

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2104/001
2.	Proposed Development:	OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR THE ERECTION OF 1 DWELLING ON LAND TO THE EAST OF RHEDA CROSS
3.	Location:	RHEDA CROSS, RHEDA PARK, FRIZINGTON
4.	Parish:	Arlecdon and Frizington
5.	Constraints:	ASC Adverts - ASC;Adverts, TPO - TPO, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	See Report.
7.	Report: Site and Location: <p>The Application Site comprises a 0.19ha parcel of the residential curtilage of the property known as Rheda Cross, Frizington.</p> <p>Rheda Cross comprises a single storey dwelling located within the development known as Rheda Park.</p> <p>Rheda Cross benefits from extensive wooded and landscaped grounds. The grounds include curtilage buildings and an enclosed tennis court.</p> <p>Access to Rheda Cross is via private access road serving the wider Rheda Park that runs between the B5294 Bowthorn Road and Mill Street.</p> <p>Rheda Cross comprises the site of the former Rheda Mansion, which fell into disrepair and was demolished in the 1950's. Rheda Cross is located on the footprint of the former Rheda Mansion. Elements of the original hard and soft landscaping of the former Rheda Mansion remains within the residential curtilage of Rheda Cross.</p>	

The Grade II* listed building and scheduled ancient monument known as the Cross Lacon is located within the rear (south) curtilage of Rheda Cross.

The trees at Rheda Cross are not the subject of a Tree Preservation Order (TPO).

The Site is located in Flood Zone 1.

Directly Relevant Planning History:

4/88/0204/0 – Bungalow – Outline Planning Permission Approved.

4/95/0198/0 – Garage – Approved.

4/19/2326/001 – Outline Application For Erection of One Dwelling – Withdrawn.

Proposal:

This application seeks Outline Planning Permission with all matters reserved for the erection of 1no. new build dwelling.

Access is proposed to the main access serving the wider Rheda Park.

It is proposed to dispose of surface water to soakaway.

Illustrative layout plans and a Tree Survey are provided demonstrating how the 1no. dwelling proposed could be developed/accommodated on the Site.

The Applicant was submitted on the 4th August 2023 and is therefore exempt from biodiversity net gain.

Consultee:	Nature of Response:
Parish Council	<p><i>December 2025</i></p> <p>Arlecdon and Frizington Parish Council support the removal of the Rheda Cross, an ancient monument, which was removed from its historic position to a new site where all the community of Frizington and others may freely view it.</p> <p>It is not in the public interest that the Rheda Cross ancient monument is contained within a private garden.</p>

		<p>A suggestion of the churchyard at St Paul's church has been made and this site or a similar suitable site where this precious ancient monument may be protected and viewed by the community of Frizington is supported by Arlecdon and Frizington Parish Council.</p> <p>We would appeal to the current owners of the property within whose boundaries the Rheda Cross is currently sited to facilitate its relocation.</p> <p>Arlecdon and Frizington Parish Council is also aware that the Rheda Cross is contained within the sales particulars relating to the property that is currently being advertised by Lillington's Estate Agents.</p> <p>Arlecdon and Frizington Parish Council is also aware of the proposed development numbered 4/24/2104/001 of housing adjacent to Rheda Cross and we would stress the need to robustly protect the ancient monument from possible damage during proposed works.</p>
	Cumberland Council – Highways and LLFA	<p>Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.</p> <p>As this application site is located on a private road that is to remain private, would recommend that the applicant considers safe access with clear visibility splays of other road users and pedestrians.</p> <p>A full surface water drainage system is to be in place before the dwelling is occupied.</p> <p>Any boundary wall/hedges/fences do not exceed a height of 1.05m.</p> <p>Access gates, if provided, shall be hung to open inwards only away from the highway.</p> <p>Adequate parking is provided, parking provisions depending on number of bedrooms we would expect, 1 bedroom dwelling 1 space, 2, 3 & 4 bedroom dwelling 2 spaces, 5 + bedroom dwelling 3 spaces, refuse area for the bins.</p>
	United Utilities	<p>Advice is provided in relation to the existence of water mains and the inclusion of sustainable drainage systems.</p>
	Historic Environment Officer	<p>No objections and do not wish to make any comments.</p>

