

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/21/2561/0R1
2.	<b>Proposed Development:</b>	RESERVED MATTERS APPLICATION SEEKING APPROVAL OF ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE OF OUTLINE PLANNING APPROVAL 4/19/2325/001 - OUTLINE APPLICATION FOR ERECTION OF ONE DWELLING
3.	<b>Location:</b>	RHEDA CROSS, RHEDA PARK, FRIZINGTON
4.	<b>Parish:</b>	Arlecdon and Frizington
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	See report.
7.	<b>Report:</b>  <b>Site and Location:</b>  <p>The Application Site comprises a 2000sqm parcel of the residential curtilage of the property known as Rheda Cross, Frizington.</p> <p>Rheda Cross comprises a single storey dwelling located within the development known as Rheda Park.</p> <p>Rheda Cross benefits from extensive wooded and landscaped grounds. The grounds include curtilage buildings and an enclosed tennis court.</p> <p>Access to Rheda Cross is via private access road serving the wider Rheda Park that runs between the B5294 Bowthorn Road and Mill Street.</p> <p>Rheda Cross comprises the site of the former Rheda Mansion, which fell into disrepair and was demolished in the 1950's. Rheda Cross is located on the footprint of the former Rheda Mansion. Elements of the original hard and soft landscaping of the former Rheda Mansion remains within the residential curtilage of Rheda Cross.</p>	

The Grade II\* listed building and scheduled ancient monument known as the Cross Lacon is located within the rear (south) curtilage of Rheda Cross.

The trees on this element of Rheda Cross are not the subject of a Tree Preservation Order (TPO).

**Direct Planning Application History:**

4/89/0193/0 – Outline Planning Application. Approved 24<sup>th</sup> May 1989.

4/19/2325/001 – Outline Application for Erection of One Dwelling. Approved 12<sup>th</sup> March 2020.

**Proposal:**

This application seeks approval of the matters of access, layout, scale, appearance and landscaping pursuant to Application Ref. 4/19/2325/001.

The proposed dwelling is to be accessed via a new driveway from the existing access serving the properties known as The Cottage and Westerlea.

The proposed dwelling is located within the existing open area within the Application Site, with the existing planting to the boundaries retained.

The proposed comprises a two-storey dwelling under a dual pitched roof structure with two storey projection under a cat slide roof to the northeast (front elevation).

A detached garage is proposed to the west.

It is proposed to finish the dwelling and garage with a combination of brick, timber boarding to the elevations with natural slate to the roof. uPVC windows are proposed.

For the avoidance of doubt, details of the proposed scheme of drainage and details of a scheme to protect the retained trees are secured via Planning Condition 4 and Planning Condition 6 of Application Ref. 4/19/2325/001.

Consultee:	Nature of Response:
Parish Council	None received.
Highways and LLFA	17 <sup>th</sup> April 2023 Cumberland Council as the Local Highway Authority (LHA) and Lead

		<p>Local Flood Authority (LLFA) can confirm as follows:</p> <p>I can confirm our comments made on 31st January 2022 still apply:</p> <p>The application site is located on a private road that is to remain private. The LHA raise no objections to this application as stated in our response to 4/19/2325/001 however it is noted that the proposed access to the dwelling from the road is on a bend which could obstruct visibility. If your authority raises no concerns with this layout then we would advise that the boundary walls/hedge/fence do not exceed a height of 1.05m.</p> <p><i>31<sup>st</sup> January 2022</i></p> <p>Thank you for your consultation on the above Planning Application. Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows:</p> <p>The application site is located on a private road that is to remain private.</p> <p>The LHA raise no objections to this application as stated in our response to 4/19/2325/001 however it is noted that the proposed access to the dwelling from the road is on a bend which could obstruct visibility. If your authority raises no concerns with this layout then we would advise that the boundary walls/hedge/fence do not exceed a height of 1.05m.</p>
	Arboriculturalis t	<p><i>22<sup>nd</sup> May 2023</i></p> <p>Following our site visit, we have the following comment/observation to make on the proposed development. The scheme proposes to construct a residential house, with associated access, on the site. There are currently trees growing around the perimeter of the site.</p> <p>The Tree Survey Report (Rev A 16.02.23) submitted with the application shows 9 No. trees to be removed – 5 No. Category U &amp; 4 No. Category C – to facilitate the proposed development layout. The landscape plan (Dwg. No. WW/L01A Rev.B) shows 32 No. new trees will be planted across the site as part of the proposed scheme.</p> <p>The plan includes indicative details of the planting and aftercare maintenance procedures.</p> <p><b>RECOMMENDATION</b></p> <p>We recommend attaching the following conditions to any planning permission:</p>

