in full prior to first occupation of the development hereby approved.</p> <p>Reason</p> <p>These details are required to be approved before the commencement of development to safeguard ecology in accordance with the requirements of Policy ENV3 and Policy DM25 of the Copeland Local Plan 2013 – 2028.</p> <p>17. All hard and soft landscape works is to be carried out in accordance with the approved details. 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.</p> <p>Reason</p> <p>To safeguard and enhance the character of the area and secure high quality landscaping in accordance with the requirements of Policy DM26 of the Copeland Local Plan 2013 – 2028.</p> <p>18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension to the rear elevation or rear roof planes of Plot Nos. 16, 17, 18, 19, 29, 30, 31, 32, 33 and 34 as identified on Planning Layout – Drawing No. 1843.001 Rev M received 17th October 2020 shall be undertaken without the express permission of the Local Planning Authority.</p> <p>Reason</p>
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To safeguard the residential amenity of the residents of Rheda Park in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development of the type described in Class E, Part 1 of Schedule 2 of that Order shall be undertaken Plot Nos. 16, 17, 18, 19, 29, 30, 31, 32, 33 and 34 as identified on Planning Layout – Drawing No. 1843.001 Rev M received 17th October 2020 without the express permission of the Local Planning Authority.

Reason

To safeguard the residential amenity of the residents of Rheda Park in accordance with the requirements of Policy DM12 of the Copeland Local Plan 2013 – 2028 and Paragraph 127 of the National Planning Policy Framework 2019.

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

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.

Case Officer: Chris Harrison

Date : 28.01.2021

Authorising Officer: N.J. Hayhurst

Date : 04/02/2021

Dedicated responses to:- N/A