	Cumberland Council – Conservation Officer	<p><i>April 2024</i></p> <ul style="list-style-type: none"> • The site is close to various surface remains from the landscaping of the demolished Rheda mansion. These remains should be considered a non-designated heritage asset. Their full extent is unknown, however the historic map data and my own observations from site visits suggest that these remains would not be directly affected by the development. They will be indirectly affected in the form of impact on their setting, and I would consider this a low level of harm, mitigated through the retention of trees and landscaping to the west side of the proposed dwelling. • There will be some small loss of trees in the site, which form part of the setting of the remains of Rheda mansion and the wider setting of the scheduled and listed Cross Lacon, located approx. 50m SSE of the proposed dwelling. I would view this as having a negligible impact on the settings of the heritage assets. • In summary, I have no objection to the principle of developing a new dwelling as shown in the indicative plan. <p><i>April 2025</i></p> <ul style="list-style-type: none"> • I previously expressed no objection to this proposal, there being no detailed design work to comment on yet, and finding there to be negligible harm to the affected heritage assets (the non-designated remains of the landscaping around the demolished Rheda mansion, and the listed and scheduled Cross Lacon, located some 50 SSE). • Looking through the updated information, which relates mainly to the trees on site, but now includes a swan-neck to the entrance part of the driveway, I am still of this opinion.
	Arb. Consultant	<p><i>May 2024</i></p> <p>Following our site visit, we have the following comment/observation to make on the proposed development.</p> <p>The submitted Tree Survey Report (Revision A dated 22/02/2024), produced by Westwood Landscape, details 30 trees. The report categorises one tree as poorquality (U), 18 trees as low-quality (C), eight trees as moderate-quality (B) and three trees as high-quality (A).</p> <p>Section 3.3 and 3.4 of the report states: ‘The areas of potential conflict with retained trees are at the proposed access road where Category ‘B’ and ‘C’ trees T488, and T489 to accommodate the proposed access drive which impedes within the RPA’s. Relocating the proposed further to</p>

		<p>the east will avoid potential root damage. Refer to the Tree Mitigation Plan L03: the tree protection fence position identifies the proposed Construction Phase access and this can be the permanent access also.</p> <p>The proposed house will impede the RPA of trees T527 and T3 slightly but as this is only the periphery of the RPA and a very small proportion of it this is not of great concern for the tree health provided sensitive construction methodology is adopted to protect any root encountered.'</p> <p>Section 8.6 of the report summarises the impacts as 'The areas of potential conflict with trees are at the proposed access drive where trees T488 and T489 will be affected. Care should be taken when excavating for the drive and parking area construction and heavy-duty timber edging secured with driven pegs and a permeable surface is recommended here rather than a concrete kerb and foundation. Relocation of the drive further eastwards is recommended to avoid the RPA's. If the drive position cannot clear the RPA area then the construction methodology must be adapted to protect the tree roots. This will involve careful excavation by hand or with an air spade to identify and protect any significant roots encountered. Where the house impedes on the RPA of tree T527 the foundation design may have to be adapted to bridge over retained roots.'</p> <p>The Report includes an Arboricultural Method Statement describing how to protect the retained trees during the construction of the proposed development.</p> <p>The applicant has also submitted a Landscape Plan (Dwg. No.WW/L01), which includes a specification for the plants and trees, and a strategy for the management and future maintenance of the landscaping scheme.</p> <p>This site is very constrained by trees, and many are protected with a Tree Preservation Order.</p> <p>Given the provided information, we consider the position of the proposed driveway and construction area for the proposed dwelling is very likely to cause significant harm to retained trees protected by a Tree Preservation Order. In order to make further assessment, we will require greater detail about the proposed development.</p> <p>RECOMMENDATIONS</p> <p>We recommend the applicant submits the further details and information.</p> <ul style="list-style-type: none"> • The applicant should submit further information regarding the location of access to the site, design of the house foundations, and routes of underground services, to demonstrate the proposed development will not
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impact of the health and longevity of the protected trees.