		<ul style="list-style-type: none"> <li>• the work recommendations and tree protection measures in the Tree Survey Report (Rev A 16.02.23) are carried out in full prior to any construction work on the site;</li> <li>• the submission of a detailed Landscape Plan plant specification prior to any construction work on the site; and</li> <li>• the full implementation of the Landscape Plan (Dwg. No. WW/L01A Rev.B) during the first growing season following completion of the construction works.</li> </ul> <p><i>28<sup>th</sup> January 2022</i></p> <p>Following our site visit, we have the following comment/observation to make on the proposed development. The scheme proposes to construct a detached house, with associated access, on the development site. There is currently an established group of trees growing around the perimeter of the site.</p> <p>We are not able to determine whether the applicant submitted a tree report or tree constraints plan as part of the Outline application. This Reserved Matters application does not contain details of the impact the proposed development will have on the existing boundary trees.</p> <p>The Planning Statement, submitted with the Reserved Matters application, indicates the 'existing screening will be retained which will help to integrate the new dwelling into its surroundings and preserve the character of the area.'</p> <p>In order to assess the impact of the proposed development, we would require a detailed plan showing the existing tree locations, with their root protection areas, and which trees will be affected by the proposed site layout. We would also need to see a method statement and plan showing how the surrounding trees will be protected during the construction and landscaping phases of the development.</p> <p>Part of the detailed landscaping scheme should offer replacement planting to mitigate the tree loss as part of the proposed development.</p> <p><b>RECOMMENDATION</b>  We recommend asking the applicant to provide:</p> <ul style="list-style-type: none"> <li>• a detailed tree impact assessment, with plans showing the existing tree locations, with their root protection areas, and which trees will be affected by the proposed site layout;</li> <li>• a method statement and plan showing how the surrounding trees will be protected during the construction and landscaping phases of the development; and</li> </ul>
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		<ul style="list-style-type: none"> <li>• a landscaping scheme and plan to include the proposed tree planting to mitigate for the tree loss as part of the proposed development.</li> </ul>
	Conservation Officer	<p><i>20<sup>th</sup> April 2023</i></p> <p><b>Conclusion:</b> No objection.</p> <p><b>Assessment:</b></p> <ol style="list-style-type: none"> <li>1. My previous response, from Feb 2022, was a no objection although did note that the design was a little unadventurous.</li> <li>2. The cladding treatment of the house and garage has been changed from horizontal timber boards to stone facing with quoins. This is likely to be an attractive alteration and allows the timbered central bay a little more definition.</li> <li>3. I believe there is no heritage impact from the change.</li> <li>4. <b>Note:</b> Within the grounds of Rheda Cross is the cross that gives the property its name. This is a scheduled ancient monument and listed structure. Any proposal having an impact upon it is legally required to be accompanied by an application for scheduled monument consent. Such applications are made to Historic England, rather than the local planning authority, who act on behalf of and advise the Secretary of State. I do not believe this reserved matters application has any impact on the heritage asset, but this necessity should be noted by the applicant and agent for future reference.</li> </ol> <hr/> <p><i>4<sup>th</sup> February 2022</i></p> <p><b>Conclusion:</b> No objection.</p> <p><b>Assessment:</b></p> <ol style="list-style-type: none"> <li>5. This is not a particularly “architectural” solution, and gives the impression of having been designed without much contextual analysis. In this sense, however, it does not depart from much of the architecture in Rheda Park.</li> <li>6. NPPF 134 states that “development that is not well designed should be refused”, so this response considers whether this house is well designed.</li> <li>7. I was able to visit the site on 2/2/22, having previously visited in 2019. I noted that although it is the depths of winter, the site is largely invisible from the road, and is also significantly screened to the sides by vegetation.</li> <li>8. The design is not adventurous, but the mass is at least slightly</li> </ol>

