

Application Reference Number:	4/21/2519/0R1
Application Type:	Application for Approval of Reserved Matters following Outline Approval
Application Address:	Land at North Park, Rheda, Frizington
Proposal	Reserved matters application seeking approval of appearance, landscaping, layout and scale of Outline Approval 4/18/2426/001 - Outline Application for residential development with full details of access and all other matters reserved.
Applicant	KCS Agriculture Ltd
Agent	Iceni Projects
Valid Date	29 th November 2021
Case Officer	Chris Harrison

Cumberland Area and Copeland Region

Parish: Arlecdon and Frizington

Relevant Development Plan

Copeland Local Plan 2013-2028 (Adopted December 2013).

Reason for Determination by the Planning Committee

The Application Site exceeds 2.1 hectares in area and so falls within the definition of a strategic planning application for the purposes of the Cumberland Council Planning Scheme of Delegation.

Recommendation:

Approve subject to planning conditions.

1.0 Site and Location

- 1.1 The Application Site comprises c.2 hectares of land located to the southwest of Frizington.
- 1.2 The Application Site is bounded by the existing residential developments of Rheda Park to the north and west; the 'Beckstones' housing development which is currently under construction by Genesis Homes to the south; and, a farmhouse, agricultural land and established tree belt to the east.
- 1.3 The Application Site comprises an area of greenfield land which is currently used for agricultural grazing purposes.
- 1.4 The topography of the land is crowned and falls from the south towards to the north, east and west boundaries.
- 1.5 Mature trees exist adjacent to the east and west boundaries.
- 1.6 Access to the Application Site is via the existing highway serving the 'Beckstones' housing development. The element of the access running through the 'Beckstones' housing development is currently constructed to basecourse level.
- 1.7 There are no conservation areas or listed buildings on or directly adjacent to the Application Site.
- 1.8 The Application Site is located within Flood Zone 1.

2.0 Proposal

- 2.1 This application seeks the approval of the reserved matters of scale, layout, landscaping and appearance following the approval of Outline Planning Permission for residential development under Planning Application Ref. 4/18/2426/001.
- 2.2 For the avoidance of doubt, details of the highway specification, ground investigation works, archaeological works, foul drainage scheme, surface water drainage scheme, construction management and measures to prevent impact upon trees during the construction are secured via planning conditions attached to Planning Application Ref. 4/18/2426/001 and do not fall for consideration as part of this planning application.
- 2.3 The proposed development comprises a scheme of 22no. detached three and four bedroom single storey and two storey open market dwellings.
- 2.4 The proposed development layout comprises three development character areas comprising: The Green, The Copse, and The Farm Courtyard which are centered around incorporates two circular open green spaces.

2.5 A comprehensive scheme of hard and soft landscaping is proposed incorporating existing trees and a combination of structural and decorative planting. A cobbled courtyard and shared paved surfaces are proposed.

2.6 It is proposed to finish the dwellings with a combination of natural stone, facing brickwork and self-coloured wet-dash finish with Artstone architectural features to the elevations and natural slate to the roof structures. Composite uPVC windows and doors are proposed.

2.7 A range of differing boundary treatments are proposed including steel fencing, estate rail fencing, timber fencing and walls with facing brickwork with stone/artstone dressings.

2.8 The proposed dwellings incorporate between three and five off highway parking spaces. Space exists within the carriageways for additional parking.

3.0 Relevant Planning History

3.1 Application Ref. 4/18/2005/001 - Residential development for 140 dwellings – Withdrawn.

3.2 Application Ref. 4/18/2426/001 – Outline application for residential development with full details of access and all other matters reserved – Approved subject to planning conditions.

3.3 Application Ref. 4/19/2261/OR1 - Reserved Matters Application seeking approval of Appearance, Landscaping, Layout & Scale – Approved subject to planning conditions.

3.4 Application Ref. 4/20/2417/0B1 - Variation of planning condition 16 – site drainage layout of planning application 4/18/2426/001 (outline for residential development) – Approved subject to planning conditions.

3.5 Application Ref. 4/21/2243/0B1 - Variation of planning condition 1 attached to application ref. 4/20/2417/0b1 – variation of house designs to plots 39, 43, 50 and 54. Approved subject to planning conditions.

4.0 Consultations and Representations

Arlecdon and Frizington Parish Council

Support the concerns raised by the Rheda Park Residents Association.

The proposed development will result in the loss of residential amenity to the dwellings on the western boundary of Rheda Park.

The proposed development risks pollution and flooding downstream of the River Ehen.

The proposed development seeks the delivery of the 140no dwellings originally proposed under Application Ref. 4/17/2005/0O1 by stealth.

The number of dwellings proposed was integral to the approval of application ref. 4/18/2426/0O1. A planning condition was not required to limit the number of dwellings to c.47no.

The previously approved and now proposed development significant exceeds the c.47no dwellings which comprised the basis on which application ref. 4/18/2426/0O1 was approved.

Serious concerns regarding the overloading of the foul water and surface water drainage systems. Flooding already occurs on the highway between Frizington to Bowthorn adjacent to the Beckstones development.

The development poses a threat to wildlife - bats, birds and red squirrels.

The development will result in an increase in traffic arising from this development.

Cumbria County Council – Highways and LLFA

Local Highway Authority

An Emergency Vehicle Access is required for any development over 50no. dwellings. As the previously approved and now proposed development total 77no. dwellings an Emergency Vehicle Access should be provided to serve the development.

As access was approved as part of application ref. 4/18/2426/0O1 and did not include an Emergency Vehicle Access, provision of such this cannot be required at this stage.

The provision of an Emergency Vehicle Access has been encouraged and discussed with the Applicant. It is disappointing that the Applicant is unable/unwilling to deliver Emergency Vehicle Access to serve the proposed development.

