

**CUMBERLAND COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/23/2254/DOC
2.	<b>Proposed Development:</b>	DISCHARGE OF CONDITION 3 OF PLANNING APPLICATION 4/20/2066/0R1
3.	<b>Location:</b>	PLOTS 5, 7 AND 9, WEST END, RHEDA PARK, FRIZINGTON
4.	<b>Parish:</b>	Arlecdon and Frizington
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, TPO - TPO, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	N/A
7.	<b>Report:</b>	<p><b>Site and Location:</b></p> <p>The Application Site comprises the land known as Plot 5, 7 and 9 West End, Rheda Park, Frizington.</p> <p>The land was granted Outline Planning Permission for residential development on the 15<sup>th</sup> February 2017 under planning application ref. 4/16/2393/0O1.</p> <p>The land is located on the western end of Rheda Park estate, which has been developed over several decades to comprise a housing estate of in excess of 60 dwellings.</p> <p><b>Proposal:</b></p> <p>Application reference 4/20/2066/0R1 approved the reserved matters of scale, appearance and landscaping pursuant to application ref. 4/16/2393/0O1.</p> <p>This application seeks approval of the details reserved by Planning Condition 3 of application reference 4/20/2066/0R1.</p> <p><i>3. a) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with Clause 7 of British</i></p>

*Standard BS5837 - Trees in Relation to Construction - Recommendations has been submitted to and approved in writing by the Local Planning Authority. b) The measures shall be carried out as described and approved, and shall be maintained until the development is completed.*

*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.*

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

- Planning Application Form
- Pre-development Arboricultural Report - Reference No. EJC/61-2017-Plot 9
- Page 15/45 - Plot 9, Rheda Park, Frizington – Addendum to Pre-development Arboricultural Report - Ref: EJC/61-2017-Plot 9
- Page 17/45 - Plot 9, Rheda Park, Frizington – Addendum to Pre-development Arboricultural Report - Ref: EJC/61-2017-Plot 9
- Page 22/45 - Plot 9, Rheda Park, Frizington – Addendum to Pre-development Arboricultural Report - Ref: EJC/61-2017-Plot 9

Whilst not explicitly referenced in the application documentation, the information submitted relates to Plot 9 only and the application has been assessed in relation to Plot 9 only.

The wider development approved under application ref. 4/16/2393/001 and application ref. 4/20/2066/0R1 has been commenced via the completion of works on Plot 5 and Plot 7.

<b>Consultee:</b>	<b>Nature of Response:</b>
Arb. Consultant	<p>We have the following comment/observation to make on the submitted documents.</p> <p>The applicant has submitted a Tree Report as part of the initial application (4/20/2066/0R1) assessing the impacts of the proposed development.</p> <p>To discharge Condition 3 of planning application the applicant has submitted the necessary tree protection measures to provide adequate protection for the retained trees during construction operations.</p> <p>The submitted tree protection barriers and locations provide sufficient measures to protect the retained trees.</p>



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Council**

## RECOMMENDATIONS

Inform the applicant that the information provided discharges Condition 3 of planning application 4/20/2066/OR1.

### **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**

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):

##### Core Strategy (CS):

Policy ST1 – Strategic Development Principles  
Policy ENV3 – Biodiversity and Geodiversity

##### Development Management Policies (DMP):

Policy DM28 – Protection of Trees

##### Emerging Copeland Local Plan (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

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.

The Planning Inspector has now issued their post hearing letter, which identifies the next

steps for the Examination. This includes proposed modifications to the plan to ensure a sound plan on adoption.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the 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.

Policy DS7PU: Hard and Soft Landscaping

Policy N1PU - Conserving and Enhancing Biodiversity and Geodiversity Strategic

Policy N13PU: Woodlands, Trees and Hedgerows

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

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

### **Assessment:**

#### Planning Condition 3

The documents submitted in support of the planning application provide the information required by Planning Condition 3.

The measures proposed are both proportionate and appropriate to the development proposed.

The Arb. Consultant has been consulted and has confirmed that the details are acceptable.

### **Conclusion:**

Approve the requirements of Planning Condition 3 in relation to Plot 9 only.

The planning condition cannot be discharged as measures are required to be carried out as described and approved, and maintained until the development is completed.



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8.	<b>Recommendation:</b> Approve
9.	<b>Condition(s):</b> N/A
<b>Case Officer:</b> Chris Harrison	
<b>Date :</b> 28.09.2023	
<b>Authorising Officer:</b> N.J. Hayhurst	
<b>Date :</b> 02/10/2023	
<b>Dedicated responses to:-</b> N/A	