

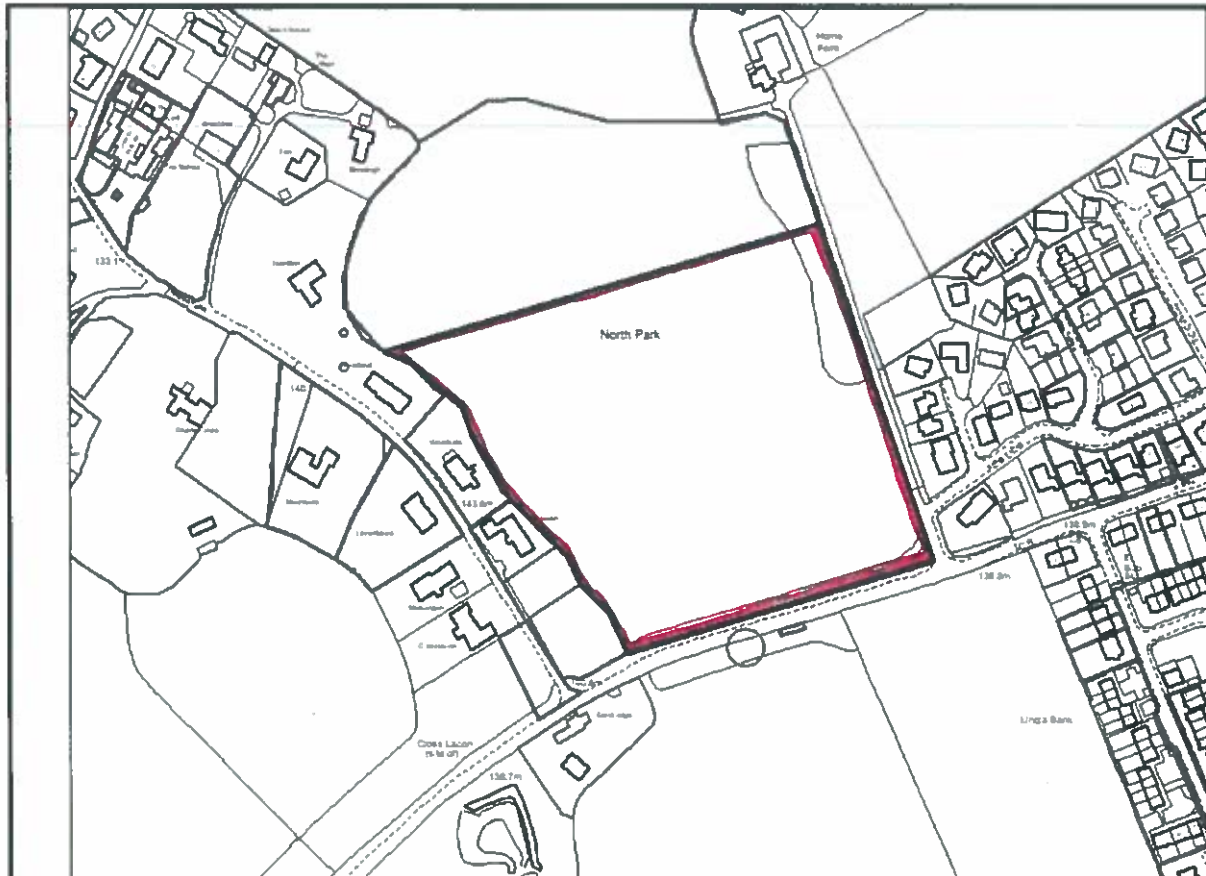


**To: PLANNING PANEL**

**Development Control Section**

**Date of Meeting: 11/03/2020**

<b>Application Number:</b>	4/19/2261/OR1
<b>Application Type:</b>	Reserved Matter : CBC
<b>Applicant:</b>	Genesis Homes
<b>Application Address:</b>	LAND AT NORTH PARK, RHEDA, FRIZINGTON
<b>Proposal</b>	RESERVED MATTERS APPLICATION SEEKING APPROVAL OF APPEARANCE, LANDSCAPING, LAYOUT & SCALE
<b>Parish:</b>	Arlecdon and Frizington
<b>Recommendation Summary:</b>	Approve Reserved Matters



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### **Reason for Determination by Planning Panel**

This Application for the Approval of Reserved Matters Following Outline Approval is brought for consideration by Members of the Planning Panel as the Outline Planning Application was approved by Members of the Planning Panel, the application is for a major development and the application has been the subject of significant local interest.

