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

**NOTICE OF GRANT OF PLANNING PERMISSION**

Mr Joseph Copsey  
7 Oakfield Court  
Whitehaven  
Cumbria  
CA28 6TG

**APPLICATION No: 4/23/2328/0B1**

**VARIATION OF CONDITION 2 (LANDSCAPING AND RETAINED TREES) OF  
PLANNING PERMISSION REF. 4/21/2464/0F1 (VARIATION OF CONDITION 2  
(PLANS) OF PLANNING APPROVAL 4/20/2066/0R1)  
PLOT 7, WEST END, RHEDA PARK, FRIZINGTON**

**Mr Joseph Copsey**

The above application dated 14/11/2023 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:

Defining Planning Conditions

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

Site Location Plan - 1:1250 received 13th February 2020

As Proposed Site Plan – Drawing No. 05 Rev. A received 1st November 2020

Highway Improvement West - 1:100 Drawing Number 10 received on 22<sup>nd</sup> December 2016

Highway Improvements East - 1:100 Drawing Number 11 received on 22<sup>nd</sup> December 2016

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

Bat Survey – Preliminary Roost Assessment prepared by Arbtech dated 06<sup>th</sup> October 2016

Design and Access Statement, prepared by MJN Associates dated November 2016 and received on 11<sup>th</sup> November 2016

### **Plots 5 and Plot 9**

As Proposed Garage Plans – Drawing No. 04 received 13th February 2020

As Proposed Floor Plans – Drawing No. 03 received 13th February 2020

As Proposed Elevations 1 of 2 – Drawing No. 01 received 13th February 2020

As Proposed Elevations 2 of 2 – Drawing No. 02 received 13th February 2020

Landscaping Specifications Detailed in Pre-development Arboricultural Report – Ref. EJC/61-2017-Plot 5 received 13th February 2020 and as amended by the details received 29th July 2020

Landscaping Specifications Detailed in Pre-development Arboricultural Report – Ref. EJC/61-2017-Plot 9 received 13th February 2020 and as amended by the details received 29th July 2020

### **Plot 7**

Proposed Amendments to Floor Plans – Drawing No. 0146-001 Rev. B received 19th January 2022

Proposed Amendments to Elevations – Drawing No. 0146-002 Rev. B received 19th January 2022

Landscaping Specifications Detailed in Pre-development Arboricultural Report – Ref. EJC/61-2017 Plot 7 received 13th February 2020 and as amended by the details received 29th July 2020

Pre-development Arboricultural Report – Ref. EJC/61-2016 dated 29<sup>th</sup> June 2016 as amended by Plot 7 West End Rheda Park Frizington – Memorandum Date 07/11/2023 - Ref: EJC/131-2023

Tree Protection Measures (Condition 3) and External Materials Details (Condition 4) Statement

Reason

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

### **Pre-occupation / First Planting Season Planning Conditions**

#### *Arboriculture*

2. a) No site clearance, preparatory work or development shall take place on Plot 5 and Plot 9 hereby approved 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 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.

#### *External Finishes*

3. a) No superstructure of the dwellings hereby approved on Plot 5 and Plot 9 shall be erected until samples and details of the materials to be used in the construction of the external surfaces of the dwellings have been submitted to and approved in writing by the Local Planning Authority.  
b) Development shall be carried out in accordance with the approved details.

#### Reason

To ensure the development is of a high quality design in accordance with Policy DM10 of the Copeland Local Plan 2013-2028.

#### *Highways*

4. No dwelling hereby approved shall be occupied until the vehicular access and turning requirements to serve that dwelling have been constructed in accordance with the approved details and brought into use.

The vehicular access/turning provisions shall be retained capable of use at all times 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.

#### *Drainage*

5. No dwelling hereby approved shall be occupied until a Sustainable Drainage Management and Maintenance Plan for the lifetime of the dwelling has first been submitted to and approved in writing by the local planning authority.

The Sustainable Drainage Management and Maintenance Plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

#### Reason

To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development in accordance with the provisions of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013-2028.

#### *Landscaping*

6. 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 on the plot to which the works relate.

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.

### **Other Planning Conditions**

#### *SW Drainage*

7. 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.

No surface water will be permitted to drain directly or indirectly into the public sewer.

## 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 and Policy DM24 of the Copeland Local Plan 2013-2028.

## *Ecology*

8. 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 and Policy DM25 of the Copeland Local Plan 2013-2028.

## *Arb. Plot 7*

9. All tree works in relation to Plot 7 shall be carried out in full accordance with the details set out in the Pre-development Arboricultural Report – Ref. EJC/61-2016 dated 29<sup>th</sup> June 2016 as amended by Plot 7 West End Rheda Park Frizington – Memorandum Date 07/11/2023 - Ref: EJC/131-2023.

## Reason

For the avoidance of doubt and to ensure adequate protection to the existing trees on the site which are subject to a Tree Preservation Order in accordance with the provisions of Policy DM26 and Policy DM28 of the Copeland Local Plan 2013-2028.

## *Permitted Development Rights*

10. 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 dwellings, 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 DM10, Policy DM26 and Policy DM28 of the Copeland Local Plan 2013-2028.

### *Ground Conditions*

11. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 14 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.

An assessment must be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority.

### *Reason*

To prevent harm to human health and the environment in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

### **Informative Notes**

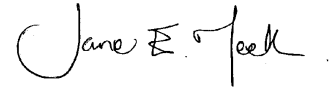
1. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

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

A handwritten signature in black ink, appearing to read "Jane E. Meek". The signature is fluid and cursive, with a large initial "J" and a distinct "E" and "Meek" following.

Jane Meek  
Assistant Director  
Thriving Place and Investment

27<sup>th</sup> June 2024

**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/appeal-planning-decision> . 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.