The proposed layout is acceptable from a highway design perspective.

No objections subject to the imposition of planning conditions to secure detailed specifications of the proposed highways and footways including a highway lighting design/specification.

Lead Local Flood Authority

We are aware of drainage issues in the area; therefore, it is of some great disappointment that a detailed scheme of drainage has not been submitted with this Application for Approval of Reserved Matters Following Outline Approved and that

the Applicant is relying on a subsequent Approval of Approval of Details Reserved by Planning Condition to address this element of the design.

The location, type and layout of a drainage scheme can force the amendment of the layout of any development and this may render the development as proposed undeliverable as submitted.

United Utilities

Previously commented on Application Ref. 4/18/2426/001.

The proposed development should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way in accordance with the drainage hierarchy.

It is confirmed that an effective management and maintenance regime is required for any sustainable drainage system.

Copeland Environmental Health

No objections.

The Application Site is identified on the UK Radon Map as having an elevated 10-30% potential; therefore, radon protection measures should be designed into the proposed dwellings.

Copeland Flood and Coastal Defence Engineer

No comments on the submitted information.

The requirement to adequately manage surface water during construction should be highlighted to the Applicant and should be addressed in any Construction Management Plan.

Copeland – Development Plans

No comments received.

Copeland – Strategic Housing

No affordable housing was secured under Application Ref. 4/18/2426/001 due to the existing high levels of the affordable housing within the wider locality.

The proposed development comprises 4no. bed homes and 3no. bed bungalows.

The provision of bungalows is welcomed as they are always in demand due to the ageing population and their appeal to all demographics.

The low density, size and design of these dwellings will attract people to the area, helping with economic growth and meeting the need for larger, 'executive' style

properties in the north of the Borough as identified in the Copeland Borough Council - Strategic Housing Market Assessment and Objectively Assessed Housing Need (SHMA) and is supported by the Copeland Borough Council Housing Strategy 2018-2023 (CBCHS).

Cumbria Police

Generally, the proposed dwellings are arranged to overlook communal spaces, the access roads and each other without compromising privacy.

The status of the land east of Plots 3 and 4 is not clear – although within the site redline, it appears to be separated from the private gardens of Plots 3 and 4 and not directly supervised.

Two areas of Public Open Space are placed centrally within the development and are directly addressed by dwellings from a variety of directions.

The deployment of rear garden boundary treatments is welcomed to define semi-private space and to deter intrusion.

Only some plots have strongly defined front boundaries. This is recommended to all dwellings.

It is important that the location and choice of landscaping to the open spaces do not obstruct views or impede the effects of street lighting as they mature.

No details of street lighting or dwelling exterior lighting schemes are submitted. Having regard to the semi-rural location the street lighting scheme must incorporate protection of wildlife and 'Dark Sky' attributes. From a crime prevention perspective, high uniformity values are of greater relevance than high intensity.

There are no details relating to physical security measures.

Arboricultural Consultant

There is currently a group trees growing at the eastern end of the site.

The proposed landscape scheme submitted with the application shows 13no. trees to be planted in field to north of site; 76no. trees and 1715no. shrubs to be planted as part of the proposed development layout; and, hedgerow planting.

The submitted details includes indicative planting details and aftercare maintenance procedures.

Recommend the imposition of a planning condition to secure implementation of the proposed planting.

Friends of the Lake District

No comments.

Representations

The application has been advertised by way of site notices, a press notice and neighbour notification letters issued to 43 no. properties.

Representations have been received in objection from 36no. parties.

The material planning issues raised are summarised below:

Principle of Development

The housing figures in the Local Plan are out of date and were based on a nuclear new build development which has not occurred.

The area has a declining population and so no new homes are required.

The proposed development is contrary to quotations by Rishi Sunak in relation to the protection and release of green belt land.

The proposed development is inappropriate and out of scale for this location.

There are several brownfield sites in this area that should be developed before greenfield land is released.

Existing residents do not want more dwellings in this location, they want green fields, safe playing areas and the rural lifestyle promised.

There is no demand for additional dwellings in this location.

The development will add pressure to already overloaded utilities.

When properties were purchased on the 'Beckstones' development, I was assured that there would be no further development on the Application Site.

This application is an attempt to reintroduce the resisted application for 140no. dwellings.

The emerging Copeland Local Plan 2017-2038 carries considerable weight and does not identify need for additional dwellings in Frizington.

No phasing was approved under Outline Planning Application Ref. 4/18/2426/001.

Self-build development was not approved under Outline Planning Application Ref. 4/18/2426/001.

The proposed development is parasitic.

Outline Planning Application Ref. 4/18/2426/001 was approved as a consequence of the failure of Copeland Borough Council to demonstrate a five year housing land supply contrary to the adopted Local Plan.

The development represents a merging of settlements.

It is questioned what evidence of need exists for this development.

This development is divorced from Frizington and is the very definition of sprawl.

This development constitutes a wedge between settlements.

The dwellings should be limited local occupancy or should not be second homes.

The benefits to the local community are nil.

The development represents an intrusion into local countryside.

Sustainability

The development will result in the loss of productive agricultural land.

All residents of the proposed dwellings will be dependent on the private car.

There are no local facilities/services and public transport available to serve the residents of the proposed dwellings.

The development is 1.2km from the bus stop and 1.5km from the shops contrary to NPPF requirements.

The development is not within cycling distance of a major transport hub.

Terms of Outline Planning Application

The development does not accord with the requirements of Outline Planning Application Ref. 4/18/2426/001 and cannot be considered as a reserved matters planning application pursuant to this Outline Planning Application.

The proposed development would result in the development of a total of 77no. dwellings when only 47no. dwellings were approved under Outline Planning Application Ref. 4/18/2426/001.

