

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

NOTICE OF GRANT OF PLANNING PERMISSION

Green Swallow North Limited  
Swallow Barn  
Blindcrake  
CA13 0QP  
FAO Mr Stuart Woodall

**APPLICATION No: 4/21/2298/0F1**

**ERECTION OF SINGLE DWELLING AND DETACHED GARAGE WITH NEW SITE ENTRANCE  
LOCATION TO REPLACE EXTANT PERMISSION FOR NEW HOUSE  
5 WEST END, RHEDA PARK, FRIZINGTON**

**Mr & Mrs Mark Jackson**

The above application dated 23/06/2021 has been considered by the Council in pursuance of its powers under the above mentioned Act and PLANNING PERMISSION HAS BEEN GRANTED subject to the following conditions:

1. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved details:
  - Site Location Plan – 5 West End, Rheda Park, Frizington, Cumbria – Excluding the layout and access details illustrated, which are superseded by As Proposed Site Plan – Drawing No. 101 Rev. F as received 18<sup>th</sup> June 2021
  - As Proposed Site Plan – Drawing No. 101 Rev. F as received 5<sup>th</sup> November 2021
  - As Proposed New Dwelling – Drawing No. 100 Rev. B as received 18<sup>th</sup> June 2021

- Landscaping Details – Drawing No. EJC/61-2017 Plot 5 – Excluding the layout and access details illustrated, which are superseded by As Proposed Site Plan – Drawing No. 101 Rev. F as received 18<sup>th</sup> June 2021

Reason:

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

### **Pre-Commencement Planning Conditions**

3. The development shall not proceed except in accordance with the tree protection measures detailed on As Proposed Site Plan – Drawing No. 101 Rev. F.

Reason

These details are required to be approved before the commencement of development to ensure the protection and retention of important landscape features in accordance with the provisions of Policy ENV3 of the Copeland Local Plan 2013-2028.

### **Before Superstructure and Occupation Planning Conditions**

4. The dwelling hereby approved shall not be occupied until the vehicular access and turning requirements have been constructed in accordance with the approved plan and brought into use. The vehicular access/turning provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered for the lifetime of the development.

Reason

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

### **Other Planning Conditions**

5. The approved landscape works shall be carried out in the first planting season following first occupation of the dwelling hereby approved. Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted.

Reason:

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

6. Access gates, if provided, shall be hung to open inwards only, away from the highway, be recessed no less than 4.5m measured from the carriageway edge of the adjacent highway and shall incorporate 45 degree splays to each side.

Reason

In the interests of highway safety in accordance with the provisions of Policy T1 and Policy DM22 of the Copeland Local Plan 2013-2028.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking or re-enacting that order with or without modification) no external alterations (including replacement windows and doors) or extensions, conservatories, dormer, or enlargement shall be carried out to the dwelling, nor shall any detached building, enclosure, domestic fuel containers, pool or hardstandings be constructed within the curtilage other than those expressly authorised by this planning permission.

Reason

To safeguard the character and appearance of the development in the interests of visual amenity and to ensure that any future development does not have a detrimental impact on the mature trees on the site in accordance with the provisions of Policy ENV3 and Policy DM10 of the Copeland Local Plan 2013-2028.

8. The development shall not proceed except in accordance with the provisions of the PHASE 1: DESK TOP STUDY REPORT PRELIMINARY ENVIRONMENTAL RISK ASSESSMENT & UKWIR WATER SUPPLY PIPE RISK ASSESSMENT - PROPOSED RESIDENTIAL DEVELOPMENT OF LAND AT PLOTS 3, 4 & 5 RHEDA PARK, FRIZINGTON, CUMBRIA – Ref. 2021-4807.

Reason:

For the avoidance of doubt and to prevent harm to safeguard public health in accordance with Policy ST1 of the Copeland Local Plan 2013-2028.

## **Informative**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

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

## **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.

Please read the accompanying notice



PP Pat Graham  
Chief Executive

07<sup>th</sup> December 2021

**APPROVALS**  
**(OUTLINE, FULL RESERVED MATTERS & HOUSEHOLDER)**

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)  
ORDER 2015

PART 2

TOWN AND COUNTRY PLANNING ACT 1990

**Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.  
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

**Purchase Notices**

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.