

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2298/OF1
2.	Proposed Development:	ERECTION OF SINGLE DWELLING AND DETACHED GARAGE WITH NEW SITE ENTRANCE LOCATION TO REPLACE EXTANT PERMISSION FOR NEW HOUSE
3.	Location:	5 WEST END, RHEDA PARK, 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: Site and Location: <p>The Application Site comprises the land known as Plot 5 West End, Rheda Park, Frizington.</p> <p>The land was granted Outline Planning Permission for residential development on the 15th February 2017 under planning application ref. 4/16/2393/001.</p> <p>Reserved Matters Permission was approved for a single dwelling on the plot on the 3rd December 2021 under planning application ref. 4/20/2066/0R1.</p> <p>The land is located on the western end of the Rheda Park estate, which has been developed over several decades to comprise a housing estate of in excess of 60 dwellings.</p> Direct Planning Application History: <p>Application Ref. 4/16/2393/001 – Outline Application For Nine Executive Dwellings With Approval Of Means Of Access, Scale And Layout With Details Of Elevations And Materials Reserved For Future Approval. Approved.</p>	

Application Ref. 4/20/2066/OR1.- Reserved matters for detached dwelling (following planning permission 4/16/2393/001). Approved.

Proposal:

This application seeks Full Planning Permission for the erection of 1no. dwelling

The dwelling is principally two storeys in height under dual pitched roof structures. Two and single storey gabled projections exist to the front elevation.

It is proposed to finish the dwelling with a combination of facing brick and render to the elevations with concrete tiles to the roof.

uPVC windows and composite doors are proposed.

The proposal has been amended during the course of the application to amend the proposed access and reduce the finished floor level and to provide additional information in respect of ground conditions, drainage and the proposed contouring within the garden area.

Consultee:	Nature of Response:
Parish Council	No response received.
Cumbria County Council – Highways and LLFA	<p><i>20th July 2021</i></p> <p>Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below:</p> <p>Highways</p> <p>The section of highway from the U4020 up to the existing gate entrance of Rheda Park including the verges is considered to be public highway which was confirmed by the Network Manager for Copeland in 2015 in an email to local resident in request that the Highway Authority undertake carriageway repair works.</p> <p>With the above in mind this does give cause for concern in that the proposed access is in effect creating a 3 way junction arrangement introducing a multiplicity of access onto the public highway and this authority would prefer that the original access is utilised that has planning permission.</p> <p>The proposed access has the potential to cause conflict as vehicles enter and</p>

	<p>leave both Rheda Park and the new development, inter-visibility is already reduced between vehicles approaching from the north east and those leaving Rheda Park and with limited forward visibility through the bend in the U4020 at this location, the addition of the proposed access is considered unacceptable to the Highway Authority.</p> <p>It is also be noted that any works undertaken in forming a temporary construction access should have been consulted on with our Streetworks Dept for works being undertaken on or adjacent to the public highway.</p> <p>The applicant has not demonstrated that adequate visibility splays can be achieved in both directions on the U4020, as this is a national speed limit area 215 metres in required in both directions to the nearside kerb as per the Chapter B: Visibility in the CDDG unless a speed survey is undertaken to determine the 85th percentile speed which can then be used to determine if the visibility splays can be reduced, vertical alignment needs to be considered when looking north east towards Frizington.</p> <p>In considering the above issues the Highway Authority is minded to recommend refusal for the following reasons:</p> <ol style="list-style-type: none">1. The use of the site access resulting from the proposed development would be likely to increase the conflict of traffic movements within a junction which has restricted visibility for emerging vehicles resulting in additional danger and inconvenience to all users of the highway. To support Local Transport Plan Policy: LD7, LD82. The proposed development would result in a multiplicity of accesses onto the public highway, which would be likely to increase the risk and danger and inconvenience to all users of the road. To support Local Transport Plan Policy: LD7, LD83. Inadequate information has been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of:<ol style="list-style-type: none">a) Accessb) Visibility SplaysTo support Local Transport Plan Policy: LD7, LD8 <p>LLFA</p> <p>As this application is for a single property below the statutory consultation level for the Lead Local Flood Authority, the Local Planning Authority are</p>
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		<p>advised to ensure any surface water drainage design complies with the Building Regulations process which will be managed through your building control.</p> <p><i>21st September 2021</i></p> <p>Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows. I can confirm that we have no objections to the proposal, but recommended the Local Planning Authority (LPA) secure the conditions below.</p> <ul style="list-style-type: none"> - As the access is now internal and on private land the LPA should ensure there is sufficient visibility either side of the proposed access as existing gate posts may cause problems. - LPA needs to ensure drainage water does not discharge onto the lane, which then leads to the public highway. <p><i>29th November 2021</i></p> <p>Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) have considered the amended site plan showing proposed barriers to act as tree protection submitted on 16/11/21 (Drawing number 101 Rev F). We can confirm that we have no objection to the proposed amendment should not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.</p>
	Arboriculturalist	<p><i>14th July 2021</i></p> <p>I have no comments to make on this new proposal for Plot 5.</p>
	United Utilities	<p><i>22nd November 2021</i></p> <p>In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. We request the following drainage conditions are attached to any subsequent approval to reflect the above approach:</p> <p><i>Condition 1 – Surface water</i> <i>No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:</i></p>

