

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) – SECTION 73

NOTICE OF GRANT OF PLANNING PERMISSION

CJW Surveyors Ltd  
Abbot Garth  
Moor Road  
Great Broughton  
Cockermouth  
CA13 0YT  
FAO: Mr Craig Wallace

**APPLICATION No: 4/23/2023/0B1**

**VARIATION OF CONDITION 2 (PLANS - TO INCLUDE STORAGE SHED),  
CONDITION 3 (SCHEME FOR PROTECTION OF TREES) TO INCLUDE FELLING  
OF TREES AND CONDITION 5 (HARD & SOFT LANDSCAPING SCHEME) TO  
AMEND PLANTING SCHEME OF RESERVED MATTERS PLANNING APPROVAL  
4/20/2065/0R1  
PLOT 8, WEST END, RHEDA PARK, FRIZINGTON**

**Mr Daniel Lock**

The above application dated 24/01/2023 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 be carried out in accordance with the following approved plans:

Location/Site Plan (Proposed) – Drawing No. CJW102-006

Elevations (Proposed) – Drawing No. CJW102-002 Rev. D

Floor Plans (Proposed) – Drawing No. CJW102-001 Rev. C

Floor Plan and Elevations (Proposed) – Drawing No. CJW102-007

Pre-development Arboricultural Report – Ref. EJC/61-2017-Plot 8 received 13th February 2020 and as amended by the details received 2nd July 2020 as amended by Pre-development Arboricultural Report Plot 8, Rheda Park, Frizington – Memorandum (Amendment) Prepared for D. Lock – Ref. Ref: EJC/61-2020-Plot8

Landscaping Specifications Detailed in n Pre-development Arboricultural Report – Ref. EJC/61-2017-Plot 8 received 13th February 2020 and as amended by the details received 2nd July 2020 as amended by Pre-development Arboricultural Report – Ref. EJC/61-2017-Plot 8 13/0/23

Phase 1 Desk Top Study (Preliminary Environmental Risk Assessment), reference 2016-2203, prepared by Geo Environmental Engineering, dated 09<sup>th</sup> November 2016

Reason

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

#### *Access and Parking*

2. 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.

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.

#### *Landscaping*

3. All hard and soft landscape works shall be carried out in accordance with the approved details. The 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.

## *Drainage*

4. The drainage for the development hereby approved shall be carried out in accordance with principles set out in the submitted Design and Access Statement and Planning Statement by MJN Nov 16 proposing surface water discharging into soakaway and attenuation tank.

For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority, no surface water will be permitted to drain directly or indirectly into the public sewer.

The development shall be completed in accordance with the approved details.

## Reason

To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding in accordance with the provisions of Policy ENV1 of the Copeland Local Plan 2013-2028.

## *Ecology*

5. The development shall implement all of the mitigation and compensation measures set out in the Bat Survey, prepared by Arbtech, dated 06<sup>th</sup> October 2016, and submitted as part of the planning application.

## Reasons

To protect the ecological interests evident on the site in accordance with the provisions of Policy ENV3 of the Copeland Local Plan 2013-2028.

## *Permitted Development*

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 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 ENV1, Policy ENV5, Policy DM10, Policy DM25, Policy DM26 and Policy DM28 of the Copeland Local Plan 2013-2028.

#### *Land Contamination*

7. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with to the Local Planning Authority for written approval. The remediation strategy shall be implemented as approved.

#### Reason

To ensure that the proposed development in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

#### *Tree Protection*

8. The approved arboricultural protection measures shall be carried out as described and approved and shall be maintained until the development hereby approved is completed.

#### Reason

To safeguard and enhance the character of the area and secure high-quality landscaping in accordance with Policy ENV5, Policy DM10 and Policy DM26 of the Copeland Local Plan 2013-2028.

#### **Informatives**

1. Should any unexpected ground conditions, which could indicate the presence of land contamination (for example unusual colours, odours, liquids or waste materials) be encountered during development work should halt and the Council be notified to agree on the appropriate action.

2. 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Please read the accompanying notice



PP Jane Meek  
Assistant Director  
Thriving Place and Investment

05<sup>th</sup> April 2023

**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.