- The Arboricultural Method Statement should illustrate adequate protection measures for the retained trees in locations that are deliverable and manageable on this constrained site.

April 2025

Following our site visit, we have the following comment/observation to make on the proposed development.

The submitted Tree Survey Report (Revision C dated 24/03/2025), produced by Westwood Landscape, details 30 trees. The report categorises one tree as poor-quality (U), 18 trees as low-quality (C), eight trees as moderate-quality (B) and three trees as high-quality (A).

Sections 3.3 and 3.4 of the report states: '3.3. There is potential for harm to retained trees T488 and T489 as the proposed driveway impedes upon the tree RPA's. The protection of the tree roots will be ensured by the adoption of a minimal excavation permeable surfacing as indicated on the Landscape Plan WW/L01 Rev C and detail D/01. The proposed service connections will be routed further to the east to avoid a trench excavation within the RPA's.

3.4. The proposed house position indicated on the Landscape Plan WW/L01 Rev C impedes within the RPA of tree T527, a mature Sycamore. The RPA area is 132sq.m. and 14.8 sq.m. of this area will be covered by wall foundations and perimeter footpath (11% of the total RPA). This extent of intrusion is unlikely to cause significant harm to this tree provided a suitable methodology is adopted for the wall foundations and footpath. The wall foundations should be excavated carefully with an air spade to identify the root positions and these should be protected with a pile and lintel design as required. The footpath should be permeable gravel with a timber edging as shown on Detail D01.'

The Report includes an Arboricultural Method Statement describing the fundamental steps to protect the retained trees during the construction of the proposed development.

The applicant has submitted a revised Tree Mitigation Plan (Dwg. No.WW/L03 Rev C) showing the locations of the retained trees and the extent of Root Protection Areas (RPAs) which form the Construction Exclusion Zone (CEZ). The applicant has also submitted a revised Landscape Plan (Dwg. No.WW/L01 Rev.C), which includes a specification for the plants and trees, and a strategy for the management and future maintenance of the landscaping scheme.

Construction within calculated root protection areas (RPAs)

Constructing the driveway through the RPAs of the retained trees will require the installation of a three-dimensional loadbearing support system (ie. Geoweb) to minimise the likelihood of soil compaction.

In addition, the proposed building will require special engineering foundations to minimise the impact of the development on the retained trees. These foundations will need avoid excavation and trenching within the RPAs.

The Tree Mitigation Plan shows several areas where the proposed layout or construction operations are likely to impact on the trees and/or their root protection areas (RPAs). We have outlined these areas in red.

Construction Zone

The plan shows a line of the protective fencing (magenta dashed line) which appears to have been drawn arbitrarily to avoid the trees, their RPAs and the proposed scheme layout. The proposed protective fencing line does not appear to allow for construction traffic movements around the outside of the building or scaffolding around the building to allow construction. The protective fencing locations need to be practical, otherwise it is likely to result in loss of retained trees.

We suggest using a minimum of a 2m offset from the building footprint for scaffolding. In addition, in order to access the southern part of the proposed building, machinery is likely to require a further 3m offset for machinery and materials access. Along the driveway, we suggest a 1m offset either side to provide sufficient space to adequately construct the driveway.

The trees on this site present significant constraints to development and a Tree Preservation Order protects most of the trees.

Given the provided information, we consider the proposed development layout is likely to cause significant harm to the retained trees protected by a Tree Preservation Order. In order to make further assessment, we will require further details about a practical construction zone around the building and driveway, installation of suitable ground protection for the construction of the driveway within the calculated RPAs, and special foundation techniques for construction of the proposed building within the calculated RPAs. These details should follow the guidance and recommendations in the British Standard (BS 5837:2012).

RECOMMENDATIONS

We recommend asking the applicant to submit the further details and information.

- The applicant should submit further information regarding a practical construction zone around the building and driveway, installation of suitable ground protection system for construction of the driveway through calculated root protection areas, and special foundation techniques for construction of the proposed building within the calculated root protection areas, to demonstrate the proposed development will have a minimal impact on the health and longevity of the protected trees. These details should follow the guidance and recommendations in the British Standard (BS 5837:2012).
- The Arboricultural Method Statement should illustrate adequate protection measures for the retained trees in locations that are deliverable and manageable on this constrained site.