		<p><i>(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;</i></p> <p><i>(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and</i></p> <p><i>(iii) A timetable for its implementation.</i></p> <p><i>The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.</i></p> <p><i>The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.</i></p> <p><i>Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.</i></p> <p><i>Condition 2 – Foul water</i></p> <p><i>Foul and surface water shall be drained on separate systems.</i></p> <p><i>Reason: To secure proper drainage and to manage the risk of flooding and pollution.</i></p> <p>A non-return valve should be installed before connecting into the public sewer.</p>
	Environmental Health	<p><i>3rd August 2021</i></p> <p>Please note that the sewage holding tank marked on the proposed site plan has been in place for some time and is of questionable and unknown build quality. It is proposed that this point takes sewage effluent from the 9 x new properties on West End development, plus West Lodge (after an on site error when its septic tank was broken during plot preparations), which will then be pumped to the mains United Utilities sewer system. Since June 2021 I have been investigating the release of untreated sewage effluent to the local environment from this holding tank.</p> <p>The holding tank is situated within plot 5 but is for the use of the entire development, and will be maintained through a private legal agreement between all plot holders. The site developer, Mr J Reed, has advised that a Building Regulations submission may be retrospectively made. The structural integrity, build quality, and integrity against groundwater ingress are unknown and of concern. The tank capacity, though considerable, is as yet unconfirmed and appears to fill rapidly with ground / rain water during prolonged wet weather.</p>

Neighbour Responses:

The application has been advertised by way of an application site notice and neighbour notification letters sent to 2no. neighbouring properties

One representations has been received in support and one in objection. The issues raised are as follows:

The house will fit in with rest.

They have cut down more trees than they should have.

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 SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV4 – Heritage Assets

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards for New Residential Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Policy DM27 – Built Heritage and Archaeology

Policy DM28 – Protection of Trees

Copeland Local Plan 2001-2016 (LP):

Saved Policy TSP8 - Parking Requirements

Proposals Map including settlement boundaries.

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 is currently 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 on the 15th February 2017 under planning application ref. 4/16/2393/001.

Planning application ref. 4/16/2393/001 was implemented following the approval of applications for Approval of Reserved Matters following Outline Approval.

Planning application ref. 4/16/2393/001 was the subject of pre-commencement planning conditions:

- Planning Condition 9 – Geo-environmental – Does not appear to have been discharged in respect of all plots; however, it has been confirmed by the Planning Development manager that it was agreed to approve this on a plot by plot basis. As such, this does not run to the heart of this element of planning permission. An informative will be imposed confirming the requirement to seek approval of the details required by Planning Condition 9 prior to commencement of development.
- Planning Condition 11 – Arboricultural – Tree Protection – Approved in relation to the plots commenced.