Outline Planning Application Ref. 4/18/2426/001 does not require a stated limit on the number of dwellings for the Council to control the number of dwellings to 47no.

Where details have been submitted as part of an Outline Planning Application, they must be treated by the local planning authority as forming part of the planning application. Planning conditions cannot be used to reserve these details for subsequent approval. The exception is where the Applicant has made it clear that the details have been submitted for illustration purposes only. The documents submitted

in relation to Planning Application Ref. 4/18/2426/001 clearly refer to 47no. dwellings and were not illustrative.

Legal advice provided in relation to Application Ref. 4/19/2261/OR1 and the current application is clearly conflicting.

Scale was a reserved matter in relation to Planning Application Ref. 4/18/2426/001.

Landscape Impacts

Policy ENV5 states landscapes should be protected and enhanced. North Park is categorised as Sub Type 5a Ridge and Valley Landscape. The CLCGT toolkit guide discourages the further growth of settlement patterns and states any new development should not remove any attractive long views from local residents. The proposed development will do both.

Design

The density of the proposed development is comparable to a suburban housing estate and not a rural housing estate.

The proposed development is not in keeping with its rural setting contrary to the provisions of the NPPF.

The development will be visible from the Lakeland Fells and be at odds with the rural character of the area.

Not all of the dwellings along the western boundary are single storey.

There is no attempt made to blend the development into the environment.

The development density is too high and does not reflect the adjacent Rheda Park.

Two metres should be maintained between existing and proposed boundaries for maintenance.

The proposed development does not align with the illustrative layout plan submitted in support of Outline Planning Application Ref. 4/18/2426/001 in terms of numbers of dwellings and layout.

Biodiversity

The development does not respect the biodiversity of the Application Site and the movement of local wildlife.

No wildlife corridor is proposed.

A new/revised ecological appraisal of the Application Site is required.

The ecological appraisal submitted in support of Outline Planning Application Ref. 4/18/2426/001 is incorrect and does not reflect the situation on the ground.

The proposed development does not support biodiversity.

The existing trees represent a safety risk should they fall.

The development will result in a further reduction in numbers of red squirrels locally.

Bats are known to be present in the area.

Residential Amenity

The development will result in adverse impacts upon the residential amenity of adjacent residents through overlooking, loss of light and overshadowing and increased light and noise pollution.

The provision of planting at human height will not mitigate the impacts through overlooking due to the finished floor levels of the proposed dwellings, which will provide direct views into the gardens and windows of the existing dwellings in Rheda Park. The existing approved dwellings on 'Beckstones' development have resulted in overlooking of the existing dwellings and Rheda Park requiring home owners to erect screening and should not be repeated.

The proposed development will result in the loss of open views from existing dwellings on Rheda Park.

The proposed dwellings to the rear of the property known as Hamilton are too close and out of scale. These houses should be removed from the proposed development.

Screen planting will result in reduced light penetration into dwellings and gardens.

The development will cause light pollution.

The development will result in additional traffic and associated noise generation for residents on the 'Beckstones' development.

A planning condition was imposed on the 'Beckstones' development to remove the permitted development rights for the erection of the extensions to the roof and rear elevations of the dwellings to prevent impacts of overlooking, loss of light and overshadowing. This should also be the case for the proposed development.

The development will result in adverse impacts on neighbouring residents during construction. Impacts should be strictly controlled using planning conditions.

Flood Risk and Drainage

No details of foul and surface water disposal are provided. This should not be reserved for subsequent approval.

The development will result in increased surface water runoff, which will exacerbate existing surface water flooding issues at dwellings adjacent to the Application Site.

Waterlogging exists to the lower southeast corner of the Application Site and affects existing dwellings on Rheda Park.

The percolation testing has been completed on higher ground areas and is not representative of the conditions in the lower ground areas.

No details of surface water management during construction have been submitted.

Highway Safety

The existing access through the 'Beckstones' development to serve the proposed development is not sufficient in width and specification to serve the 22no. dwellings proposed.

An emergency vehicle access is required for developments comprising 50+no. dwellings and is not proposed/provided.

Traffic volumes have increased considerably on the B5294 and through Rheda Park since Outline Planning Application Ref. 4/18/2426/001 was approved.

Cumbria County Council - Highways confirmed in their assessment of Application Ref. 4/19/2261/OR1 that the existing access to serve the proposed development has the capacity to serve the existing approved 'Beckstones' development only and no additional development.

Cumbria County Council – Highways have not considered the impacts of the additional dwellings proposed at peak times in their assessment.

The visibility at the existing access to the 'Beckstones' development is substandard.

There is currently no footway connecting the 'Beckstones' development to Frizington.

Traffic calming is required on the B5294.

This proposed development in conjunction with the proposed redevelopment of Leconfield will make Bowthorn Road impassable.

The local highway infrastructure cannot accommodate the additional traffic from this development.

The traffic assessment submitted in relation to Outline Planning Application Ref. 4/18/2426/001 is not relevant to the proposed development given the lower number of houses then proposed.

Archaeology

There are rectangular crop marks to the south-west of Home Farm. This covers a significant area. The Archaeological Surveys do not comment on this feature.

Other Matters

Approving housing development to boost Council incomes is not acceptable and cannot be a consideration.

The application relies on documentation that is c.5 years out of date.

