



COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2464/0F1
2.	Proposed Development:	VARIATION OF CONDITION 2 (PLANS) OF PLANNING APPROVAL 4/20/2066/OR1 TO ALTER POSITION OF WINDOWS OF DWELLING ON PLOT 7
3.	Location:	PLOT 7, 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.	<p>Report:</p> <p>Site and Location:</p> <p>The Application Site comprises the land known as Plot 7 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/OR1.</p> <p>The land is located on the western end of Rheda Park estate, which has been developed over several decades to comprise a housing estate of in excess of 60 dwellings.</p> <p>Direct Planning Application History:</p> <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> <p>Application Ref. 4/20/2066/OR1 - Reserved matters for details of elevations and materials (following</p>	

planning permission 4/16/2393/001). Approved.

Proposal:

This application seeks to vary Planning Condition 2 of Application Ref. 4/20/2066/OR1.

The proposed revisions comprise the following:

- the reconfiguration of the internal layout of the dwelling;
- alterations to the composition of the gable and glazing to the front gable elevation and removal of projecting porch;
- the introduction of bi-fold doors to ground floor level, the introduction of an additional window at first floor, the revision of the design of four existing windows and removal of two roof lights to the southeast elevation;
- the introduction of an additional window and removal of two roof lights to the northwest elevation;
- the removal of two chimneys; and,
- removal of the inset balcony and addition of a projecting external balcony to the northeast elevation.

The proposed design has been amended during the course of the application to correct errors in the drawings submitted.

Consultee:	Nature of Response:
Parish Council	No response received.
Arboriculturalist	No comments or observations.
Neighbour Responses:	
The application has been advertised by way of an application site notice and neighbour notification letters sent to 5no. neighbouring properties	
No representations have been received.	

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).
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 was approved 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 Head of Planning and Place 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 plots occupied and enforcement action is being progressed to secure completion with works having commenced.

Application Ref. 4/20/2014/0R1 was received in a valid form before the 15th February 2020 and was therefore a valid planning application.

This application seeks to vary Planning Condition 2 of Application Ref. 4/20/2066/0R1, which remains a valid planning permission.

Design and Landscape Impact;

The proposed revisions to the design of the dwelling including the additional windows etc. are appropriate to the overall design of the dwelling and wider development.

Residential Amenity;

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

	<p>The design of the revised balcony now projects beyond the rear elevation of the dwelling; however, given the tree cover and distances to neighbouring dwellings, the impacts through physical overlooking and perception of overlooking of the adjacent dwellings will not be unacceptable.</p> <p><i>Reconciliation of Planning Conditions</i></p> <p>Revisions are required to Planning Condition 2 to secure the design revisions proposed.</p> <p><i>Planning Balance;</i></p> <p>The proposed revisions accord with the provisions of the Development Plan.</p>
8.	<p>Recommendation:</p> <p>Approve amendment of condition</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> <p>The development shall be carried out in accordance with the plans submitted and in accordance with the conditions attached to the outline planning permission.</p> <p>Reason</p> <p>To comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p> <p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Site Location Plan as Sale 1:1250 received 13th February 2020 As Proposed Site Plan – Drawing No. 05 Rev. A received 1st November 2020</p> <p><u><i>Plots 5 and Plot 9</i></u></p> <p>As Proposed Garage Plans – Drawing No. 04 received 13th February 2020 As Proposed Floor Plans – Drawing No. 03 received 13th February 2020 As Proposed Elevations 1 of 2 – Drawing No. 01 received 13th February 2020 As Proposed Elevations 2 or 2 – Drawing No. 02 received 13th February 2020 Landscaping Specifications Detailed in Pre-development Arboricultural Report – Ref. EJC/61-2017-Plot 5 received 13th February 2020 and as amended by the details received 29th July 2020</p>

Landscaping Specifications Detailed in Pre-development Arboricultural Report – Ref. EJC/61-2017-Plot 9 received 13th February 2020 and as amended by the details received 29th July 2020

Plot 7

Proposed Amendments to Floor Plans – Drawing No. 0146-001 Rev. B received 19th January 2022

Proposed Amendments to Elevations – Drawing No. 0146-002 Rev. B received 19th January 2022

Landscaping Specifications Detailed in Pre-development Arboricultural Report – Ref. EJC/61-2017-Plot 7 received 13th February 2020 and as amended by the details received 29th July 2020

Reason

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

Pre-Commencement Planning Conditions

3.

- a) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - *Trees in Relation to Construction - Recommendations* has been submitted to and approved in writing by the Local Planning Authority.
- b) The measures shall be carried out as described and approved, and shall be maintained until the development is completed.

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 Planning Conditions

4.

- a) No superstructure shall be erected until samples and details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority.

- b) Development shall be carried out in accordance with the approved details.

Reason

To ensure the development is of a high quality design in accordance with Policy DM10 of the Copeland Local Plan 2013-2028.

Other Planning Conditions

5. 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.

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.

6. All hard and soft landscape works shall be carried out in accordance with the approved details. The 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.

Informative 1

Prior to the commencement of this development, the requirements of Planning Condition 9 of Outline Planning Application Ref. 4/16/2393/001 are required to be submitted and approved in writing by the Local Planning Authority.

Informative 2

Planning Condition 13 of the Outline Planning Application Ref. 4/16/2393/001 removes permitted development rights relating to this development.

Informative 3

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 : 08.02.2022

Authorising Officer: N.J. Hayhurst

Date : 10/02/2022

Dedicated responses to:- N/A