November 2025

SEPTEMBER 2025 UPDATE

Following a review of the tree health and the proximity to some trees to the proposed development, the applicant has submitted further details about an additional three trees for removal. These trees are T527 (sycamore), T605 (sycamore) and T606 (Ash).

Tree T606 (Ash) is now in severely declining health. Its removal will leave the adjacent tree T606 (sycamore) exposed and prone to failure.

Another sycamore tree, T527, is close to the proposed building and its crown will require pruning to create sufficient space for construction. Therefore, the applicant has included its removal.

The applicant has also submitted details for replacement trees to mitigate the loss of these three trees.

The submitted plans and amended report indicates there is no construction access to the south side of the house.

NOVEMBER 2025 UPDATE

The applicant has submitted a revised Tree survey Report (Rev.D dated 08/08/2025), produced by Westfield Landscape. Section 1.1.9 of the updated report states 'The site was inspected again on 08 08 25 to assess the condition of the trees and it was noted that the condition of

tree T606 Ash in particular had deteriorated and removal is now recommended. Tree T605 Sycamore had also deteriorated following the earlier clearance of some adjacent trees and is less suitable within a small private garden due to its leggy form and isolation. Removal and replacement is now recommended. Tree T527, a mature Sycamore, could be retained but will be close to the proposed house and there will be pressure to prune back this tree in future years to maximise light to the house. Removal and replacement would be preferable.' Section 1.1.11 of the report states 'The proposed Landscape Plan has been updated to show the additional clearance and 3 extra proposed trees to mitigate for the loss.'

Section 3.4 of the report has been updated to include 'The proposed house position indicated on the Landscape Plan WW/L01 Rev D impedes within the RPA of tree T527, a mature Sycamore. The RPA area is 132sq.m. and 14.8 sq.m. of this area will be covered by wall foundations and perimeter footpath (11% of the total RPA).

This extent of intrusion is unlikely to cause significant harm to this tree provided a suitable methodology is adopted for the wall foundations and footpath. However due to the close proximity to the proposed house we recommend that this tree is removed and replaced with additional mitigation planting. This will give more space for the adjacent Silver Birch tree T526 to grow.'

The updated report deals with our previous comments and will minimise the impact to the retained trees. In order to ensure adequate protection for the retained trees during construction and suitable mitigation planting is carried out, we recommend attaching the following conditions.

RECOMMENDATIONS

As part of any planning permission, we recommend attaching the following conditions:

- Prior to commencement of development, an Arboricultural Method Statement must be submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement must follow the guidance in the British Standard (BS 5837:2012) and include, but is not limited to:
 - i) Specification and timing for tree works;
 - ii) Location, design and timing for installation of temporary and permanent ground protection;
 - iii) Location, design and timing for installation of tree protection barriers;
 - iv) Location and timing for site excavations particularly for the installation of underground services, but also to include details of any soil level

	<p>changes;</p> <p>v) Location, design and timing for the installation of access roads;</p> <p>vi) Location and timing for preparatory ground works for new landscaping;</p> <p>vii) A mechanism for robust, auditable arboricultural site monitoring, including a schedule of specific site events requiring arboricultural input or supervision.</p> <p>The approved Arboricultural Method Statement must be implemented in its agreed form unless the Local Planning Authority gives written approval to any variation.</p> <p>Reason</p> <p>To ensure that existing trees are protected in accordance with Policy DM28 of the Copeland Local Plan 2013-2028.</p> <p>• The approved landscaping scheme WW/L01 Rev D must be implemented in its agreed form before the end of the first planting season following substantial completion of the development. Any trees or plants which die, are removed, or become seriously damaged or diseased within a period of 10 years from the completion of the development must be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.</p> <p>Reason: To ensure an adequate landscaping scheme in accordance with Policy DM26 and ENV5 of the Copeland Local Plan 2013-2028.</p>
	<p>Neighbour Responses:</p> <p>The application has been advertised by way of a planning application site notice and neighbour notification letters.</p> <p>4no. representations have been received in objection from 2no. parties.</p> <p>The material planning issues raised comprise the following:</p> <p>Initial Consultation</p> <p>1. Traffic</p> <p>Rheda Park is a single track road with 70 houses (most of which have 2 or more cars). Non-residents use it as a short cut from Frizington to Whitehaven etc.. This application is for a property of unspecified number of bedrooms but will undoubtedly bring more vehicles adding to the existing congestion and safety problems on the spine road.</p> <p>2. Trees</p> <p>The proposed bungalow and driveway are as close to the boundary fence as is possible</p>