		<p>enlivened by the bay treatment of the long facades, with contrasting cladding. Given the verdancy of the surroundings, the simplicity and unadorned shapes of the dwelling are likely to work better than they otherwise would.</p> <p>9. <b>Note:</b> Within the grounds of Rheda Cross is the cross that gives the property its name. This is a scheduled ancient monument and listed structure. Any proposal having an impact upon it is legally required to be accompanied by an application for scheduled monument consent. Such applications are made to Historic England, rather than the local planning authority, who act on behalf of and advise the Secretary of State. I do not believe this reserved matters application has any impact on the heritage asset, but this necessity should be noted by the applicant and agent for future reference.</p>
	<p>Historic Environment Officer</p>	<p><i>18<sup>th</sup> April 2023</i> No objections.</p> <p><i>11<sup>th</sup> January 2022</i> No objections.</p>
<b>Neighbour Responses:</b>		
<p>The application has been advertised by way of a site notice and neighbour notification letters sent to 4no. neighbouring properties.</p> <p>Representations in objection have been received from three parties.</p> <p><u>Objection 1</u></p> <p>Our property is located a short walk south-west of the proposed property down the small narrow lane that is identified as providing the access point for the proposed property. Our property can be seen on the site plan that has been submitted as part of this application.</p> <p>As we have the following concerns we must object to the application. It should be noted however that if the proposed properties' access point had been off the main spine road running though Rheda Park then most of the access concerns we have below would not exist. We can only assume this is not possible for some reason which has unfortunately meant that the alternative badly positioned access point has had to be identified.</p> <p>ACCESS TO OUR PROPERTY – Both our own and our neighbours' properties are located down the small narrow lane that is identified as providing the access point for the proposed property. It is the only means of us accessing our properties with no alternative lane etc. Due to the location of the access point to the proposed property it means we are</p>		

going to be blocked in whenever e.g. building materials are dropped off and offloaded etc.

Our deeds show that we own a metre wide strip on the boundary between the proposed plot and the access lane which the proposed access point will cross. We believe that gas, water and mains electric services are all routed down this lane to our dwellings and assume the proposed property will need to tap into all three services which will again mean we lose access to our properties when the lane(s) are dug up. This could potentially be for days or even longer if issues arise. In addition to access problems our own services will be adversely affected. Our water meter for instance is located at the junction at the Spine Road so any water leakage at the access point could be metered as our water usage.

**ACCESS POINT HAZARD** – The proposed access point to the new property is off our narrow access lane and has been very poorly thought out as it is right on the ‘Y’ fork of the lanes. This is already a hazardous junction with vehicles emerging from other neighbouring properties on the other side of the lane. Adding another access point right on this junction in the lanes will create a greater risk of a pedestrian and/or vehicle accident.

**DAMAGE TO THE LANE AND LOCAL TREES** - The council refuse lorry cannot even get down the initial lane that leads to this smaller access point lane due to the natural arch formed by the trees etc. Lorries delivering building supplies will have to try and reverse down the initial lane off the main spine road and it is anticipated that this will damage the lanes even further in addition to damaging the low level trees overhead. There is no mention in the application of repairing any damage caused to these private lanes and any damage to the local trees etc will be unrepairable.

**DRAINAGE (RAIN WATER RUN-OFF)** – The proposed plot is currently small natural meadow which is a natural soak-away for rain water but even so the drive of our neighbouring property along with the access lane both get flooded following heavy rainfall and has caused pot holes which we have had to fill in the past. Any form of hard landscaping at all will make this worse.

**DRAINAGE (SEWERS)** – The water authority have had to be called out a couple of times in the last two years to unblock the sewer systems that both us and our neighbouring property shares. The main sewer pipe runs through the south park field to the south of our property which our existing properties are connected to. Connecting another property to our sewer system will most probably increase our problems.

**NATURAL HABITAT & CHARACTER OF RHEDA PARK** – The proposed plot is currently a wild natural meadow which attracts wildlife and we often see deer grazing in the clearing for instance. The natural habitat adds to the character of Rheda Park. This will be lost once a property is built there.

## Objection 2

Our dwelling is located adjacent to and on lower ground than this proposal on the SW side.

Without solutions to my concerns below we will be adversely impacted by this application, on these grounds without suitable and acceptable solutions in place I must object to this application.

