

WESTMORLAND AND FURNESS COUNCIL STRATEGIC PLANNING
COMMITTEE

Minutes of a Meeting of the **Strategic Planning Committee** held on Wednesday,
20 March 2024 at 10.00 am at Council Chamber, County Hall, Kendal LA9 4RQ

PRESENT:

Cllr R Audland
Cllr L Baker
Cllr H Carrick
Cllr F Cassidy
Cllr P Dixon (Chair)
Cllr B McEwan
Cllr G Simpkins (Vice-Chair)

Officers in attendance:

Mr I Blinkho	Solicitor
Mrs J Currie	Democratic Services
Mr S Fleet	Interim Principal Planning Officer
Mr N Howard	Interim Head of Development Management
Mr A Martin	Principal Planning Officer

**PART I ITEMS CONSIDERED IN THE PRESENCE OF THE
PUBLIC AND PRESS**

32. APOLOGIES FOR ABSENCE

There were no apologies for absence.

33. MEMBERSHIP

Cllr V Hughes had replaced Cllr W Clark on the committee on a permanent basis.

34. DECLARATIONS OF INTEREST/DISPENSATION

There were no declarations of interest on this occasion.

35. EXCLUSION OF PRESS AND PUBLIC

RESOLVED, that the press and public be not excluded during discussion of any items on the agenda today.

36. MINUTES OF THE PREVIOUS MEETING

RESOLVED, that the minutes of the previous meeting held on 11 January 2024 be agreed as a true and accurate record.

37. PUBLIC PARTICIPATION

The Chair announced that those that had registered to make representations would be invited to address the Committee at the appropriate point in the meeting.

38. PLANNING APPLICATION 22/0256 - STORY HOMES DEVELOPMENT, LAND BETWEEN INGLEWOOD ROAD AND CENTURION RISE, PENRITH, CA11 8QW

Members had before them a planning application for the erection of 194 dwellings and associated infrastructure including landscaping, open space, access, highways and drainage on land between Inglewood Road and Centurion Rise, Penrith.

Alongside this application was a second proposal for the construction of an entrance off Inglewood Road into the site (Planning Ref.: 22/0258). This access would lead into a spine road that would run through the site and connect to the existing development on Centurion Rise. As no objections had been raised to the application for the access, it was to be considered under delegated powers in line with the Council's constitution.

To ensure the development could be considered as nutrient neutral, the applicant had secured a parcel of land at Matterdale some 11 miles to the south west of the development but importantly, up-stream. This land was to be taken out of grazing and instead used as fallow land. This mitigation land would be linked to the development by way of a Section 106 agreement.

The Interim Principal Planning Officer took members through the report and gave them a presentation, which covered the following:

- The Proposal
- Responses to the application
- Penrith Town Council's Response
- Other representations
- Access and parking
- Nutrient Neutrality and Biodiversity
- Natural Environment
- Affordable Housing

The officer identified the site to Committee by way of a visual presentation which detailed the location of the site in the context of Penrith and the nature of development proposed on site. The presentation also referred to the allocation of

the site in the Local Plan, its relationship to other allocated sites in the north Penrith area and the provision of local facilities within a 1km radius of the site.

The Interim Principal Planning Officer explained that there was currently no adopted local masterplan for the site or the north Penrith area and this was a challenge to implementing Local Plan Policy 2 (PEN).

Should a master plan be produced it would need to go out to full consultation and if adopted would become part of the policy documents for Westmorland and Furness Council. This would enable the Council to guide growth and development of schemes going forward.

The Interim Planning Officer outlined the options available to members should they wish to refuse the application before them due to the absence of a master plan but such a decision would be difficult to defend at an appeal as the adoption of a master plan relied on joint working by land owners and the Council.