This application was initially considered by Members of the Planning Panel at the meeting of the 19<sup>th</sup> February 2020. During the debate, Members of the Planning Panel resolved to defer the determination of the application to enable the completion of a site visit.

### **Site and Location**

The Application Site comprises 3.75 hectares of land located to the southwest of Frizington.

The Application Site is bounded by the existing residential developments of Rheda Park to the west and Rheda Close to the east, the B5294 highway to the south and a farmhouse and agricultural land to the north.

The Application Site comprises an area of greenfield land which is currently used for agricultural grazing purposes.

The topography of the land rises gently towards the centre and falls away towards the boundaries.

Two existing bands of mature trees exist adjacent to the south and east boundaries and two significant mature trees are located within the central area of the Application Site.

### **Proposal**

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.

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 are to be considered under a separate planning application.

The proposed development comprises a scheme of 55no. two, three, four and five bedroom detached and semi-detached single storey and two storey open market dwellings.

The proposed development has been designed as three character areas comprising: linear frontage development set to the rear of the existing band of trees to the southern boundary and a proposed surface water storage pond; the central area located around the public open spaces containing the two retained mature trees; and, the linear streets located adjacent the northern boundary and adjacent the band of trees to the eastern boundary.

It is proposed to finish the dwellings with a combination of facing bricks, render and concrete roof tiles.

The dwellings incorporate two or three off highway parking spaces. Informal visitor parking spaces exist within the carriageways.

A comprehensive scheme of landscaping is proposed incorporating existing retained trees and a combination of structural and decorative planting.

For the avoidance of doubt, access to the proposed development from the B5294 was approved under Planning Application Ref. 4/18/2426/001.

### **Relevant Planning Application History**

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

### **Consultation Responses**

#### **Arlecdon and Frizington Parish Council**

- There is no demand for further housing in the Frizington area.
- Rheda has little connection to the village of Frizington.
- The Rheda Close area is already subject to flooding. Serious concerns regarding the overloading of the sewerage system, drainage and surface water.
- Concerns over the loss of another green field site, loss of trees and the threat to wildlife.
- Concerns regarding the anticipated considerable increase in traffic on a narrow road arising from the proposed development.

#### **Copeland Borough Council - Arboricultural Consultant**

#### ***Initial Proposals***

The proposed layout should be adjusted to provide sufficient space for the location and constriction of the access road to Plots 1-3 and 21-25 outside the root protection area of the trees along the south eastern boundary. The proposed woodland trail should be removed from the scheme.

The siting of plots 18, 19, 21, 31, 32, 33, 34, 52 and 53 be reconsidered to ensure that the living conditions of future occupiers are not blighted by the proximity to the trees.

## *Revised Proposals*

No comments.

## Cumbria County Council – Highways and LLFA

## *Initial Proposals*

Recommends refusal.

