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TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

NOTICE OF GRANT OF OUTLINE PLANNING PERMISSION

PFK
10 The Courtyard
Edenhall
Penrith
CA11 8ST
FAO: Mr Simon Blacker

APPLICATION REFERENCE 4/24/2104/001

**OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR THE ERECTION
OF 1 DWELLING ON LAND TO THE EAST OF RHEDA CROSS**

RHEDA CROSS, RHEDA PARK, FRIZINGTON

Dr William Graham McKay

The above application dated 28/03/2024 has been considered by the Council in pursuance of its powers under the above mentioned Act and OUTLINE PLANNING PERMISSION HAS BEEN GRANTED subject to the following conditions:

1. Approval of the details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the council in writing before any development is commenced.

Reason

This is outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority.

2. An application for approval of the reserved matters shall be submitted to the Local Planning Authority within three years of the date of this permission and the development hereby permitted shall be commenced not later than the later of the following dates:-

a) The expiration of THREE years from the date of this permission

Or

b) The expiration of TWO years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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

Application Form

Location Plan - 1:2500 @ A4

Block Plan 1:1250 @ A4

Reason

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

4. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority.

The CEMP shall include:

- details of the means of access and parking for construction traffic and vehicles
- procedures for the loading and unloading of plant and materials
- details of the storage of plant and materials used in construction
- details of measures to control dust, emissions, sediments and pollutants arising from the development, specifically including measures to prevent the discharge of such materials to the existing watercourses
- a scheme for recycling/disposing of waste resulting from construction works
- measures to control noise and vibration
- measures to protect the Cross Lacron during the construction works

The approved CEMP shall be adhered to throughout the construction period.

Reason

To protect neighbour amenity and to protect the environment from pollution in accordance with Policy DS8, Policy DS9 and Strategic Policy N1 of the Copeland Local Plan 2021 – 2039.

5. Alongside the submission of the reserved matters a scheme for the disposal of surface water and foul water shall be submitted to and approved in writing by the Local Planning Authority.

The drainage scheme must include:

- a. An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- b. A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- c. A timetable for its implementation; and,
- d. A scheme for the long term maintenance and management of any drainage system.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

The development shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provisions of Strategic Policy DS6, Policy DS7, Policy DS8 and Policy N5 of the Copeland Local Plan 2021 – 2039.

6. Alongside the submission of the reserved matters a comprehensive tree survey and arboricultural impact assessment, prepared in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction – Recommendations', shall be submitted to and approved in writing by the Local Planning Authority.

The submission shall include:

1. A Tree Survey and Categorisation: A schedule identifying all trees on site and within influencing distance of the boundary (up to 15m), including species, stem diameter, crown spread, and quality category (A, B, C, or U).

2. A Tree Constraints Plan (TCP): A scaled plan showing the accurate location, crown spreads, and Root Protection Areas (RPAs) of all trees to inform the final layout.
3. An Arboricultural Impact Assessment (AIA): A detailed report evaluating the effects of the proposed layout, including buildings, hard surfaces, and utility runs, on the retained trees.
4. A Detailed Tree Protection Plan (TPP): A plan illustrating the location and specification of protective fencing and ground protection measures to be installed prior to any site activity.
5. An Arboricultural Method Statement (AMS): Site-specific instructions for any work within RPAs, such as 'no-dig' construction for paths or trenchless installation of services.
6. A Schedule of Arboricultural Monitoring: A timetable for site supervision by a qualified arboriculturist during key construction phases.

Reason

To ensure the satisfactory protection of trees to be retained in the interest of the visual amenity and biodiversity of the area, in accordance with the provisions of Policy DS5, Strategic Policy N6 and Policy N14 of the Copeland Local Plan 2021 – 2039.

7. Foul and surface water shall be drained on separate systems.

Reason

To secure proper drainage and to manage the risk of flooding and pollution in accordance with the provisions of Strategic Policy DS6, Policy DS7, Policy DS8 and Policy N5 of the Copeland Local Plan 2021 – 2039.

8. The development shall not proceed except in accordance with the mitigation strategy described in RHEDA CROSS EAST, FRIZINGTON ECOLOGICAL APPRAISAL Report Reference: JN00737/D0.

Reason

For the avoidance of doubt and to prevent harm to protected and priority species in accordance with the provisions of Policy ENV3 and Policy DM25 of the Copeland Local Plan 2021 - 2039

9. No construction work associated with the development hereby approved shall be carried out outside of the hours of 07.30 hours -18.00 hours Monday-Saturday, nor at any time on Sundays and bank holidays.

Reason

In the interests of neighbouring residential amenity in accordance with the provisions of the National Planning Policy Framework.

10. 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 DS8 of the Copeland Local Plan 2021-2039.

Informative Notes

Coal Authority - Development Low Risk Area – Standing Advice

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 Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: [Mining Remediation Authority - GOV.UK](https://www.mining-remediation.gov.uk/)

Biodiversity Net Gain – Exemption

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and
- (b) the local planning authority has approved the plan.

The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun.

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

A handwritten signature in black ink, appearing to read 'N. J. Hayhurst'.

Nick Hayhurst
Head of Planning and Place
Thriving Places

19th January 2026

APPROVALS
(OUTLINE, FULL RESERVED MATTERS & HOUSEHOLDER)

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) 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.