

Town and Country Planning Act 1990 (As amended)

4/20/2066/OR1

NOTICE OF APPROVAL OF RESERVED MATTERS

Green Swallow North Limited  
Swallow Barn  
BLINDCRAKE  
Cumbria CA13 0QP  
FAO Mr Stuart Woodall

**RESERVED MATTERS APPLICATION FOR DETAILS OF ELEVATIONS AND MATERIALS  
(FOLLOWING ON FROM APPROVED OUTLINE APPLICATION 4/16/2393/001)**

**PLOTS 5, 7 AND 9, WEST END, RHEDA PARK, FRIZINGTON**

**Mr J Reed**

The above application dated 13/02/2020 has been considered by the Council in pursuance of its powers under the above Act and APPROVAL OF RESERVED MATTERS HAS BEEN GRANTED subject to the following conditions:

1. The development shall be carried out in accordance with the plans submitted and in accordance with the conditions attached to the outline planning permission.

Reason

To comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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

Site Location Plan as Sale 1:1250 received 13<sup>th</sup> February 2020  
As Proposed Site Plan – Drawing No. 05 Rev. A received 1<sup>st</sup> November 2020  
As Proposed Garage Plans – Drawing No. 04 received 13<sup>th</sup> February 2020  
As Proposed Floor Plans – Drawing No. 03 received 13<sup>th</sup> February 2020  
As Proposed Elevations 1 of 2 – Drawing No. 01 received 13<sup>th</sup> February 2020  
As Proposed Elevations 2 of 2 – Drawing No. 02 received 13<sup>th</sup> February 2020

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

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

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

Reason

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

### **Pre-Commencement Planning Conditions**

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 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.

### **Before Superstructure Planning Conditions**

4.

- a) No superstructure shall be erected until samples and details of the materials to be used in the construction of the external surfaces of the development hereby approved 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.

### **Other Planning Conditions**

5. 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.

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 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.

### **Informative 1**

Prior to the commencement of this development, the requirements of Planning Condition 9 of Outline Planning Application Ref. 4/16/2393/001 are required to be submitted and approved in writing by the Local Planning Authority.

### **Informative 2**

Planning Condition 13 of the Outline Planning Application Ref. 4/16/2393/001 removes permitted development rights relating to this development.

### **Informative 3**

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

02<sup>nd</sup> December 2020



PP Pat Graham  
Chief Executive

**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](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.