- The layout plan should provide the following detail;
  - o Carriageway, footway, service strip and margin widths including radius into junctions.
  - o Details of carriageway changes from secondary road to shared surface including changes to private drives, it currently unclear what is considered shared surface.
  - o Pedestrian crossing points
- In respect of walking the sustainability of the site relies entirely on the footway leading down the B5294 toward Frizington. This route lacks a cohesive footway and requires pedestrians to cross the road on two occasions. To ensure the site is sustainable the applicant should provide suitable crossing points where appropriate. It is recommended that crossing points are located at the point at which the footpath leading from Rheda Close terminates. Another crossing point could be installed across Lingla Bank as currently there are no dropped kerbs or tactiles to aid in crossing this road. Additionally a crossing point should be installed where the footpath on the south side of the B5294 terminates, requiring pedestrian to return to the footpath which re-starts on the north side of the B5294.
- There is no link from the footway adj to plot 43 towards plot 39 and also from plot 43 towards plot 45.
- With regards to the possible shared surface sections it should be noted that if no turning provision is provided for a refuse vehicle a refuse operative can only be expected to transport refuse 15m to the refuse vehicle. A resident can also only be expected to transport refuse 30m from their residence. Therefore in such an incidence a refuse collection point will be required no more than 15m the main access road where the refuse vehicle will park and no more than 30m's from the furthest residence, a swept path analysis should be provided to ensure a refuse vehicle can manoeuvre within the turning heads provided. A suitable bin storage

areas should be provided that is located off the public highway as to not cause obstruction.

- Shared surfaces should be no more than 70m in length in line with the requirements of the Cumbria Development Design Guide.
- The Woodland Trail should have a link to the estate adjacent to Plots 21 and 22
- There has been no details provided with regard to provision for vehicle parking.

### *Revised Proposals*

*The layout details shown on the submitted plan are considered satisfactory from a highway perspective. I can therefore confirm that the Highway Authority has no objection to the proposed development.*

*I would note that the proposed carriageway dimensions whilst acceptable and lack of secondary access for this proposed site will mean that further development would not be supported by the highway authority.*

### **Public Representations**

The application has been advertised by way of site notices, a press notice and neighbour notification letters issued to 75 no. properties.

59no. representations have been received in objection.

The material planning issues raised are summarised below:

### *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 reserved matters planning application pursuant to this Outline Planning Application.

The development could result in the development of c.82 houses across the entire site approved under Outline Planning Application Ref. 4/18/2426/001. The layout should be amended to prevent access and further development on the land to the north.

## *Layout*

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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.

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

The layout of the development is urban in form and is not in keeping with its rural location.

The proposed comprises overdevelopment of the Application Site.

The development will result in the coalescence of Rheda Park and Rheda Close.

Proposed timber boarded fencing and brick walls should be replaced with hedgerows.

All houses visible from Rheda Park should be removed and replaced with a wildlife corridor.

The development does not respond to the topography of the Application Site, which is elevated.

## *Biodiversity*

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

The proposed development does not support biodiversity.

Lighting should be maintained to a minimum.

Dwelling Nos. 7, 29 - 34 should be removed to maintain a natural wildlife corridor and additional landscaping planted.

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

The proposed two storey dwellings will result in unacceptable impacts upon the residential amenity of the occupants of existing dwellings.

The erection of close boarded timber fencing to the boundary with Rheda Park will result in unacceptable impacts upon the amenity of the residents of Rheda Park.

The planting deciduous trees will increase maintenance times etc. for residents of Rheda Park.

### *Flood Risk and Drainage*

No details of foul and surface water disposal are provided.

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

A pumped solution for the disposal of surface water is unacceptable and high risk.

### *Highway Safety*

The increased number of dwellings will impact on highway safety and has not been considered by Cumbria County Council - Highways.



The development will result in unacceptable adverse impacts upon the safety and capacity of the highway network due to the increased number of vehicle movements. The previous traffic assessment is not relevant to the proposed development given the lower number of houses than proposed.

The proposed road structure is clearly designed to enable future expansion.

The Applicant should be required to install traffic control measures to the private road through Rheda Park.

### *Landscape Impacts*

The development will result in unacceptable adverse visual and landscape character impacts locally and in views from the Lake District National Park.

The two storey dwellings located at the higher area of the Application Site will be prominent in local views.

The impact of the development on the landscape character of this rural area will result in reduced tourism development.

Any planting should be implemented at an early stage to screen the development and should be required to be maintained in perpetuity.

Concern regarding the long term maintenance and management of the proposed landscaping including any self-seeded saplings.

### *Sustainability*

The development is located more than 800m from the nearest bus stop.

