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Mr. Chris Harrison
Copeland Borough Council
The Copeland Centre
Catherine Street
Whitehaven
CA28 7SJ

31st March 2023

LF – 20/444
BY EMAIL

Dear Chris,

APPLICATION REF. 4/21/2519/0R1 – LAND AT NORTH PARK, RHEDA, FRIZINGTON
RESPONSE TO PUBLIC REPRESENTATIONS

I write on behalf of my client, KCS Agriculture, to respond to the public representations received following the submission of a revised package of information in October 2022 in support of the reserved matters planning application concerning land at North Park, Rheda, Frizington ('Phase II', to the rear of the Beckstones development by Genesis Homes).

Background to the Planning Application

The application in question is described as a '*Reserved matters application seeking approval of appearance, landscaping, layout and scale of outline approval 4/18/2426/001 - outline application for residential development with full details of access and all other matters reserved*'.

The application was validated on the 29th November 2021. During the statutory consultation period, the Applicant received comments from a number of consultees and stakeholders. We sought to address these comments in Autumn last year, through the submission of a revised package of plans which included amendments to the overall layout of the scheme, the detailed design of particular plots, materiality and landscape design.

Following the submission of the revised plans, we have reviewed the statutory consultee responses and public comments received and are now taking the opportunity to respond to them.

a. Statutory consultee responses

Following the submission of the revised plan package, statutory consultees were consulted, and some responded to the revised application. A summary of the responses received are provided below:

- Arboricultural Consultant – no objection, recommend a condition is attached to the planning permission to require the landscape plan to be implemented in full.
- Copeland Environmental Health Officer – no objection, recommended that the previous planning conditions imposed on the outline planning approval are enforced through the reserved matters,

namely; a. a construction management plan; b. construction hours of working; and c. that foul and surface water shall be drained on separate systems.

- Cumbria County Council Highways -no objection, confirmed that the revisions to the scheme have addressed previous queries and comments raised.
- Cumbria County Council LLFA - no objections raised.
- Copeland Flood and Coastal Defence Engineer –no objections raised.
- Copeland Housing Manager –no objections raised.
- Cumbria Police -provided comments but no objections raised.

We are aware that additional consultees were contacted but no further comments have been received.

b. Public responses

In addition to statutory consultee responses, we have received a number of public comments, which we have summarised and responded to below.

Principle of the development

Comments have been provided questioning the principle of the development, disputing whether a particular number of dwellings have been approved under the original outline planning permission. There is also reference to designated Green Belt land, suggesting that the development conflicts with national planning policy regarding the Green Belt.

In response to these questions, we would like to reconfirm that the description of development of the outline planning application did not specify a maximum number of residential units that could be delivered at the wider site. Whilst an indicative layout plan was submitted which showed one potential way in which a development of 47 dwellings could be accommodated at the site, the Decision Notice subsequently issued did not list the indicative layout plan as an approved plan. When the Phase I reserved matters application for 55 dwellings went on to be approved in March 2020, the committee report confirmed that the first reserved matters application complied with the outline permission as 'no planning conditions are imposed on the planning permission limiting the number of dwellings approved'.

Regarding the references to Green Belt land, we would like to clarify that the site is not designated as Green Belt land therefore these comments are not applicable and have no bearing on the application.

Status of the site in the new Copeland Local plan

It has been questioned whether the application site is included within the local settlement boundary, and whether this impacts on the established principle of the development.

In this regard, we would clarify that the principle of the development has been established through the extant outline planning permission.

Further, Copeland's new Local Plan (2021-2038) was submitted for examination in September 2022 and the examination in public is ongoing. Accompanying the Local Plan document, a revised settlement map was submitted (Appendix B) for the examination, which shows that the site is proposed to be within the Frizington and Rheda settlement boundary once the new Local Plan is adopted. This recognises that the entire site benefits from an extant planning permission.

Flood Risk & Drainage

Some local residents have expressed concern that the proposed dwellings will increase the risk of flooding in the locality and refer to existing waterlogging problems in the area. In this regard, we would reiterate that the detailed drainage strategy will be provided through a discharge of conditions application, which is the appropriate mechanism and provides the relevant opportunity for the Lead Local Flood Authority to assess the drainage proposals. A reserved matters application is only required to address the matters 'reserved' for later determination. These are defined in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as access, appearance, landscaping, layout and scale.

Landscaping

Comments have been raised regarding the proposed landscaping strategy, in particular, that it is not robust enough to maintain privacy and prevent overlooking into surrounding existing dwellings. In response, we would highlight that the proposed dwellings are located a sufficient distance away from the site boundaries, with generously sized gardens, so they actually exceed the privacy distances stipulated by Policy DM12 of the Copeland Local Plan (Standards for New Residential Developments) (12-21 metres depending if the elevation contains a gable or windowless elevation or windows of habitable rooms).

We would also contend that the development has always been driven by a desire to create a spacious, landscape led scheme. The provision of semi mature evergreen hedges, as well as substantial amounts of tree planting around the entire perimeter of the development will ensure the development is grounded in the locality, and is softened into the landscape.

Following a further meeting with you, as the Planning Officer, in January 2023 to discuss the amendments made, it has been confirmed that you are satisfied that the scheme proposes a suitable landscape strategy, and your Arboricultural Officer has also confirmed the same. We therefore consider that the landscape proposals are robust and require no further changes.

Highways

Some public comments raised concern that the Highways Authority have not considered the impact of additional vehicle movements to be created by the proposed dwellings in Phase II. Residents have also queried whether the current access from the main road to the Beckstones development is wide enough for two cars to pass at the same time and to accept additional vehicle movements. Furthermore, we note that some residents have criticised the proposal for not providing visitor parking.

In response to these concerns, we would first note that at the time of the outline application, the submitted Transport Assessment tested 120 dwellings at the site and the impact of the associated vehicle movements was found to be acceptable. A total of just 77 dwellings at the site would therefore only amount to 64% of the assessed traffic, and as the impact from 120 dwellings was accepted, it is clear that the reduced impact will also be acceptable. The principle of the development from a highway's perspective has already been established and this does not form part of the assessment of the application at a reserved matters stage.

Regarding the query as to whether the current access road is wide enough to accommodate two passing cars, our submitted Highways Technical Note confirms that a 4.8m wide carriageway is consistent with Manual for Streets guidance, a nationally recognised document. It is considered by the Highways Consultant and the Highways Authority that the carriageway width of 4.8m is entirely appropriate to serve both phases of the development.

Regarding the question about visitor parking, we would clarify that all of the dwellings will be provided with a minimum of four parking spaces, which are all located off the highway. This complies with the requirements within the Cumbria County Council Design Guide. There is no need for additional visitor parking.

c. Summary

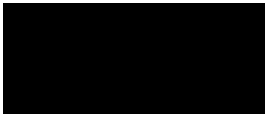
We trust that the above information provides sufficient clarification to local residents regarding their questions and concerns. In summary, the principle of development at this site is already accepted through the granting of the outline planning permission, and this is a reserved matters application to address matters of scale, appearance, landscaping and layout only. A comprehensive package of information to discharge the planning conditions will be submitted in due course, and this will include detailed drainage information amongst other matters.

No statutory consultees have objected to the revised proposals, indicating that we have successfully addressed all of the comments and feedback raised during the determination period. There are no material considerations which indicate that this application should not be approved.

The applicant is committed to delivering an exceptional quality scheme which contributes to the high quality sense of place and setting already created through the neighbouring Beckstones development.

Should you have any questions regarding the application, please do not hesitate to contact me via phone or email.

Yours sincerely,



Lucy Furber
SENIOR PLANNER