



COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2329/0B1
2.	Proposed Development:	VARIATION OF CONDITION 2 (TO REVISE THE DESIGN OF THE DOMESTIC GARAGE TO INCLUDE A FIRST FLOOR) OF PLANNING APPROVAL 4/21/2298/0F1 - ERECTION OF DWELLING & DETACHED GARAGE WITH NEW SITE ENTRANCE
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 is located on the western end of the Rheda Park estate, which has been developed over several decades to comprise an 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> <p>Application Ref. 4/20/2066/0R1 - Reserved matters for detached dwelling (following planning permission 4/16/2393/001). Approved.</p> <p>Application Ref. 4/21/2298/0F1 - Erection of single dwelling and detached garage with new site entrance location to replace extant permission for new house. Approved.</p>	

Proposal:

This application seeks the variation of Planning Condition 2 (Approved Plans) of Application Ref. 4/21/2298/OF1.

It is proposed to vary the design of the approved detached garage including: amending the design of the garage doors from a single door to two doors; increasing the ridge height by c.1.1m; and, introducing accommodation within the roof structure served by an external door at first floor level, an external staircase and rooflights.

Consultee:	Nature of Response:
Parish Council	No consultation response received.
United Utilities	No consultation response received.
Arboriculturalist	<p>Following our site visit, we have the following comment/observation to make on the proposed development.</p> <p>This proposed site layout does not increase the garage footprint and so will not affect the retained trees.</p> <p>The applicant has submitted a tree protection plan detailing how the trees will be protected during construction activities.</p> <p>We noted during our site visit that construction work has started on site, but no tree protection measures are in place.</p> <p>RECOMMENDATIONS</p> <p>Include a condition of any planning permission requiring the tree protection measures submitted with this planning application are implemented in full for the duration of construction activity.</p> <p>As construction activity has already started on site, ensure the contractors erect the agreed tree protection measures before proceeding further. Check on site that contractors have erected and secured the protective fencing in the correct location and that it stays in position for the duration of the construction operations.</p>
Environmental Health	No consultation response received.

Neighbour Responses:

The application has been advertised by way of an application site notice and neighbour notification letters sent to 7no. neighbouring properties

No representations have been received in response.

Development plan policies:Copeland Local Plan 2013-2028 (Adopted December 2013):Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy 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.

Emerging Copeland Local Plan (ELP).

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been submitted for examination by the Planning Inspector.

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 DS9PU - Sustainable Drainage

Policy DS10PU - Soils, Contamination and Land Stability

Policy SC1PU - Health and Wellbeing

Policy N1PU - Conserving and Enhancing Biodiversity and Geodiversity Strategic

Policy N2PU - Local Nature Recovery Networks Strategic

Policy N3PU - Biodiversity Net Gain

Policy N5PU - Protection of Water Resources

Policy N6PU - Landscape Protection

Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

National Design Guide (NDG).

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

Cumbria Development Design Guide (CDDG).

Assessment:

Principle

The principle of erecting a dwelling on the Application Site was established under Outline Planning Application Ref. 4/16/2393/001 and Reserved Matters Application Ref. 4/20/2066/0R1 and reaffirmed under Full Planning Application Ref. 4/21/2298/0F1.

The planning permission approved under Full Planning Application Ref. 4/21/2298/0F1 has been commenced, with construction currently ongoing.

The development has been commenced in breach of the requirements of Planning Condition 3 of Full

Planning Application Ref. 4/21/2298/0F1 as the required tree protection measures have not been implemented fully; however, the provisions of this condition do not run to the heart of the planning permission.

Design and Landscape Impact

The proposed garage is larger in overall scale than the approved garage; however, largely retains the same developed footprint with the exception of the additional external staircase.

Notwithstanding the above, the proposed is of scale, form and design that is not inappropriate to and does not detract from the character and form of the approved dwelling and wider locality, which includes further garages of similar scale and design.

Residential Amenity

Given the scale, form and location of the proposed garage in relation to the existing dwellings and approved dwellings, no adverse impacts upon residential amenity through overlooking, loss of light, overshadowing and overbearing effects will result.

Highways Impacts

No revisions are proposed to the previously approved highway or access.

The number of parking spaces continues to accord with the provisions of the CDDG.

Drainage

No revisions are proposed to the previously approved scheme of drainage.

Arboriculture and Biodiversity

Given the nature of the proposed revisions, adverse impacts upon the existing retained trees will not result subject to compliance with the previously approved tree protection measures.

The identified breach of the requirements of Planning Condition 3 of Full Planning Application Ref. 4/21/2298/0F1 relating to the relevant tree protection measures is being investigated separately to this planning application.

No additional impacts upon protected or priority species will result from the proposed development.

	<p><u>The Planning Balance</u></p> <p>The principle of the development has previously been established.</p> <p>The proposed garage is of a scale, form and design that is appropriate to the development and wider locality.</p> <p>No issues are arising in respect of biodiversity, arboriculture, residential amenity, highway safety and drainage.</p> <p>The development accords with the development plan.</p>
8.	<p>Recommendation:</p> <p>Approve amendment of condition</p>
9.	<p>Conditions:</p> <p>1. -</p> <p>2. The development hereby permitted shall be carried out in accordance with the following approved details:</p> <ul style="list-style-type: none"> - 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. 1000/5 101 Rev. G as received 9th August 2022 - As Proposed Site Plan – Drawing No. 1000/5 101 Rev. G as received 9th August 2022 - Garage Details – Drawing No. 1000/5 116 Rev. A received 13th October 2022 - As Proposed New Dwelling – Drawing No. 1000/5 100 Rev. C 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 <p>Reason:</p> <p>For the avoidance of doubt and in the interests of proper planning.</p> <p>Pre-Commencement Planning Conditions</p> <p>3. The development shall not proceed except in accordance with the tree protection measures</p>

detailed on As Proposed Site Plan – Drawing No. 1000/5 101 Rev. G as received 9th August 2022

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

	<p>Statement</p> <p>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.</p>
<p>Case Officer: Chris Harrison</p>	<p>Date : 18.10.2022</p>
<p>Authorising Officer: N.J Hayhurst</p>	<p>Date : 19.10.2022</p>
<p>Dedicated responses to:- N/A</p>	