The development is not sustainably located in relation to schools, which do not have sufficient capacity for additional pupils.

There is no need or demand for the houses in the Frizington area.

Preferable brownfield development sites exist.

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

### **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:**

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

### Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Policy ST4 – Providing Infrastructure

Policy ER7 – Principal Town Centres, Local Centres and other service areas: Roles and Functions

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

### Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards for New Residential Development

Policy DM21 – Protecting Community Facilities

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 - Landscaping

Policy DM28 – Protection of Trees

Copeland Local Plan 2001-2016 (LP):

Policy TSP8 – Parking Requirements

**Other Material Planning Considerations**

Copeland Interim Housing Policy May 2017 (IHP).

Copeland Local Plan 2013-2028: Site Allocations and Policies Plan (SAPP).

Copeland Borough Council Housing Strategy 2018-2023 (CBCHS).

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

National Planning Policy Framework (NPPF).

National Planning Practice Guidance (NPPG).

National Design Guide (NDG).

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

Cumbria Development Design Guide (CDDG).

**Assessment**

**Principle of Development**

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.

Planning Condition 2 attached to Planning Application Ref. 4/18/2426/001 requires the submission of a planning application for the approval of the reserved matters of scale, layout, landscaping and appearance before January 2022.

Planning Application Ref. 4/18/2426/001 remains extant and the requirements of Planning Condition 2 are fulfilled.

### **Housing Need and Housing Mix**

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.

The Application Site is located within the Whitehaven Housing Market Area (HMA) in the Copeland Borough Council - Strategic Housing Market Assessment and Objectively Assessed Housing Need (SHMA). The SHMA suggests a particular focus on the delivery of three bedroom houses and high demand for two bedroom and four bed roomed and larger dwellings. A high demand for bungalows is also identified.

The proposed development comprises a scheme of 55no. two, three, four and five bedroom detached and semi-detached single storey and two storey open market dwellings. This mix of housing accords with the needs mix detailed in the SHMA.

No affordable housing is proposed in accordance with approved Planning Application Ref. 4/18/2426/001.

### **Design, Landscape Impact and Visual Impact**

Policy ENV5 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.

Policy SS1 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.

Policy DM10 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.

Policy DM12 outlines the requirements of the provision of open space and play provision.

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).

The key characteristics of the land comprise: a series of ridges and valleys that rises 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.

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.

The Application Site is currently open farmland used for grazing, influenced by historic parkland character associated with the wider Rheda Park estate.

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.

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.

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 site in its current form is too small to get a sense of this historic pattern. The historic parkland characterises the site. The ridge to the north is a distinctive feature.

In developing the site, the applicant, has sought 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 across the site.

Existing woodland blocks have been retained alongside statuesque trees, the addition of more trees and parkland railings. Other traditional features such as green space help to strengthen a traditional feel to the development. Hedgerow is introduced to the northern edge of the site where the landscape is characterised more by farmland. New tree belts are proposed through the centre of the site connecting to existing woodland blocks,

Properties with lower ridgelines have been located in elevated areas. The highway follows the contours of the land. The trees provide emphasis of the height and break up the rooflines.

The development is design to comprise a transition between the more wooded Rheda Park and the open estate development at Rheda Close.

In visual terms, the development retains a sense of parkland character. The development is at a density between that of Rheda Park and Rheda Close, providing a visual transition between the two contrasting developments.

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

The proposed development has been designed as three character areas comprising: linear frontage development set to the rear of the existing band of trees to the southern boundary and a proposed surface water storage pond; the central area located around the public open spaces containing the two retained mature trees; and, the linear streets located adjacent the northern boundary and adjacent the band of trees to the eastern boundary.

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.

In total 0.8ha of public open space is 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 provision considerably exceeds the 0.11ha of open space required by Policy DM12.

A planning condition is proposed to secure details of a children's play space within one of the open spaces.

A planning condition is proposed to secure a Landscape Management Plan that includes long term design objectives and maintenance details to ensure that the landscaping becomes established and makes a positive contribution for the lifetime of the development.