Planning application ref. 4/16/2393/001 was also the subject of pre-occupation planning conditions:

- Planning Condition 5 – Drainage Management – Details approved.
- Planning Condition 6 – Works to improve access before dwelling occupied – In breach.
- Planning Condition 7 – Resurfacing of access within 12 months of commencement on site – In breach.

The breaches are not considered to invalidate the Outline Planning Permission given the plot occupied and enforcement action is being progressed to secure completion with works having commenced.

Application Ref. 4/20/2014/OR1 was received in a valid form before the 15th February 2020 and was therefore a valid planning application.

The principle of residential development has been established on the Application Site and comprises a fallback position.

Design and Landscape Impact;

The proposed dwelling is large in scale; however, is comparable to the existing dwellings to the east.

The design of the proposed dwelling differs from other dwellings within the locality; however, the design incorporates design features and external materials consistent with existing dwellings within the locality.

The proposed dwelling is therefore appropriate to the emerging character of the development in this area of Rheda Park.

The finished floor levels and ground levels surrounding the proposed dwelling have been lowered during the course of the application and are now appropriate to the levels of the plot, adjacent dwellings and adjacent highway.

Residential Amenity;

The interface separation distances achieved between the existing/approved dwellings and proposed dwelling accord with the provisions of Policy DM12.

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

Landscaping and Arboriculture;

The application is supported by a tree protection measures plan detailing proposals to protect the retained trees and a proposed landscaping plan.

It is proposed to retain the existing trees that are of value on the Application Site; remove those trees of limited interest; and, introduce a combination of structural and ornamental trees and hedgerows to compensate for the trees to be removed.

The tree protection measures detailed are appropriate and provide protection to the retained trees and the trees located beyond the Application Site. A planning condition is proposed to secure completion of the development in accordance with the submitted details.

Drainage;

It is proposed to connect foul drainage to a public sewer to the south east of the development, via a small private pumping station, this is the drainage point to which all foul waters from the majority of the site drain as approved under application ref. 4/16/2393/001. An active enforcement case exists in respect of the private pumping station. Enforcement action is to be progressed to secure completion of the required connection and pump.

It is proposed to dispose of surface water from the proposed dwelling to an existing watercourse via a scheme of attenuation. This arrangement accords with the drainage hierarchy and the drainage principles approved under application ref. 4/16/2393/001.

Habitats;

The vegetation on the Application Site requiring removal to facilitate the development has been removed.

A Bat Survey was prepared in support of application ref. 4/16/2393/001. The Bat Survey did not identify potential for bats on Plot 5.

Ground Conditions;

A Phase 1 Preliminary Environmental Risk Assessment was completed in support of application ref. 4/16/2393/001.

The Phase 1 Preliminary Environmental Risk Assessment concludes that it would be appropriate for the Local Planning Authority to attach appropriate suspensive planning conditions securing Phase 2: Ground Investigation works to any planning permission to ensure the “*geohazards*” identified are appropriately assessed and ensure the suitability of the site for the proposed end use. Such a planning condition was imposed under application ref. 4/16/2393/001 and remains to be discharged in relation to the Application Site.

A revised Preliminary Environment Risk Assessment and UKWIR Water Supply Pipe Risk assessment has been submitted. This does not identify a requirement for Phase 2: Ground Investigation works and recommends that a watching brief and observation techniques only be applied.

