

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2041/DOC
2.	Proposed Development:	DISCHARGE OF CONDITIONS 3 AND 4 OF PLANNING APPLICATION 4/21/2561/0R1
3.	Location:	RHEDA CROSS, RHEDA PARK, FRIZINGTON
4.	Parish:	Arlecdon and Frizington
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	See report.
7.	Report: Site and Location: <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.

4/19/2325/0O1 – Outline Application for Erection of One Dwelling. Approved.

4/21/2561/0R1 - Reserved matters application seeking approval of access, appearance, landscaping, layout and scale of outline planning approval 4/19/2325/0O1 - outline application for erection of one dwelling. Approved.

Proposal:

Outline Planning Permission and Reserved Matters Planning Permission were approved for the erection of a dwelling under app. ref. 4/19/2325/0O1 and app. ref. 4/21/2561/0R1.

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

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

The approved 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 located 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.

This application seeks approval of the requirements of Planning Condition 3 and Planning Condition 4 imposed on app. ref. 4/21/2561/0R1.

The respective planning conditions state the following:

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.



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4.

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. The soft landscape works shall include planting plans; written specifications (including 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.

The information submitted in support of the application comprises the following:

Application Form

Rheda Cross - Site Layout – Landscaping Plan – Drawing No. WW/L01A Rev. C

Consultee:	Nature of Response:
Arboricultural Consultant	<p><i>27 February 2024</i></p> <p>DISCUSSION</p> <p>We have the following comment/observation to make on the submitted documents. The applicant has submitted a Landscape Plan (Ref. No.WWL01A Rev.C), produced by Westwood Landscape and dated 01/12/2022. The plan does not include a detailed plant specification for the new trees and shrubs.</p> <p>RECOMMENDATIONS</p> <p>Request the applicant submits a detailed plant specification for the new trees and shrubs.</p> <p><i>20th May 2024</i></p> <p>DISCUSSION</p> <p>We have the following comment/observation to make on the submitted documents. The applicant has submitted a Landscape Plan (Ref. No.WW/L01A Rev.C), produced by Westwood Landscape and dated 01/12/2022. The latest submitted plan includes a detailed plant</p>

	<p>specification and implementation programme for the new trees and shrubs.</p> <p>RECOMMENDATIONS</p> <p>Inform the applicant in writing the Landscape Plan (Ref. No.WW/L01A Rev.C) fulfils the requirements of Condition 4a. This plan must be implemented in full to discharge the remaining parts of Condition 4 (4b & 4c).</p>
	<p>Neighbour Responses:</p> <p>None required.</p>
	<p>Planning Policy</p> <p>Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.</p> <p>Development Plan</p> <p>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.</p> <p>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.</p> <p>The inherited local development plan documents continue to apply to the geographic area of their sovereign Councils only.</p> <p>The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.</p> <p><u>Copeland Local Plan 2013-2028 (Adopted December 2013):</u></p> <p><u>Core Strategy (CS):</u> Policy ENV2 – Biodiversity and Geodiversity Policy ENV 5 – Protecting and Enhancing the Boroughs Landscapes</p> <p><u>Development Management Policies (DMP):</u> Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species Policy DM26 – Landscaping</p>



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Policy DM28 – Protection of Trees

Emerging Copeland Local Plan (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and closed on the 28th March 2024. The Planning Inspectors Report is awaited.

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 advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

Policy DS6PU: Design and Development Standards

Policy DS7PU: Hard and Soft Landscaping

Policy N13PU: Woodlands, Trees and Hedgerows

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N6PU: Landscape Protection

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

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

Assessment:

	<p><u>Planning Condition 3</u></p> <p>The submitted details propose the routing of the services outside of the root protection areas of the retained trees, thereby safeguarding the trees from harm during the construction period.</p> <p><u>Planning Condition 4</u></p> <p>The proposed scheme of landscaping is of a design and form that is appropriate to the Application Site, including a range of both structural and ornamental planting and hard surfacing details/arrangements.</p> <p>A scheme of implementation and management are detailed.</p> <p>The Arboricultural Consultant has raised no objections to the proposed scheme including its design, species and implementation/management scheme.</p> <p>Conclusion:</p> <p>Approve requirements of Planning Condition 3.</p> <p>Approve requirements of Planning Condition 4.</p>	
8.	<p>Recommendation:</p> <p>Approve</p>	
Case Officer: Chris Harrison		Date : 24.05.2024
Authorising Officer: N.J. Hayhurst		Date : 28/05/2024
Dedicated responses to:- N/A		