With reference to the number of proposed affordable houses in the scheme the officer explained that the development costs submitted by the applicants had been assessed on behalf of the Council by an independent chartered surveyor who was of the view that the offer of 12% of the houses being allocated as affordable was justified by the evidence presented. The officer understood the members would be disappointed with this but again he felt refusal would be extremely difficult to defend at an appeal given the applicants proposal had been reviewed in line with the Eden Local Plan, the NPPF and the guidance produced by the RCIS.

Members asked for an explanation of how the figure of 12% was decided upon, and the Interim Principal Planning Officer gave a brief explanation of how viability assessments were carried out.

Cllr Carrick asked for clarification on whether the development would have any open spaces or play areas, and the officer clarified that there were no areas of open spaces planned but that the applicant had indicated they would be willing to offer a contribution to improve existing play facilities.

Cllr Dixon asked a question about sustainable transport and cycling and walking facilities in the area. The officer explained that there were plans to implement cycling and walking routes around this location, including improvements to Inglewood Road to improve a connection into Penrith.

The Chair then opened the meeting up to public participation.

First to speak was Mr Adam McNally on behalf of Story Homes, who was speaking in support of the application. He made the following points:

- The application is within an allocated housing site and would deliver 194 much needed dwellings against a local plan allocation of 250 units, leaving a small section of allocated land, beyond the north hedgerow and application site, still to be developed.

- Story Homes have had excellent feedback for the new phase from the public during pre-application engagement.
- The new phase would be a sustainable development, and he explained why.
- Delivery of offsite mitigation including widening of the existing footpath on Inglewood Road, significant s106 education contributions towards secondary education space.
- Nutrient Neutrality and how Story Homes has addressed the required mitigation.
- Significant technical planning challenges that have put a great burden on the housebuilding industry
- Planned time line for commencement of the scheme if planning is granted

The Chair then invited the objectors to speak.

First, was Mr Martin Powell Davies, speaking as a representative of the Trade Union and Socialist Coalition (TUSC) who made the following points:

- the application is not policy compliant with regard to affordable homes neither in terms of the overall number of homes nor in the proportion of rented homes.
- That Story Homes has previously made similar arguments that its development proposals are 'unviable' and has convinced the Council that its policy on affordable homes should be set aside.
- Story Homes is a profitable company as shown by its latest accounts at Companies House.
- Councillors have a responsibility to local people to insist on council policy and to put housing needs ahead of developers' profits.

The final speaker was Mr Michael Buczynskij, who raised the following points:

- the proposed construction of the road to link the Centurion Rise development and the application site (namely Phase 1 and 2). The link road would generate excessive traffic through the focal point of Phase 1 and have an adverse impact on it in terms of safety and residential amenity.
- the link road would compound the adverse impact it would have on the focal point by creating a rat run for motorist travelling between Inglewood Road and Salkeld Road and vice versa.
- To construct such a link road through such a focal point would be bad urban design because it would not provide a safe and nice place for its residence (including children) to live, play and socialise.

- The issues raised by the lack of a master plan, including the lack of consideration of pedestrians on matters relating to connectivity and movement and the car at the bottom.
- The lack of an integrated network of footpaths/cycleways than by a vehicular link road.
- The lack of traffic management measures to address traffic speeds

The Chair thanked all the speakers for their contributions.

He then opened the meeting to debate.

All members were disappointed with the lack of the number of affordable houses proposed in this development, and asked officers what, if anything could be done about this.

The Solicitor reaffirmed the points made by the Interim Principal Planning Officer that the applicant had appointed experts to consider viability, and that the Council had also employed an independent expert to look at this, and both were of the opinion that the applicant's figures were fair. If members voted to refuse the application due to the low provision of affordable housing and the applicant took the decision to appeal, it would be extremely difficult for the Council to defend due to the absence of robust evidence to show errors or deficiencies in the viability review.

Members were still very disappointed with the number of affordable homes proposed and they asked further questions about the land value and how this was decided. The officer took them through the process of how the land was assessed for value, and how this was fed into the viability assessments. Members then had a long discussion about this.