5.0 Planning Policy

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

Development Plan

- 5.2 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) (LP):

- 5.4 Core Strategy:
Policy ST1 – Strategic Development Principles
Policy ST4 – Providing Infrastructure
Policy SS1 – Improving the Housing Offer
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 ENV5 – Protecting and Enhancing the Boroughs Landscapes
- 5.5 Development Management Policies:
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 DM28 – Protection of Trees

Copeland Local Plan 2001-2016 (LP):

5.6 Policy TSP8 – Parking Requirements

Emerging Copeland Local Plan 2017-2038 (ELP):

- 5.7 Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.
- 5.8 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.
- 5.9 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.
- 5.10 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.
- 5.11 Policy DS1PU - Presumption in favour of Sustainable Development
 Policy DS5PU - Planning Obligations
 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 H8PU - Affordable Housing
 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 CO4PU - Sustainable Travel

Policy CO5PU - Transport Hierarchy
Policy CO7PU - Parking Standards and Electric Vehicle Charging
Infrastructure

6.0 Other Material Planning Considerations

- 6.1 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)
Copeland Borough Council - Strategic Housing Market Assessment and
Objectively Assessed Housing Need (SHMA).

7.0 Assessment

7.1 Principle of Development

- 7.1.1 Outline Planning Permission for residential development with full details of access and all other matters reserved was approved on the Application Site in January 2019 under Planning Application Ref. 4/18/2426/001.
- 7.1.2 Planning Condition 2 attached to Planning Application Ref. 4/18/2426/001 required the submission of a planning application for the approval of the reserved matters of scale, layout, landscaping and appearance before January 2022.
- 7.1.3 Planning Application Ref. 4/19/2261/OR1 approved the reserved matters of appearance, landscaping, layout and scale in relation to part of the site area approved under Planning Application Ref. 4/18/2426/001.
- 7.1.4 The current application relates to the site area not included in Planning Application Ref. 4/19/2261/OR1.
- 7.1.5 The current application was submitted before January 2022; therefore, the requirements of Planning Condition 2 attached to Planning Application Ref. 4/18/2426/001 have been met.

7.2 Accordance of Reserved Matters Application With Outline Planning Permission Ref. 4/18/2426/001

- 7.2.1 A number of representations received have questioned if the current application for the approval of the reserved matters of scale, layout, landscaping and appearance can be considered/determined pursuant to the Outline Planning Permission approved under Planning Application Ref. 4/18/2426/001 given the basis on which that application was considered and approved.

7.3 Planning Application Ref. 4/19/2261/OR1

- 7.3.1 This issue was considered in the determination of Planning Application Ref. 4/19/2261/OR1.

At that time, legal opinions were provided by the Solicitor to the Council.

The relevant legal principles in respect of this matter were identified as the following:

(a) In construing a planning permission which is not unambiguous, regard may only be had to the permission itself (R v Ashford BC).

(b) An application for reserved matters must be within the ambit of the outline permission (R v Hammersmith & Fulham BC) and in determining whether the application falls within the ambit of the outline consent, it must be determined as to whether there has been a material departure from the outline consent (Shemara Ltd v Luton Corporation). This is a matter of planning judgement. The 'Four Corners' principle (Miller v Mead) makes it clear that only the permission itself may be considered when determining its ambit.

In accordance with the relevant legal principles, it was concluded that it is necessary to question if a reasonable reader would draw the conclusion that the approved Planning Permission limits the number of dwellings approved or the density of the approved development.

- 7.3.2 Planning Application Ref. 4/18/2426/001 comprised an Outline Planning Application for residential development with full details of access and all other matters reserved.

The proposed site plans submitted in support of Planning Application Ref. 4/18/2426/001 were illustrative only to demonstrate how a residential development could be accommodated on the Application Site. These plans did not comprise part of the approved planning application documentation.

No planning conditions were imposed on the Planning Permission limiting the number of dwellings approved.

- 7.3.3 Planning Condition 3 of Planning Application Ref. 4/18/2426/001 includes reference to a number of documents referencing 47no. dwellings and also 120no. dwellings and a defined number of dwellings is not reference on the planning application form, which create ambiguity.

The number of dwellings comprised only part of the basis on which the development was assessed, this included the design principles in the Design and Access Statement and the themes of the Landscape and Visual Amenity Issues Brief Report.

- 7.3.4 Notwithstanding the basis on which Planning Application Ref. 4/18/2426/001 was assessed/considered, it was concluded that in the absence of a planning condition limiting the number of dwellings or development density and given

the proposed had been designed to accord with the design principles in the Design and Access Statement and the themes of the Landscape and Visual Amenity Issues Brief Report, it was not reasonable to conclude that Planning Application Ref. 4/19/2261/OR1 could not be considered pursuant to Planning Application Ref. 4/18/2426/001.

7.4 Current Application

- 7.4.1 In the context of the conclusions drawn in relation to Planning Application Ref. 4/18/2426/001 the Solicitor to the Council commissioned a specialist planning barrister to provide legal advice in relation to the current planning application.
- 7.4.2 The advice confirms that if a planning permission is clear, unambiguous and valid on its face, then regard can only be had to the permission itself, including its conditions and the reasons expressed for those conditions (*R v Ashford BC*). It is confirmed that there are three exceptions to that general rule:
- a) Documents incorporated into the permission by reference can be considered when interpreting the permission. The *Ashford* case itself establishes that a reference to the application is not enough and there needs to be a clear statement of incorporation, such as the decision notice saying that permission was granted “in accordance with the plans and application”.
 - b) Where the permission is ambiguous, it is permissible to look at extrinsic material to resolve ambiguity; and
 - c) If the challenge is to the validity of the permission, then extrinsic material can be considered. This does not arise in this case.
- 7.4.3 The 47 dwellings element of the planning application is not incorporated into the decision notice of the planning permission either through reference at the beginning of the decision notice or explicit planning condition; therefore, a) cannot be relied upon.
- 7.4.4 Planning Condition 3 does expressly incorporate the documents listed into the planning permission; however, it is impossible to conclude that the planning condition acts to impose a 47 dwelling upper limit on the planning permission. This is concluded as the incorporated documents do not present a consistent or coherent picture. Many of the incorporated documents do not refer to dwelling numbers at all, the Planning Statement refers to “around 47 homes” as does the Design and Access Statement. However, some of the supporting documents recycled from the previous application give the number of 120 dwellings including: the Transport Assessment, Interim Travel Plan, Ecological Appraisal and Bat Survey. Only the Flood Risk Assessment and Archaeological Assessment refer to the development comprising “up to” 47 units.
- 7.4.5 The approval of 55no. dwellings under Planning Application Ref. 4/19/2261/OR1 is fatal to any argument under b).