## **Ecology**

Policy ENV3 seeks to ensure that new development will protect and enhance biodiversity and geodiversity.

An Ecological Appraisal was prepared in support of Planning Application Ref. 4/18/2426/001.

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 linear belts of trees through the development.
- The provision of extensive structural and decorative planting of varied species, which will provide biodiversity enhancement.

### **Residential Amenity**

Policy DM12 outlines minimum distance standards for new residential development.

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

Single storey dwellings are proposed to Plot 29 to Plot 34 to minimise the impacts of the dwellings upon the residential amenity of the existing dwellings on Rheda Park. 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 to prevent development that could result in harmful impacts through overlooking, loss of light and overshadowing.

Plot 16 to Plot 19 comprise two storey dwellings and do not directly face the existing dwellings on Rheda Park. Distances in excess of the minimum requirements of Policy DM12 are maintained between the dwellings. Given the difference in levels between the existing and proposed dwellings, 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 to prevent development that could result in harmful impacts through overlooking, loss of light and overshadowing.

A distance of 20m is achieved between the gable elevation of Plot 7 and the primary windows in the existing dwellings on Rheda Close. This distance is in excess of the minimum requirement of 12m in Policy DM12.



## **Arboriculture**

The Arboricultural Consultant of the Council has reviewed the proposals. Whilst objections were initially outlined, there were removed following revision of the scheme to remove the woodland walkway and the increasing of the distances between the dwellings and existing retained woodland.

A planning condition was attached to Planning Application Ref. 4/18/2426/001 to secure measures to prevent impacts upon the existing trees during construction.

## **Highway Safety**

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

Cumbria County Council – Highways has been consulted and has raised no objection to the development.

The proposed layout incorporates a central spinal road that runs through the development from which secondary roads and shared surface accesses are proposed.

Differing surfaces are proposed to the central spinal road. A raised surface is proposed in the area between the public open spaces to create an increased perception of a pedestrian priority and to encourage collective use of open spaces.

Public footways are proposed to the central spinal road and secondary roads with informal connects through the shared surface accesses encouraging use by residents but discouraging use a thoroughfares that could impact the amenity of adjacent dwellings. These connect to a footway to the site frontage connecting to the existing footway to the east and on to the facilities in Frizington.

Bin storage areas are located strategically within the site to reduce the bin pull distances for residents and refuse operatives in accordance with the CDDG.

Cumbria County Council – Highway has confirmed that given the proposed carriageway dimensions and lack of secondary access for this proposed site, further development would not be supported by the highway authority.

It is not possible to secure the suggested control measures to Rheda Park as these fall beyond the scope of Application Ref. 4/19/2261/0R1, which relates to the matters of scale, layout, landscaping and appearance only. Such measures would need to have been secured

as part of Planning Application Ref. 4/18/2426/001. These were not secured as they are not fairly or reasonably related to the impacts of the proposed development as is required.

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

A number of representations 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.

Legal opinions have been provided by the Solicitor to the Council and the legal representative of the Applicant.

The relevant legal principles in respect of this matter comprise 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 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.

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 comprises part of the approved planning application documentation.

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

Planning Condition 3 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.

Notwithstanding the basis on which Planning Application Ref. 4/18/2426/001 was assessed/considered, in the absence of a planning condition limiting the number of dwellings or development density and given the proposed has been design 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 is difficult to conclude that the current application cannot be considered pursuant to the approved outline planning permission.

### **The Planning Balance**

The principle of residential development has been established under Planning Application Ref. 4/18/2426/001.

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.

Although the design outcome anticipated or desired by all interested parties and may not have been arrived at by the Applicant, 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.

In the above regard, the proposed mix of housing accords with the needs mix detailed in the SHMA.

The proposed development responds to the provisions of Landscape and Visual Amenity Issues Brief Report and Ecological Appraisal submitted in support of the Planning Application Ref. 4/18/2426/001 and with that respond to the character and constraints of the Application Site and transitions between the existing Rheda Park and Rheda Close development.