Cllr Carrick felt this application was a difficult one for members to approve, as they were elected by, and here to represent, their residents. However, Cllr Carrick also acknowledged that members were also governed by planning law and she felt this was the supreme factor which needed to be considered. She would be making her decision based on planning law as she felt this was currently no other option.

Cllr Baker asked if it would be possible to add in a condition to this application to ask the developer to consider allocating flattening some of the land within the site for the provision of a community building or a village hall.

The Interim Principal Planning Officer had already spoken to the applicant about this possibility and explained they did not feel able to do this on financial viability grounds.

A lengthy debate then ensued on the whether further information was required, and upon conclusion of the debate it was proposed that the application be deferred for further information to be provided on the following matters:

- Provision of bollards on the main spine road to separate the application site from the earlier phase development accessed off Salkeld Rod to the

- south and to incorporate bollards in the road for access for emergency vehicles
- Affordable Housing – members wanted officers to go back to the developer to reconsider the number of affordable homes being proposed to see if the figures could be increased.
 - Community buildings - to ask the developer to reconsider allocating some of the land for a community facility

The proposal from the floor to defer the application for reconsideration of the above matters this was seconded and then put to a vote, which was unanimous.

RESOLVED, that the application be deferred.

The meeting then broke at 11.55am and reconvened at 12.10pm.

39. PLANNING APPLICATION SL/2022/0305 - ERECTION OF 109 HOUSES, 8 BUNGALOWS AND 8 APARTMENTS WITH ASSOCIATED ROADS, CAR PARKING, LANDSCAPING, INFRASTRUCTURE AND ACCESS FROM BEETHAM ROAD , MILNTHORPE (AMENDED SCHEME)

The Strategic Planning Committee considered a planning application for the erection of 109 houses, 8 bungalows and 8 apartments with associated roads, car parking, landscaping, infrastructure and access from Beetham Road, at land off Beetham Road, Milnthorpe. This was a proposed amended scheme.

There was an update sheet tabled, which covered the following:

Late representations

One late letter of representation, which reiterated local concerns in respect of foul drainage and surface water disposal, already discussed at length in the January Report and the update report.

The representation raised a specific point in respect of surface water drainage: that the developer had “yet to quantify what was the minimum level of rainfall required to overwhelm the system”.

The Principal Planning Officer explained that the planning requirement was actually more complex. Surface water drainage systems were not designed up to a point of failure; they were designed to withstand a 1:100 year storm event (which had a 1% annual probability), plus other allowances such as an additional volume of 40% for the anticipated effects of climate change.

The starting point for these calculations was the greenfield run-off; an approximation of the run-off rate for the pre-development site based upon a range of variable, including soil type, the size of site, geographical area, annual local rainfall levels, etc.). All of these assumptions accorded with national planning guidance and, in this case, had been approved by the lead local flood authority.

The existing greenfield run-off from this site was uncontrolled, such that it could leave at any point on the boundary, even entering the gardens of adjoining properties. If the proposed development and its associated surface water drainage scheme were completed this situation would be improved, with all surface water from events with a return period of up to 1:100 years being completely controlled.

The officer then informed members that a number of the conditions needed further amendment to ensure consistency with the latest proposed changes.

Approved plans

Condition (2)

Site Layout

The plan reference for the latest Site Plan (Coloured) needed to be corrected to read: Site Plan (Coloured), 076-P-02 Revision P

Trees

The Survey of Existing Trees was updated to Revision A in Appendix B of the Tree Survey Report, February 2022 (Updated January 2024), so should now read: Survey of Existing Trees c-1912-04 Revision A

House types

The following plan could be deleted; there were no longer any Wastwater house types in the development. Wastwater - Plans & Elevations 076/WAST_3

The following plan needed to be added. This was the bespoke Grizedale bungalow (with a hipped roof) proposed for plot 101: 076/GRIZ_P101_3, Grizedale (Plot 101), Plans & Elevations

Condition (11):

Accessible and adaptable homes

Condition 11 needed to be updated to reflect the position on the latest site layout. As explained in paragraphs 8.24 – 8.27 of the January Report, achieving the M4(2) standard could be particularly challenging on sloping sites where, as here, units needed to respond to the topography in a locally appropriate manner and maintain adequate standards of residential amenity. To that end, the latest layout for this site included 46 split-level units, (none of which were M4(2) compliant). Six units still achieved the M4(3) standard.