in the plot. Trees exist on boundary of the adjacent dwelling close to the fence whose protection you have not considered which should not be damaged by any development.

All protections need to apply equally to all trees, including those which are protected but not all are marked on your plans.

Between trees T2 and T3 there are several mature and young trees (ash, sycamore, hawthorn, possibly elm and others). Further down there is a group of trees only a metre or two from the boundary behind the Rheda Cross row of Cyprus T577 (mostly sycamore, hawthorn oak, possibly others). These two areas of trees can be seen in the Tree Survey Report in Photos 7, 16, 17 and 19 (to the left and right of trees T606 and T605) and in the overhead view on page 2.

T544 is included at the bottom of the plot but not the mature horse chestnut and oaks the boundary which also need the same protection.

The Tree Constraints Plan needs to include all trees on our side of the fence many of which are only a metre or two from the boundary and whose RPAs cross the boundary.

3. United Utilities

I'm not aware of any mains surface water drains or mains sewerage.

Will this property have a septic tank?

If so, where will its soak-away be?

4. Windows

The adjacent property is on higher ground than the proposed bungalow with windows facing West towards Rheda Cross. If the new property has windows facing there will be amenity impacts.

5. Poison

It is proposed to poison large areas of the land with glyphosate. This will drift across the boundary and affect adjacent trees and plants. Glyphosate has been shown to be a carcinogen.

6. Heritage

The Applicant has had in their possession the Crosslacon Cross which he removed from the boundary wall of a neighbouring property sometime in the mid-sixties. This was then placed in his rear garden at Rheda Park where it remains to this day.

This Cross is of historical interest and is dated between 1154-1399.

Two very large sandstone blocks upon which the Cross was mounted remains and have an inscription at the bottom of the top block to say it had been re-sited there in 1911.

Action should be taken to protect the Cross from any machinery used in the construction

of the proposed development. No construction should be allowed until the Cross is protected.

The Cross should be moved to a public place where the residents of Frizington and wider could view and appreciate their heritage. The two base stones should also be moved to that place and my permission would be granted. St Paul's Churchyard would be ideal.

Re-consultation

1. Trees

The latest arboricultural report expresses concern for 'significant harm' to protected trees and requests further details. However there is still no specific mention of protection for trees outwith the Rheda Cross property. Moorlands has a TPO covering all trees. Many of these are near to the boundary and the proposed dwelling site. TPOs may end at property boundaries but tree roots do not. There is no mention of RPAs for trees at Moorlands. Anything that is moved 'further to the East' will increase the likelihood of harm to the trees at Moorlands.

The ecological appraisal looked for current signs of species and concluded that the area is not useful for red squirrels. Certainly it is much less useful than it was due to the large scale felling of trees to clear space for the proposed dwelling but red squirrels have been in this area for many years. Whilst there are none at the moment, they usually return after any period of absence.

2. Heritage

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Action should be taken to protect the Cross from any machinery used in the construction of the proposed development. No construction should be allowed until the Cross is protected.

The Cross should be moved to a public place where the residents of Frizington and wider could view and appreciate their heritage. The two base stones should also be moved to that place and my permission would be granted. St Paul's Churchyard would be ideal.

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 2021 - 2039 (LP):

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2001-2016.