My Concerns:

**DRAINAGE:** There is the risk that the site will increase the speed of the run-off water onto my property which could overload my sewers and cause flooding.

**DAMAGE TO SEWERS / FLOODING:** Lorries, wagons, diggers, heavy vehicles entering and exiting this site via the proposed entrance will deposit mud on the lane, this will wash down the lane and will block sewers on my property causing flooding.

**DAMAGE TO SEWERS / FLOODING:** Removal of vegetation will reduce the water retention of the site and accelerate water run-off onto my property overloading sewers and causing flooding

**DAMAGE TO SEWERS / FLOODING:** Removal of vegetation will leave material spillage on the lane, however light or heavy this is, it will break down and run down the lane into my property risking sewers blocking and flooding.

**DAMAGE TO ROAD / FLOODING:** Lorries and machinery (diggers) will turn onto this site via access to the site as per the proposal, this is a tight turn which will churn up an already pot-holed lane and will exacerbate the wear on the lane causing accelerated and muddy run off water coming down the lane onto my property risking blocking the sewers and causing flooding of my property

**IMPACT TO SEWERS / FLOODING:** There is no mention of sewer connection this uncertainty could overload the sewer to my own property causing flooding.

**IMPACT TO WATER SUPPLY:** Water meters to the properties at the end of the lane are at the NE edge of the proposal and are often under existing decaying foliage from the site. There is a risk that these could be damaged by heavy vehicles coming to site. The damage could easily result in water leaks or worse the break of supply until repairs are implemented.



**IMPACT TO ACCESS TO MY PROPERTY:** There is no parking at or near to the narrow access to the site, we must not have vehicles parked on this narrow lane as this will block access to the lower sited properties

**UTILITIES to lower properties:** since my first letter of objections on 8th January via the Copeland site I have learned that utilities run down the lane at or near to the entrance to the proposal. We need assurances these will not be adversely affected by excavation and or heavy vehicles driving over utility routes that may be beneath an unstable un-made-up road.

### Objection 3

Objections to planning:-

1) Access arrangements – delivery and maintaining access to existing dwellings.

I note that the previous objections in this respect have not been addressed. Access to the site (As noted by the letter from Cumberland council (response\_4-21-2561-0r1) is via a 3m corridor on a blind bend. This current access is not sufficient to allow delivery of construction materials to the site. It is difficult to access the current properties even with Amazon/DPD deliveries never mind Travis Perkins/Jewson or concrete deliveries. It would appear that alternative access has been opened up from Rheda Cross (see images) which would negate this issue as access will be from the extensive driveway area at Rheda Cross. There are four properties that use the access road not two and the road is owned by Hayrigg not the two properties stated in the PFK planning statement.

It should also be noted that the development at the west of the park has caused considerable problems for the residents over the last 5 years – the road continues to represent a health and safety hazard recently the state of the road caused my 9 year old daughter to fall off her scooter, luckily she wasn't badly injured. Whilst these properties are coming to fruition finally there still remains some further development which will no doubt cause further problems which will bring the total length of the disruption to probably a decade as these developments have taken an inordinate amount of time. Most likely due to the escalation in costs of materials over the last few years which scuppered the original plans (timber frame).

2) Trees and Habitat Destruction

Whilst there are no tree preservation orders the removal of some the trees has created additional wind loading on existing trees resulting in the toppling of a tree across the access road to the four properties. Fortunately no-one was hurt.

*4.4. No mechanical traffic should be allowed above a tree's root zone, since this could cause compaction and damage roots. No excavations of any kind to take place within the*

*root zone area of protected trees. No materials should be stored within the RPA or any ground level increase. No re-fuelling or any other activity which may lead to chemical spillage should be carried out within or close to the RPA. No fires to be lit within the RPA*

Compliance to this clause has already been broken with the current tree work carried out by the contractors as well as breaking the existing BT cabling which rendered a number of local telephone systems inoperable resulting in action from BT.

Whilst the glossy brochures from PFK and the tree specialists paint a rosy picture the reality for us is going to be somewhat different as demonstrated by the debacle at the west end.

As I understand it there are going to be further developments on the remaining Rheda Cross estate which will only add to the disruption.

Is there **really** a need for these developments is a fundamental question.....