Condition 11 now needed to be updated as follows:

Condition (11): 73 of the dwellings hereby approved shall be constructed to meet the Building Regulations M4(2) standards for accessible and adaptable homes and six (plots 68, 69, 70, 71 87 and 88) shall be

constructed to meet the Building Regulations Category M4(3) standards.

Reason: To secure an appropriate level of compliance with Policy DM11 of the Development Management Policies Development Plan Document.

The Principal Planning Officer then gave members an updated presentation which included photographs of the site.

Determination of this application was deferred by the Strategic Planning Committee at its meeting on 11 January 2024 pending further information in respect of the following issues:

- United Utilities' position in respect of: (1) the capacity of Milnthorpe Waste Water Treatment Works (WWTW); and (2) planned investment in local infrastructure;
- Confirmation that surface water from the development will not make its way into the existing foul sewer, adding to pressure at the WWTW;
- Reconsideration of the proposed access arrangements onto the A6, with particular consideration of a roundabout;
- Reconsideration of the proposed open market housing mix in an attempt to meet, or get closer to, the expectations of the Council's Strategic Housing and Economic Needs Assessment (SHENA);
- Reconsideration of the proposed affordable housing offer in an attempt to achieve, or get closer to, the 35% contribution ordinarily expected by development plan policy;
- Amendments to the proposed development to improve residential amenity for a number of existing properties adjoining the boundary of the site.

The Planning Assessment section of the report provided updates on these issues, with references back to the report presented in January as appropriate, and the update sheet tabled offered further updates.

Members were very disappointed that the developer had not managed to increase the number of affordable homes in the scheme.

Members asked about the situation in relation to the sewage problems in the area and whether United Utilities had addressed any of these.

The officer referred members to the update sheet and the information provided in response from United Utilities. The company maintained that there was adequate capacity to deal with this development.

The Chair then opened the meeting up to public participation.

He invited Mr Love, from Smith Love Planning Consultancy to speak in support of the application. He made the following points:

- capacity of the waste water treatment works;
- access arrangements;
- housing market mix;
- affordable housing provision and
- layout revisions

Next to speak was Mr Sharples from Sunny Brae, Beetham Road, Milnthorpe, who spoke in objection to the development. He made the following points:

- Following the deferral of the application at the January 2024 committee meeting, the concerns regarding the scale of development and impacts on infrastructure and services remained. Although a few minor changes had been made to some properties nothing had changed with any of the developments alongside Beetham Road.
- Proximity of new dwellings – and the opinion that they did not ensure that the development fits in well with the existing landscape and neighbours' and did not ensure that the design was based on 'best practice principles. Nor was the design of the dwellings acceptable in many cases. Some of the residents would be looking out at a rendered wall.
- Resident's concerns about the separation distances between properties
- The fact that the area of amenity/open space identified on the development brief (area A) had been replaced with new housing.
- The lack of meaningful consultation and dialogue with developers and the lack of a Statement of Community Involvement (SCI)/community statement
- Residents remain continually open to any discussion around a more sympathetic development, which considers the concerns of the residents.

Next to speak in objection was Mr Sherrington who spoke about the ability or otherwise for United Utilities to be able to process the increase in human waste from the proposed new development. He raised major concerns about the ability of Strand Pumping Station and read out a copy of a response he had received from United Utilities in response to his question about whether the system at the pumping station had been upgraded. He was certain the pumping station would fail despite the reassurances from UU and he asked members to refuse this planning application.