Strategic Policy DS1: Settlement Hierarchy
 Strategic Policy DS2: Settlement Boundaries
 Strategic Policy DS3: Planning Obligations
 Policy DS4: Design and Development Standards
 Policy DS5: Hard and Soft Landscaping
 Strategic Policy DS6: Reducing Flood Risk
 Policy DS7: Sustainable Drainage
 Policy DS8: Soils, Contamination and Land Stability
 Policy DS9: Protecting Air Quality
 Strategic Policy H1: Improving the Housing Offer
 Strategic Policy H2: Housing Requirement
 Strategic Policy H3: Housing Delivery
 Strategic Policy H4: Distribution of Housing
 Policy H6: New Housing Development
 Policy H7: Housing Density and Mix
 Strategic Policy H8: Affordable Housing
 Strategic Policy SC1: Health and Wellbeing
 Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity
 Strategic Policy N3: Biodiversity Net Gain
 Policy N5: Protection of Water Resources
 Strategic Policy N6: Landscape Protection

Strategic Policy N9: Green Infrastructure
Policy N14: Woodlands, Trees and Hedgerows
Strategic Policy BE1: Heritage Assets
Policy BE2: Designated Heritage Assets
Strategic Policy CO2: Priority for improving transport networks within Copeland
Strategic Policy CO4: Sustainable Travel
Policy CO5: Transport Hierarchy
Policy CO7: Parking Standards

Other Material Planning Considerations

National Planning Policy Framework (NPPF).
Planning Practice Guidance (PPG).
National Design Guide (NDG).
The Conservation of Habitats and Species Regulations 2017 (CHSR).

Assessment:

Principle

Policy DS1 of the LP defines the settlement hierarchy for the Copeland area.

Policy DS2 of the LP defines the settlement boundaries for all settlements within the hierarchy and states that development within these boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise.

Policy H1 of the LP states the Council will work with stakeholders, partners and communities to make Copeland a more attractive place to build homes and live by: allocating a range of deliverable and attractive housing sites to meet local needs and aspirations and ensuring they are built at a high standard, whilst protecting the amenity of existing residents; approving housing development on appropriate windfall sites within the settlement boundaries where it accords with the Development Plan; and, ensuring a consistent supply of deliverable housing sites is identified through an annual Five-Year Housing Land Supply Position Statement.

Policy H5 of the LP allocates land for housing purposes.

The Site is not allocated for residential development.

A five year housing land supply can be demonstrated in the former Copeland area of Cumberland Council and the housing delivery test has been passed.
The Application is located within the defined settlement boundary of Frizington and Rheda.

The principle of market led housing on the Site is supported.

Settlement Character, Landscape Impact and Visual Impact;

The Site is located in an area of Sub Type 5a Ridge and Valley landscape as defined in the Cumbria Landscape Character Guidance and Toolkit (CLCGT).

The Key Characteristics of the land comprise: a series of ridges and valleys that rise gently toward the limestone fringes of the Lakeland Fells; well managed regular shaped medium to large pasture fields; hedge bound pasture fields dominate, interspersed with native woodland, tree clumps and plantations; scattered farms and linear villages found along ridges; and, large scale structures generally scarce.

The Guidelines for development include: discouraging the further nucleation of the settlement pattern; ensuring new development makes a contribution to the character of the area by respecting the form of villages e.g. linear along ridge lines, creates new focal spaces and takes advantage of attractive long views; and, carrying out village enhancement schemes including townscape environmental improvements, tree planting and establishment of attractive green spaces.

The Site comprises part of the residential curtilage of the property known as Rheda Cross, which is located on the Rheda Park development.

Rheda Park comprises a linear development accessed via a central spinal road. The southern extent of the settlement is characterised by large detached dwellings set within mature wooded and landscaped grounds.

Rheda Cross comprises a single storey dwelling located within an extensive wooded and landscaped curtilage. The Site comprises part of its curtilage. Considerable tree planting has been removed by the Applicant.

It has been assessed and determined that a Tree Preservation Order is not justified to protect and retain the existing tree cover.

The proposed development will increase the developed density of Rheda Cross to a level consistent with the existing development to the north and would maintain the overall developed character of this area of Rheda Park.

Potential exists to accommodate 1no. dwelling on the Site whilst retaining a similar level of vegetation cover.

Given the location of the Site and landscaped/woodland setting, the development will not result in adverse impacts upon the character of the local landscape.

Appearance is a reserved matter.