#### Objection 4

#### **Application Reference: 4/21/2561/0R1 – Objection**

I will repeat my objections to the previous planning application with some additions to highlight issues experienced over the last few years with the development in the south of the park.

I would also request information surrounding the planning process in terms of decision making and the workflow. Can you supply me details of Copeland Councils process for assessing/scoring applications.

Given all the points below my fundamental question is there really a need to develop this site – is it really going to make a difference to housing need in Copeland vs the nightmare that this is inevitably going to cause us during the development of the site?

The main areas of concern are: -

- 1) Health and Safety – In light of recent developments in the west end of the park for the residents this has been a total fiasco in terms of access and egress from the estate at key times – it has resulted in us being late for the school run or after school activities on a number of occasions. Stuck machinery, deliveries etc etc. Health and Safety on the sites has been non-existent. Deep holes, no barriers. Fortunately none of the kids in the estate have been hurt playing on the sites. As a result of the tree felling (which changed the wind shadow for other trees) a tree was blown over and fell across the road – luckily no one was in the area at the time but they could have been (if you inspect the site you will see the tree as I had to



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size reduce it and remove it from the road. I would class myself as a relatedly patient and understanding individual but I can assure you that developments in the park that impinge on others is extremely frustrating for all concerned – and only 3 out of the 9 have been completed so far. Surely it must be time to say that enough is enough within the park where there can be significant impact on the residents – Copeland refused a shed build (4/03/1242/0) so I'm really struggling, especially in light of the 9 dwellings at the west why there is any need to develop this plot. Given that we have two young children this development is of significant concern to us.

- 2) Environmental – the proposed plot is now a well established wildlife haven with regular sightings of deer, owls and squirrels (see attached images below). The application states that the plot is part of the garden of Rheda Cross. Whilst this land is part of the Rheda Cross is not a “garden” in the true sense – it is untended and wild and part of the less developed East end of Rheda Park which has turned into a significant and varied habitat not just for mammals but also for butterflies and bees which are an increasingly rare sight. My two children are extremely unhappy with the destruction of this habitat particularly as this area is used by the deer that frequent this area.
- 3) Access – the access to the site is now now updated from the previously reserved matter. As the owner of the access road from which access is required – this is unacceptable and I am currently seeking legal advice and this process has been underway since the previous application but delays with legal matters due to COVID are taking some time. Access has already been cleared which has already had an impact on the look of the area, which was mature woodland as well as the wind sail issues noted in 1). The fence has also been flattened and not put back after these works. The access road that supports the four dwellings, from which site access has already been cleared, is in a poor state but adequate to support these dwellings for vehicular access. This road is not adequate to support the vehicles required for site clearance and certainly not tracked vehicles. Crane access will also be required in which case further removal of overhead branches may need to be removed, possibly from trees on neighbouring land. For example, delivery vehicles have caused damage to the verges and the water main access that runs alongside the road. Also, we need access to our property at all times during the day – this development will inevitably prevent us from doing so during the developments, possibly for significant periods. The access is also on the bend from the four properties with no way to observe traffic coming from these existing four properties. As the owner of this access road this is of significant concern to me.
- 4) Tree Preservation. I appreciate that there are no tree preservation orders but I note that there are tree preservation orders that encompass the entire eastern edge of Rheda park right up to the boundary of Rheda Cross. So, in theory that means that all of the trees in Rheda Park could be felled between these eastern

and western preservation orders. This makes absolutely no sense at all. See Figure 6 – Appendices. I also note that the tree preservation order on the GIS system stated that the tree preservation order that stops at the eastern boundary of Rheda Cross is from the 1950's. The western order is from 1997. Has this been reassessed recently? I also note that an application to refuse the pruning of two sycamores was refused in Rheda Close (4/15/2024/TPO) in 2015 yet access to this plot has been cleared of an unknown number and species of tree in advance of getting planning permission for the plots. As there is no preservation order there is no issue here per se but is simply not consistent or logical with other local decision making.