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.

No issues are arising in respect of residential amenity subject to the planning conditions proposed.

On balance, it is considered that the proposed development is acceptable and accords with the relevant provisions of the Development Plan.

**Recommendation:-**

Approve Reserved Matters subject to the following planning conditions:-

**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 Plan – Drawing No. 1843 005 received 23<sup>rd</sup> July 2019;

Existing Site – Drawing No. 1843 000 received 23<sup>rd</sup> July 2019;  
Planning Layout - Drawing No. 1843 001 Rev. I received 11<sup>th</sup> February 2020;  
Car Parking Spaces Layout - Drawing No. 1843 013 Rev. I received 11<sup>th</sup> February 2020;  
Boundary Treatments Layout – Drawing No. 1843 003 Rev. I received 11<sup>th</sup> February 2020;  
Elevation Treatments Layout – Drawing No. 1843 004 Rev. I received 11<sup>th</sup> February 2020;  
Planting Plan – Drawing No. 01 R12 received 11<sup>th</sup> February 2020;  
Plant Specification and Schedules – Drawing No. 02 Rev. 03 received 2<sup>nd</sup> January 2020;  
Boundary Details – Drawing No. 1843 008 received 23<sup>rd</sup> July 2019;  
The Eden – House type Specification received 23<sup>rd</sup> July 2019;  
The Dee – House type Specification received 23<sup>rd</sup> July 2019;  
The Tunstall – House type Specification received 23<sup>rd</sup> July 2019;  
The Whillan – House type Specification received 23<sup>rd</sup> July 2019;  
The Wreay – House type Specification received 23<sup>rd</sup> July 2019;  
The Ellen (V1) – House type Specification received 23<sup>rd</sup> July 2019;  
The Gelt (Semi V2) – House type Specification received 23<sup>rd</sup> July 2019;  
The Lowther with attached garage – House type Specification received 23<sup>rd</sup> July 2019;  
The Derwent – House type Specification received 23<sup>rd</sup> July 2019; and,  
The Esk Bungalow – House type Specification received 23<sup>rd</sup> July 2019.

#### Reason

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

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.

4. No development is to take place until finished floor levels in relation to a fixed datum have been submitted to and agreed in writing by the Local Planning Authority. The development is to be completed in accordance with the approved details.

#### Reason

These details are required to be approved before the commencement of development to ensure a satisfactory appearance of development and prevent landscape and visual harm in accordance with the requirements of Policy ST1, Policy ENV5, Policy DM10 and Policy DM1 of the Copeland Local Plan 2013 – 2028.

5. No dwelling hereby approved is to be occupied unless and until a scheme detailing the layout and design of a children's play space measuring 100sqm has been submitted to and approved in writing by the Local Planning Authority. The approved scheme is to be completed prior to the occupation of the 30<sup>th</sup> dwelling hereby approved. The area shall not thereafter be used for any purpose other than a children's play space.

**Reason**

To ensure sufficient open space and children's play space is provided within the site for use by future occupants in accordance with the requirements of Policy SS5 and Policy DM12 of the Copeland Local Plan 2013 – 2028.

6.

- 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.

7. All hard and soft landscape works is to be carried out in accordance with the approved details. 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.

8.

- a) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas is to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.
- b) The landscape management plan is to be implemented as approved before the development is occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority.

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.

9. 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 Plot Nos. 16, 17, 18, 19, 29, 30, 31, 32, 33 and 34 as identified on Planning Layout - Drawing No. 1843 001 Rev. I received 11<sup>th</sup> February 2020 shall be undertaken without the express permission of the Local Planning Authority.

Reason

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

10. 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 Plot Nos. 16, 17, 18, 19, 29, 30, 31, 32, 33 and 34 as identified on Planning Layout - Drawing No. 1843 001 Rev. I received 11<sup>th</sup> February 2020 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.

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](http://www.gov.uk/government/organisations/the-coal-authority)

<<http://www.gov.uk/government/organisations/the-coal-authority>>

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## Statement

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.

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