7.4.6 It is concluded that the current reserved matters application cannot be said to be outside the scope of the planning permission approved under Planning Application Ref. 4/18/2426/001 by reason of the number of units proposed.

7.5 Housing Need and Housing Mix

7.5.1 Policy SS3 of the LP states that *applications for housing development should demonstrate how the proposals help to deliver a range of good quality and affordable homes for everyone*. It is confirmed that *development proposals will be assessed according to how well they meet the identified need and aspirations of the Borough's individual Housing Market Areas as set out in the Strategic Housing Market Assessment including: creating a more balanced mix of housing types and tenures within the housing market area; including a proportion of affordable housing that makes the maximum contribution to meeting the identified needs in the housing market areas; and, establishing a supply of sites suitable for executive and high quality family housing, focussing on Whitehaven and its fringes as a priority*.

7.5.2 Policy H7PU of the ELP states that: *developments should make the most effective use of land. When determining appropriate densities development proposals should clearly demonstrate that consideration has been given to the shape and size of the site, the requirement for public open space and landscaping, whether the density would help achieve appropriate housing mix and help regeneration aims, the character of the surrounding area and the setting of the site. Applicants must also demonstrate, to the satisfaction of the Council, how their proposals meet local housing needs and aspirations identified in the latest Strategic Housing Market Assessment (SHMA) and Housing Needs Assessment in terms of house type, size and tenure*.

7.5.3 No affordable housing was secured under Application Ref. 4/18/2426/001 due to the existing high levels of the affordable housing within the wider locality.

7.5.4 The proposed development comprises a combination of three and four bedroom single storey and two storey open market dwellings.

7.5.5 The Strategic Housing Manager welcomes the provision of bungalows due to the high demand resulting from the ageing population and their appeal to all demographics. It is confirmed that the low density, size and design of these dwellings will attract people to the area, helping with economic growth and that the development will meet the need for larger, 'executive' style properties in the north of the Borough as identified in the SHMA and as is supported by the CBCH.

7.5.6 The Application Site is located within the Whitehaven Housing Market Area in the SHMA. The SHMA suggests a particular focus on the delivery of three bedroom houses and high demand for two bedroom and four bedroomed and larger dwellings. A high demand for bungalows is also identified.

7.5.7 The proposed development does not wholly align with the housing mix identified in the SHMA; however, given size of the Application Site, the

characteristics of the locality and existing stock profile within the wider Frizington area, the proposed housing mix is considered appropriate in the context of the overall mix and balance of housing market area.

7.6 Design and Landscape

- 7.6.1 Policy SS1 of the LP seeks to make Copeland a more attractive place to build homes and to live through requiring new development to be designed and built to a high standard.
- 7.6.2 Policy ENV5 of the LP states that the *Borough's landscapes will be protected and enhanced by: protecting all landscapes from inappropriate change by ensuring that the development does not threaten or detract from the distinctive characteristics of that particular area; that where the benefits of the development outweigh the potential harm, ensuring that the impact of the development on the landscape is minimised through adequate mitigation, preferably on-site; and, supporting proposals which enhance the value of the Borough's landscapes.*
- 7.6.3 Policy DM10 of the LP expects high standards of design and the fostering of quality places. It is required that development responds positively to the character of the site and the immediate and wider setting and enhance local distinctiveness. It is required that development incorporate existing features and address vulnerability to and fear of crime and antisocial behaviour.
- 7.6.4 Policy DM12 of the LP outlines the requirements of the provision of open space and play provision.
- 7.6.5 Policy DM26 of the LP requires that development proposals, where necessary, will be required to include landscaping schemes that retain existing landscape features, reinforce local landscape character and mitigate against any adverse visual impact. Care should be taken that landscaping schemes do not include invasive non-native species. The Council will require landscaping schemes to be maintained for a minimum of five years.
- 7.6.5 Policy N6PU of the ELP states that *the borough's landscapes will be protected and enhanced by: supporting proposals which enhance the value of the borough's landscapes; protecting all landscapes from inappropriate change by ensuring that development conserves and enhances the distinctive characteristics of that particular area in a manner commensurate with their statutory status and value.* It is stated that *proposals will be assessed according to whether the proposed structures and associated landscaping relates well in terms of visual impact, scale, character, amenity value and local distinctiveness and the cumulative impact of developments will be taken into account as part of this assessment and that consideration must be given to the Council's Landscape Character Assessment, Settlement Landscape Character Assessment and the Cumbria Landscape Character Guidance and Toolkit at the earliest stage.*