- 5) Water run off – we have significant issues within the park from water run off due to inadequate drainage. During periods of sustained or heavy rainfall our drains are overwhelmed. The proposed plot is a significant soak away for some of this rainfall.
- 6) Look and feel – The eastern end Rheda Park is very different from the west end in terms of the density of the development. These developments will change the look, feel and character of this section of the park. If I were to follow the principles laid out in this application, I could turn my “garden” into 5 or 6 reasonably sized plots but I would have to take down a significant number of the trees, remove large areas of mature rhododendrons and wildlife habitat to do so.
- 7) Scale – Rheda Park has 72 dwellings including the additional 9 plots planned at the bottom of the estate. There is also the coming FURTHER development to the north of the park. The Park and local area does not need any further development particularly in the now “relatively” unspoiled and well established east end.
- 8) Development need – These plots were not developed in the 80's and there is no need for them to be developed now. The plots to the bottom of the estate still remain unsold and there are a number of properties in the park that have been on the market for a significant time. There is simply not the demand.
- 9) Disruption to the existing properties. During development, it is inevitable that significant disruption will occur that will have an effect on our enjoyment of our properties as well as affecting our privacy.

### **Planning Policy**

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

### **Development Plan**



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On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

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

#### Core Strategy (CS):

Policy ST1 – Strategic Development Principles  
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 ENV4 – Heritage Assets  
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 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 Policies:

Policy TSP8 – Parking Requirements

#### Emerging Copeland Local Plan (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

The Planning Inspector has now issued their post hearing letter, which identifies the next steps for the Examination. This includes proposed modifications to the plan to ensure a sound plan on adoption.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) 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 NPPF.

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

Policy DS8PU - Reducing Flood Risk

Policy DS11PU - Protecting Air Quality

Policy H6PU - New Housing Development

Policy H7PU - Housing Density and Mix

Policy SC1PU - Health and Wellbeing

Policy N1PU - Conserving and Enhancing Biodiversity and Geodiversity Strategic

Policy N3PU - Biodiversity Net Gain

Policy N6PU - Landscape Protection

Policy N9PU - Green Infrastructure

Policy N13PU - Woodlands, Trees and Hedgerows

Policy BE1PU: Heritage Assets

Policy BE2PU: Designated Heritage Assets

Policy CO4PU - Sustainable Travel

Policy CO5PU - Transport Hierarchy

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).  
Copeland Borough Council Housing Strategy 2018-2023 (CBCHS)  
Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (LBCA).

**Assessment:**

Principle:

Outline Planning Permission was granted on the 12<sup>th</sup> March 2020 under planning application ref. 4/19/2325/001.

Application Ref. 4/21/2561/0R1 was received in a valid form before the 12<sup>th</sup> March 2023 and is therefore a valid planning application.

The principle of the development has been and remains established.

Design and Landscape Impact:

The proposed dwelling is comparable in scale, form and design to the existing dwellings within the vicinity of the Application Site and the overall scale/form of the Application Site itself.

The proposed design is not a particularly “architectural” solution and does not appear to have benefited from detailed contextual analysis.

The Application Site is significantly screened from public views by dense vegetation, which minimises the impacts of the development on the local and wider character of Rheda Park.

Whilst the design is not adventurous, its form is slightly enlivened by the projection from the front elevation and use of contrasting cladding.

Given the verdant nature of the surroundings, the simplicity and unadorned shapes of the dwelling work better than they otherwise would in a more open setting/context.

The proposed materials whilst of limited interest are appropriate to the dwelling and the character of the existing development in the locality.

Residential Amenity:

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

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

Landscaping and Arboriculture:

The Site contains a large number of existing mature trees, which are not subject of Tree Preservation Orders.

A number of trees have been removed by the Applicant to provide access to the Site from the existing access to the north.

The application is supported by a Pre-development Arboricultural Report, including measures to protect the retained trees and a proposed scheme of landscaping.

The proposed tree protection measures are appropriate and provide protection to the retained trees and the trees located beyond the Application Site during the construction period and approve the requirements of Planning Condition 6 of planning application ref. 4/19/2325/001.

It is proposed to retain the existing trees that are of amenity value to the north and south of the Application Site; remove those trees of no and limited interest to the northwest boundary; and, introduce a combination of structural and ornamental trees and planting.

The proposed scheme of landscaping is appropriate to the development and context; however, only limited details and specifications have been submitted. A planning condition is proposed to secure the required details and implementation.

A planning condition is proposed to secure details of the service corridors to prevent harm to retained trees.

Heritage Impacts:

The hard landscaping features associated with the demolished Rheda Mansion comprise non-designated heritage assets.