Heritage Impacts

The hard landscaping features associated with the demolished Rheda Mansion comprise non-designated heritage assets. Potential exists to accommodate 1no. dwelling on the Site whilst retaining these features allowing the layout and composition of Rheda Mansion to be read and understood. Any development will result in changes to the setting of the features; however, in the context of the existing contextual development, these impacts would be slight only. They will be indirectly affected in the form of impact on their setting which would be a low level of harm and would be mitigated through the retention of trees and landscaping.

There will be some small loss of trees in the site, which form part of the setting of the remains of Rheda mansion and the wider setting of the scheduled and listed Cross Lacon, located approx. 50m SSE of the proposed dwelling. The proposed development would have a negligible impact on the settings of the heritage asset.

Flood Risk and Drainage

The Site is located within Flood Zone 1.

The development comprises a more vulnerable use and is therefore a compatible use in Flood Zone 1.

The Site is not identified as being at risk from surface water flooding.

It is proposed to dispose of surface water to soakaway. This accords with the national drainage hierarchy. A planning condition is proposed to secure the submission, approval and implementation of a detailed scheme for the disposal of surface water in accordance with the national drainage hierarchy.

United Utilities and the LLFA have raised no objections.

Planning conditions are proposed to secure a detailed foul drainage scheme prior to the commencement of development.

Ecology

The Site contains a large number of existing mature trees.

A number of trees have been removed by the Applicant to provide access to the Site.

A Tree Survey has been prepared by the Applicant and the Arboricultural Consultant to the Council has been consulted. The Arboricultural Consultant has confirmed that a single dwelling is potentially achievable within the plot without adverse impact upon or removal of significant additional important trees and securing mitigating planting.

A planning condition is proposed to secure a Tree Survey and Arboricultural Method

Statement in support of any application for approval of reserved matters.

An Ecological Survey has been submitted in support of the Outline Planning Application.

The Survey does not identify unacceptable harm to protected and priority species and habitats subject to adherence to the mitigation measures outlined.

A European Protected Species Licence will not reasonably be required.

The Outline Planning Application is exempt from biodiversity net gain on the basis of the timing of the submission - temporary exemption for non-major developments (small sites exemption).

Amenity

Given the scale, form and location of the Site in relation to the existing dwellings, with careful design and placement of fenestration, a dwelling could reasonably be accommodated without adverse impacts upon the living conditions of the occupants through overlooking, loss of light, overshadowing or overbearing.

Highways

Access is proposed from the Site to the spinal road running through Rheda Park.

Cumbria County Council – Highways have been consulted and raised no objections as it is considered that the intensification resulting from the proposed dwelling will not have an adverse effect on the on the public highway.

The road speeds and traffic volumes on the spinal road running through Rheda Park are low. Suitable visibility splays can be achieved to serve the proposed access.

The Planning Balance

The principle of the development is acceptable.

The assessment of the impact upon the significance of heritage asset has found that the proposed works comprise a combination of slight and negligible impacts.

In applying the statutory duties of the LBCA and the relevant provisions of the NPPF and Policy BE2, it is considered that as proposed the development will result in impacts at the lower end of less than substantial to the significance to the designated and non-designated heritage assets. On balance, it is considered that the public benefits of the development outweigh the harms.

It is considered a development is deliverable that is acceptable in respect of highways,

	<p>ecology, drainage and amenity subject to the planning conditions proposed.</p> <p>In overall terms, it is considered that the benefits of the development outweigh the harms, when assessed against the policies of the Development Plan and NPPF when taken as a whole.</p>
8.	<p>Recommendation:</p> <p>Approve in Outline</p>
9.	<p>Conditions:</p> <p>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.</p> <p>Reason</p> <p>This is outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority.</p> <p>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:-</p> <p>a) The expiration of THREE years from the date of this permission</p> <p>Or</p> <p>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.</p> <p>Reason</p> <p>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.</p> <p>3. The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Application Form Location Plan - 1:2500 @ A4</p>

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](#)

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.

Case Officer: C. Harrison	Date : 16.01.2026
Authorising Officer: N.J. Hayhurst	Date : 19.01.2026
Dedicated responses to:-	