	<p><i>Highways;</i></p> <p>Access to the dwelling is proposed via the private access serving the wider Rheda Park development.</p> <p>No alterations are proposed to the access as approved under Application ref. 4/16/2393/001 and Application Ref. 4/20/2014/0R1.</p> <p>Works to improve the private access serving the wider Rheda Park development were secured under Planning Condition 6 attached to Application ref. 4/16/2393/001. The development completed to date is in breach of the requirements of Planning Condition 6, which remains lawfully capable of enforcement. These works have been partially completed and enforcement actions are being taken to secure completion.</p> <p>In the context of the above, it is not considered necessary to impose planning conditions preventing the occupation of the proposed dwelling to the completion of the works secured under Planning Condition 6 attached to Application ref. 4/16/2393/001 given its stage of completion etc..</p> <p>The proposed level of off highway parking provision accords with the CDDG.</p> <p>A planning condition is proposed to control any access gates to prevent conflict with the works secured under Planning Condition 6 attached to Application ref. 4/16/2393/001</p> <p><i>Planning Balance;</i></p> <p>The proposed development accords with the provisions of the development plan.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall begin not later than three years from the date of this decision. <p>Reason</p> <p>To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>

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

- Site Location Plan – 5 West End, Rheda Park, Frizington, Cumbria – Excluding the layout and access details illustrated, which are superseded by As Proposed Site Plan – Drawing No. 101 Rev. F as received 18th June 2021
- As Proposed Site Plan – Drawing No. 101 Rev. F as received 5th November 2021
- As Proposed New Dwelling – Drawing No. 100 Rev. B as received 18th June 2021
- Landscaping Details – Drawing No. EJC/61-2017 Plot 5 – Excluding the layout and access details illustrated, which are superseded by As Proposed Site Plan – Drawing No. 101 Rev. F as received 18th June 2021

Reason:

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

Pre-Commencement Planning Conditions

3. The development shall not proceed except in accordance with the tree protection measures detailed on As Proposed Site Plan – Drawing No. 101 Rev. F.

Reason

These details are required to be approved before the commencement of development to ensure the protection and retention of important landscape features in accordance with the provisions of Policy ENV3 of the Copeland Local Plan 2013-2028.

Before Superstructure and Occupation Planning Conditions

4. The dwelling hereby approved shall not be occupied until the vehicular access and turning requirements have been constructed in accordance with the approved plan and brought into use. The vehicular access/turning provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered for the lifetime of the development.

Reason

To ensure a minimum standard of access provision when the development is brought into use in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013-2028.

Other Planning Conditions

5. The approved landscape works shall be carried out in the first planting season following first occupation of the dwelling hereby approved. Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted.

Reason:

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

6. Access gates, if provided, shall be hung to open inwards only, away from the highway, be recessed no less than 4.5m measured from the carriageway edge of the adjacent highway and shall incorporate 45 degree splays to each side.

Reason

In the interests of highway safety in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013-2028.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking or re-enacting that order with or without modification) no external alterations (including replacement windows and doors) or extensions, conservatories, dormer, or enlargement shall be carried out to the dwelling, nor shall any detached building, enclosure, domestic fuel containers, pool or hardstandings be constructed within the curtilage other than those expressly authorised by this planning permission.

Reason

To safeguard the character and appearance of the development in the interests of visual amenity and to ensure that any future development does not have a detrimental impact on the mature trees on the site in accordance with the provisions of Policy ENV3 and Policy DM10 of the Copeland Local Plan 2013-2028.

8. The development shall not proceed except in accordance with the provisions of the PHASE 1:

DESK TOP STUDY REPORT PRELIMINARY ENVIRONMENTAL RISK ASSESSMENT & UKWIR
WATER SUPPLY PIPE RISK ASSESSMENT - PROPOSED RESIDENTIAL DEVELOPMENT OF LAND AT
PLOTS 3, 4 & 5 RHEDA PARK, FRIZINGTON, CUMBRIA – Ref. 2021-4807.

Reason:

For the avoidance of doubt and to prevent harm to safeguard public health in accordance with
Policy ST1 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

Statement

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

Case Officer: Chris Harrison

Date : 03.12.2021

Authorising Officer: N.J. Hayhurst

Date : 07/12/2021

Dedicated responses to:-