These features are to be retained allowing the layout and composition of Rheda Mansion to be read and understood.

Any development will result in changes to the setting of the features; however, in the context of the existing contextual development, these impacts would be slight only.

Highways Impacts:

Highways have been consulted and raise no objections to the development; however,



	<p>recommend that boundary treatments do not exceed 1m in height.</p> <p>No boundary enclosures are proposed and permitted development rights would not permit the erection of enclosures exceeding 1m in height; therefore, a planning condition to control such structures is not required.</p> <p>Off highway parking for in excess of 4no. vehicles and a turning head are proposed in accordance with the requirements of the Cumbria Development Design Guide.</p> <p><u>Ecology:</u></p> <p>Mandatory biodiversity net gain legislation becomes law in relation to minor developments in early 2024. Policy N3PU of the ELP requires that biodiversity net gain is achieved for applicable development in Copeland in advance of November 2023.</p> <p>Secondary legislation/regulation that defines exemptions to mandatory biodiversity net gain has not yet been published; therefore, it remains to be confirmed if mandatory biodiversity net gain will be applicable to developments for which outline planning permission is approved before November 2023. The consensus view of planning lawyers is that biodiversity net gain would not apply to reserved matters planning applications approved before November 2023.</p> <p>Planning conditions were not imposed on planning application ref. 4/19/2325/001 requiring the delivery of a biodiversity net gain; therefore, measurable biodiversity net gain calculations demonstrating the achievement of 10% has not been sought.</p> <p>In the context of the existing characteristics of the Application Site and level of additional planting etc. proposed, it is clear that net gains will be achieved.</p> <p><u>Issues Raised By Objectors</u></p> <p>Numerous issues are raised by objectors in relation to the principle of the development, impact on services, maintenance of private access, construction management, drainage. These matters are in part civil issues and in part fall beyond the scope of the current planning application, which is limited to the reserved matters.</p> <p><b>Planning Balance</b></p> <p>In overall terms, subject to the planning conditions proposed, the development accords with the provisions of the development plan.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve Reserved Matters</p>

9.	<p><b>Conditions:</b></p> <p>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.</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>2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:</p> <p>Location Plan – Drawing No. D.03  Floor Plans and Elevations - Drawing No. D.01a  Site Layout Landscape Plan – Drawing No. WW/L01A Rev. B  Garage Floor Plan - Drawing No. D.04  Site Layout Tree Mitigation Plan – Drawing No. WW/L03 Rev. A  Tree Survey Report Proposed Residential Development - Rheda Cross, Frizington, CA26 3TA West Site Rev A 16.02.23</p> <p>Reason:</p> <p>For the avoidance of doubt and in the interests of proper planning.</p> <p><u>Pre-Commencement Planning Conditions</u></p> <p>3. No development shall commence until details of the service corridors containing the mains service connections serving the proposed development have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason:</p> <p>For the avoidance of doubt and to prevent harm to protected trees in accordance with Policy DM28 of the Copeland Local Plan 2013-2028.</p> <p>4.</p> <p>a) Notwithstanding the submitted details, no development shall commence until full detailed specifications of the proposed soft landscaping works have been submitted to and approved in writing by the Local Planning Authority.</p> <p>The soft landscape works shall include planting plans; written specifications (including</p>
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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.

- b) The agreed scheme shall be carried out as approved to the agreed timetable.
- c) Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

Reason

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

Other Stage Planning Conditions

5.

- 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) The development shall be carried out in accordance with the approved details of materials.

Reason:

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

- 6. The development shall not proceed except in accordance with the arboricultural protection strategy detailed in Site Layout Tree Mitigation Plan – Drawing No. WW/L03 Rev. A and Tree Survey Report Proposed Residential Development - Rheda Cross, Frizington, CA26 3TA West Site Rev A 16.02.23.

Reason:

For the avoidance of doubt and to prevent harm to protected trees in accordance with Policy DM28 of the Copeland Local Plan 2013-2028.

	<p>7. 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.</p> <p>Reason:</p> <p>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.</p>
<b>Case Officer:</b> Chris Harrison	<b>Date :</b> 17.07.2023
<b>Authorising Officer:</b> N.J. Hayhurst	<b>Date :</b> 19.07.2023
<b>Dedicated responses to:-</b>	