- 7.6.6 The Site is located in an area of Sub Type 5a Ridge and Valley landscape as defined in the Cumbria Landscape Character Guidance and Toolkit (CLCGT).
- 7.6.7 The key characteristics of the land comprise: a series of ridges and valleys that rise gently toward the limestone fringes of the Lakeland Fells; well managed regular shaped medium to large pasture fields; hedge bound pasture fields dominate, interspersed with native woodland, tree clumps, remnant parkland, and plantations; scattered farms and linear villages found along ridges; and, large scale structures generally scarce.
- 7.6.8 The Guidelines for development include: discouraging the further nucleation of the settlement pattern; ensuring new development makes a contribution to the character of the area by respecting the form of villages e.g. linear along ridge lines, creates new focal spaces and takes advantage of attractive long views; and, carrying out village enhancement schemes including townscape environmental improvements, tree planting and establishment of attractive green spaces.
- 7.6.9 The Application Site is currently open farmland used for grazing, influenced by historic parkland character associated with the wider Rheda Park estate.
- 7.6.10 Rheda Park comprises a combination of modern housing development and some older original estate buildings set within dense mature woodland and trees, which largely screen the development.
- 7.6.11 Rheda Close comprises a higher density modern housing estate, which is prominent due to the lack of vegetation cover within and to the boundaries of the development.
- 7.6.12 Fields in the local area are regular-shaped, with the site field boundary displaying a unique shape, contained by tree belts to the east and west. There is more woodland than hedgerow. The wider site historically would have formed a pattern of scattered farms and linear villages. The Application Site in its current form is too small to get a sense of this historic pattern. The historic parkland characterises the site.
- 7.6.13 In developing the site, the proposed seeks to retain and enhance the landscape character of the site by:
- Seeking to respect the parkland character through the retention of the existing individual trees and woodland blocks on the site and the introduction of additional structural parkland style planting;
 - Retaining and responding to the gradients of the land with the layout, orientation and overall levels of the land; and,
 - Strengthening and adding to the woodland blocks.
- 7.6.14 The development is designed to comprise a transition between the more wooded Rheda Park and the open estate development at Rheda Close and is at a density between the estates providing a visual transition between what are contrasting developments.

The development will result in altered views from dwellings on Rheda Park. Landscaping, offset siting and use of single storey dwellings has been utilised to limit and filter views.

- 7.6.15 The proposed development has been designed as three character areas linked to the characteristics of the Application Site and wider locality. The three character areas are defined/distinguished through the alignment, space and scale of dwellings in combination with the use of differing external finishes and landscaping.

The designs of the proposed dwellings are traditional in form and materials and accord with other dwellings within the wider locality.

- 7.6.16 Central areas of public open space are proposed and contributes considerably to reducing the developed density and the developed character of the development. These spaces will provide the focal point of the community/development. This proposed level of open spaces considerably exceeds the requirements of Policy DM12 of the LP.

- 7.6.17 The proposed development has been designed as a legible environment with a hierarchy of highways and spaces.

- 7.6.18 A comprehensive scheme of landscaping is proposed. The landscaping includes the retention of existing trees, with development proposed outside of the defined roof protection areas of those trees and new planting to both the site peripheries/boundaries, open spaces and along the highway frontages. The trees provide emphasis of the height and break up the rooflines. Hedgerow is introduced to the edge of the site where the landscape is characterised more by farmland. New tree planting is proposed connecting existing woodland blocks.

7.7 Ecology

- 7.7.1 Policy ENV3 of the LP and Policy N1PU of the ELP seek to ensure that new development will protect and enhance biodiversity and geodiversity. Policy N1PU of the ELP defines a mitigation hierarchy.
- 7.7.2 Policy N3PU of the ELP requires that *all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1PU above. This is in addition to any compensatory habitat provided under Policy N1PU.* It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.
- 7.7.3 An Ecological Appraisal was prepared in support of Planning Application Ref. 4/18/2426/001.

- 7.7.4 The layout of the proposed development incorporates the mitigation measures and recommendations of the Ecological Appraisal.

The relevant measures include:

- Retention of the existing woodland areas and the maintenance of connectivity between the crowns of the trees at the point of access.
- Buffering and enhancement of the commuting and foraging routes of bats.
- The inclusion of no lighting to the retained habitat and boundary features.
- Enhancement of connectivity between the existing woodland areas through the planting of trees through the development.
- The provision of extensive structural and decorative planting of varied species, which will provide biodiversity enhancement.

- 7.7.5 A pre-commencement planning condition was attached to Planning Application Ref. 4/18/2426/001 requiring the submission of a further Ecology Survey and Ecological Management Plan for the development.

- 7.7.6 Mandatory biodiversity net gain legislation becomes law in November 2023. Policy N3PU of the ELP requires that biodiversity net gain is achieved for applicable development in Copeland in advance of November 2023.

- 7.7.7 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.

- 7.7.8 Planning conditions were not imposed on Planning Application Ref. 4/18/2426/001 requiring the delivery of a biodiversity net gain; therefore, measurable biodiversity net gain calculations demonstrating the achievement of 10% has not been sought.

- 7.7.9 Notwithstanding the above, given the existing agricultural characteristics of the Application Site and level of additional planting etc. proposed, it is clear that net gains will be achieved.

7.8 Access and Highways

- 7.8.1 Policy DM22 of the LP requires that development proposals be accessible to all users; respond positively to existing movement patterns in the area; and, incorporate parking provision to meet defined standards.

In addition to the above, Policies CO4PU, CO5PU and CO7PU of the ELP promotes active travel.

- 7.8.2 The National Planning Policy Framework provides significant guidance in relation to transport and highways impact.

Paragraph 105 states that: *significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.*

Paragraph 111 states that: *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

7.8.3 Access to the proposed development from the B5294 was considered and approved under Planning Application Ref. 4/18/2426/001.

7.8.4 In assessing Planning Application Ref. 4/19/2261/OR1 Cumbria County Council – Highways confirmed that given the proposed carriageway dimensions and lack of secondary access, further development beyond the 55no. dwellings then approved would not be supported by the highway authority.

7.8.5 A number of representations received in objection to the current planning application have raised the above comments in their assessment of the proposed development.

Notwithstanding the above, Cumbria County Council – Highways have confirmed no objections the proposed development subject to the imposition of planning conditions to secure detailed specifications of the proposed highways and footways including a highway lighting design/specification.

7.8.6 The Cumbria Development Design Guide (CDDG) requires the provision of an Emergency Vehicle Access for any development over 50no. dwellings. As the previously approved and now proposed development total 77no. dwellings an Emergency Vehicle Access should be provided to serve the development. The CDDG also requires the provision of 5.5m wide carriageways to serve development of 50 or more dwellings.

7.8.7 Application ref. 4/18/2426/001 did not include the requirement for an Emergency Vehicle Access and approved the provision of an access of less than 5.5m in width through the 'Beckstones' development including a linkage to the current Application Site.

7.8.8 Application ref. 4/18/2426/001 approved the matter of access without limitation on the number of dwellings approved. These specifications therefore fall beyond the scope of the current planning application and as such, it is not possible to resist the development now proposed on the basis of the lack of an Emergency Vehicle Access or width of the access.

Notwithstanding the above, the provision of an Emergency Vehicle Access has been encouraged and discussed with the Applicant, who has confirmed that such cannot be provided.

- 7.8.9 In terms of general highway design within the development, raised surfacing is proposed to elements of the central spinal road including the central open space which creates a sense of pedestrian priority and acts to reduce traffic speeds.
- 7.8.10 The proposed development highway layout within the site and parking provision accords with the provisions of the CDDG.

7.9 Flood Risk and Drainage

- 7.9.1 Policy DM11 of LP and Policy DS9PU of the ELP requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate.
- 7.9.2 Policy DM24 of the LP and Policy DS8PU of the ELP seek that development will not be permitted where: there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.
- 7.9.3 The Application Site is located within Flood Zone 1; therefore, a sequential approach to the location of development within the Application Site is not required.
- 7.9.4 Application ref. 4/18/2426/001 includes pre-commencement planning condition requiring the submission, approval and implementation of a detailed scheme of foul and surface water drainage.
- 7.9.5 Whilst the submission of full drainage details have been encouraged for consideration with the current planning application, the Applicant wishes to defer submission of these details for subsequent consideration as is their right.
- 7.9.6 The location, type and layout of a drainage scheme can force the amendment of the layout of any development and this may render the development as proposed undeliverable as submitted; however, this is a risk for the Applicant.

7.10 Residential Amenity

- 7.10.1 Policy ST1 of the LP includes provisions requiring that development provides or safeguards good levels of residential amenity and security.
- 7.10.2 Policy DM12 of the LP outlines minimum distance standards for new residential development.
- 7.10.3 Policy H6PU of the ELP requires that in respect of new housing development, an acceptable level of amenity is provided for future residents and maintained for existing neighbouring residents in terms of sunlight and daylight.

7.10.4 Policy DS6PU of the ELP includes provisions that development mitigates noise pollution through good layout, design and appropriate screening.

7.10.5 The required minimum interface distances are achieved between the proposed dwellings and the existing and proposed dwellings.

7.10.6 Single storey dwellings are proposed to boundary with Rheda Park to minimise the impacts of the dwellings upon the residential amenity of the existing dwellings on Rheda Park. Whilst these dwellings will be above the level of the existing dwellings on Rheda Park, the minimum interface distances required by Policy DM12 i.e. 21m are considerably exceeded which mitigates the difference in level. The elevations of the proposed dwellings incorporating primary windows are positioned to face away from the elevations of the existing dwellings on Rheda Park containing windows where achievable.

7.10.7 A planning condition is proposed to remove the permitted development rights for the erection of the extensions to the roof and rear elevations of the dwellings adjacent to the boundary with Rheda Park to prevent development that could result in harmful impacts through overlooking, loss of light and overshadowing.

8.0 Planning Balance and Conclusion

8.1 Planning Application Ref. 4/18/2426/001 does not restrict the number of dwellings permitted on the Application Site to 47no. or any other number. The current reserved matters application cannot be said to be outside the scope of the planning permission approved Planning Application Ref. 4/18/2426/001 by reason of the number of units proposed. This is given significant weight.

8.2 The principle of residential development has been established on the Application Site under Planning Application Ref. 4/18/2426/001 and does not fall for consideration again as under this current application, which is limited to the matters of scale, layout, landscaping and appearance only.

8.3 The layout and design of the scheme does not accord with the illustrative layout submitted in support of Planning Application Ref. 4/18/2426/001; however, this layout was illustrative only and demonstrated how a residential development could be accommodated on the Application Site only and was not binding. The illustrative layout is given no weight.

8.4 Application ref. 4/18/2426/001 approved the matter of access without limitation on the number of dwellings approved. These specifications therefore fall beyond the scope of the current planning application.

8.5 The design outcome anticipated or desired by all interested parties may not have been arrived at by the Applicant in respect of Planning Application Ref. 4/19/2261/OR1 and the current planning application; however, it is necessary to consider if the proposed development accords with the relevant provisions

of the Development Plan as a whole accounting for all other material planning considerations.

- 8.6 The proposed development responds to the landscape character, the features and constraints of the Application Site and transitions between the existing Rheda Park and Rheda Close developments.
- 8.7 The designs of the proposed dwellings are traditional in form and materials and accord with other dwellings within the wider locality.
- 8.8 The design and layout of the development incorporates specific character areas that provide interest and identity and respond to the existing features and characteristics of the Application Site.
- 8.9 Central areas of public open space are proposed and contributes considerably to reducing the developed density and the developed character of the development.
- 8.10 No unacceptable issues are arising in respect of residential amenity subject to the planning conditions proposed.
- 8.11 The proposed development does not wholly align with the housing mix identified in the SHMA; however, given size of the Application Site, the characteristics of the locality and existing stock profile within the wider Frizington area, the proposed housing mix is considered appropriate in the context of the overall mix and balance of housing market area.
- 8.12 On balance, it is considered that the proposed development is acceptable and accords with the relevant provisions of the Development Plan.

Recommendation:

Approve subject to planning conditions.

Appendix 1

List of Conditions and Reasons

Standard Planning Conditions

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.

Reason

To comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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

Location Block and Title Plan - Drawing No. RH SI 03, Rev E (dated 7th July 2022)

Site Plan External Works - Drawing No. RH SI 01, Rev E (dated 7th July 2022)

Parking Plan - Drawing No. RH SI 02, Rev E (dated 7th July 2022)

Managed Area and Adoption Plan - Drawing No. RH SI 04, Rev E (dated 7th July 2022)

Proposed Double Garage Plans and Elevations - Drawing No. RH DG 02 (dated 28th June 2021)

Finished Floor Levels - Drawing No. AA7281/03/SK01 (dated 31st August 2022)

Courtyard - Drawing No. RH SI 05, Rev E (dated 7th July 2022)

The Green - Drawing No. RH SI 06, Rev E (dated 7th July 2022)

The Copse - Drawing No. RH SI 07, Rev E (dated 7th July 2022)

Proposed Boundary Treatment - Drawing No. RH Ma 02 (dated 28th June 2021)

Proposed Floorplan – The Loughrigg - Drawing No. RH Lo 02 (dated 28th June 2021)

Proposed Elevations – The Loughrigg - Drawing No. RH L0 03 (dated 28th June 2021)

Proposed Floorplan – The Blencathra - Drawing No. RH BI 02 (dated 28th June 2021)

Proposed Elevations – The Blencathra - Drawing No. RH BI 03 (dated 28th June 2021)

Proposed Floorplan – The Ellerbeck - Drawing No. RH EI 02 (dated 28th June 2021)

Proposed Elevations – The Ellerbeck - Drawing No. RH EI 03 (dated 28th June 2021)

Proposed Floorplan – The Ennerdale - Drawing No. RH En 02 (dated 28th June 2021)

Proposed Elevations – The Ennerdale - Drawing No. RH En 03 (dated 28th June 2021)

Proposed Floorplan – The Glaramara - Drawing No. RH GI 02 (dated 28th June 2021)

Proposed Elevations – The Glaramara - Drawing No. RH GI 03 (dated 28th June 2021)

Proposed Floorplan – The Grisedale - Drawing No. RH Gr 02 (dated 7th October 2021)

Proposed Elevations – The Grisedale - Drawing No. RH Gr 03 (dated 28th June 2021)

Proposed Floorplan – The Landgdale - Drawing No. RH La 02 (dated 28th June 2021)

Proposed Elevations – The Langdale - Drawing No. RH La 03 (dated 28th June 2021)

Proposed Floorplan – The Lingmoor - Drawing No. RH Li 02 (dated 7th October 2021)

Proposed Elevations – The Lingmoor - Drawing No. RH Li 03 (dated 28th June 2021)

Proposed Floorplan – The Skiddaw - Drawing No. RH Sk 02 (dated 28th June 2021)

Proposed Elevations – The Skiddaw - Drawing No. RH Sk 03 (dated 28th June 2021)

Proposed Floorplan – The Bannerdale - Drawing No. RH Ba 02 (dated 28th June 2021)

Proposed Elevation – The Bannerdale - Drawing No. RH Ba 03 (dated 28th June 2021)

Proposed Layout - Drawing No. 14 Rev. 09 (dated 3rd October 2022)

Landscape Plan - Drawing No. 15. Rev. 08 (dated 12th October 2022)

Planting Plan - Drawing No. 16. Rev. 05 (dated 3rd October 2022)

Plant Specification and Schedule - Document No.17. Rev. 01 (dated 15th July 2022)

Materials Schedule. V1.01

Reason

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

Pre-Occupation Conditions

3. No dwelling hereby approved is to be occupied until the vehicular access and turning areas required to serve that dwelling have been constructed in accordance with the approved plans and brought into use operational use. The vehicular access/turning provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior written consent of the Local Planning Authority.

Reason

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

Other Planning Conditions

4. a) No lighting is to be installed unless and until a scheme for the provision of external lighting has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of the location, design, luminance levels, light spillage and hours of use of all external lighting within the site.

b) The approved lighting scheme is to be implemented in full prior to first occupation of the development hereby approved.

Reason

These details are required to be approved before the commencement of development to safeguard ecology in accordance with the requirements of Policy ENV3 and Policy DM25 of the Copeland Local Plan 2013 – 2028.

5. All hard and soft landscape works is to be carried out in accordance with the approved details in the first planning season following completion of the development. 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 the requirements of Policy DM26 of the Copeland Local Plan 2013 – 2028.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension to the rear elevation or rear roof planes of the dwellings identified as Plot Nos. 11, 14, 15, 16 and 17 on Location Block and Title Plan - Drawing No. RH SI 03, Rev E (dated 7th July 2022) shall be undertaken without the express permission of the Local Planning Authority.

Reason

To safeguard the residential amenity of the residents of Rheda Park.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development of the type described in Class E, Part 1 of Schedule 2 of that Order shall be undertaken at dwellings identified as Plot Nos. 11, 14, 15, 16 and 17 on Location Block and Title Plan - Drawing No. RH SI 03, Rev E (dated 7th July 2022) shall be undertaken without the express permission of the Local Planning Authority.

Reason

To safeguard the residential amenity of the residents of Rheda Park in accordance with the requirements of Policy DM12 of the Copeland Local Plan 2013 – 2028 and Paragraph 127 of the National Planning Policy Framework 2019.

List of Informatives/Advisory Notes

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

Appendix 2

Copy of site plan showing red line boundary