The final speaker was Cllr Chaffey, one of the ward members for the Kent Estuary. She was disappointed that not much had changed since the application was deferred following the last meeting. Not many of the residents see this development as a positive one for the area.

There had been no movement on the proposed number of affordable homes and none on the housing mix. The number of 4 bedroom houses proposed would ultimately make these unaffordable to most people. This development does not meet the housing needs for the people of Milnthorpe. She was frustrated and did not feel that the current planning system was fit for purpose.

Cllr Chaffey also shared the concerns of her residents over the ability of the pumping station to cope with the additional capacity.

The Principal Planning Officer responded to say that he understood all the concerns raised today but he had to present the application giving his professional view. He reminded members that the decision needed to be taken in line with planning policies and not personal views.

With reference to the issue of raw sewage discharging into the River Bela from the water treatment plant the Principal Planning Officer reminded members that the local planning authority had no responsibility for policing this. Nevertheless, he said that he would write to the Environment Agency passing on members' concerns.

The Chair thanked the participants for their presentations and opened the meeting up to debate.

A lengthy debate ensued about whether it would be possible to further defer this application based again on the lack of affordable housing, the issue of surface water drainage and the capacity of the waste water treatment plant.

The advice of the Principal Planning Officer and the Solicitor was that there were no defensible grounds for refusal of this application. If the application were to be deferred again, the applicant would have the opportunity to appeal for non-determination.

The Solicitor informed members that should there be an appeal, the Council would need to defend its position, but in reality there was no expert evidence before the Committee to justify this. Members were advised to make their decision based on the expert evidence and planning law.

Cllr Carrick accepted the advice of the Solicitor. Both applications being considered today had similar issues and she had found this frustrating. She did not feel that the current planning system was conducive to effective decision making.

In relation to the issue of sewage she understood the concerns raised by residents but this was not a planning consideration and needed to be taken up with the Environment Agency.

The Principal Planning Officer reminded members that should the application be refused it would likely be determined at a public enquiry, where the Council would be expected to provide expert evidence in support of its case. In the absence of such evidence, trying to defend a refusal of planning permission on the basis of inadequate foul sewage capacity, contrary to the advice in paragraph 194 of the NPPF, and contrary to the advice of United Utilities carried a risk for the Council.

Upon conclusion of the debate, and with some reluctance, the officer's recommendation with the suggested amendments to conditions was proposed and seconded and put to a vote.

With 5 members voting for, 0 against and 2 abstentions it was

RESOLVED, that the planning application be **GRANTED** subject to:

- (a) adoption by the Strategic Planning Committee of the Shadow Habitat Regulations Assessment, Envirotech, V2, 01 April 2023, to meet the Council's responsibilities as a competent authority in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended);
- (b) completion of a section 106 agreement before planning permission is issued providing for the following planning obligations :

Affordable housing

Delivery of 19 affordable housing units, in accordance with the following mix:

Affordable rent

- 8 no. 1 bed apartments

First Homes

- 2 no. 1 bed Caldew house types
- 4 no. 2 bed Rothay house types

Shared Ownership

- 5 no. 2 bed Rothay house types

Safeguarding of areas of allocation not being developed

The land identified as "Area inside of SLDC Allocation - 9012m² (2.23 acres)" on drawing 076/P-ALLCOM_1 shall not be subject to any form of development (as defined in the Town and Country Planning Act 1990) unless and until it is allocated for a particular form of development in a future review of the current development plan.

Roads and Footpaths Management Scheme

No development shall commence until a Roads and Footpaths Management Scheme has been submitted to and agreed in writing by the local planning authority containing provisions to ensure the management and maintenance in perpetuity of all non-adopted roads and footpaths.

The Roads and Footpaths Management Scheme shall include the provision and maintenance in perpetuity of access by pedestrians and cyclists from within the application site to the application site boundary at the emergency vehicle access points identified on the following drawings:

- Northern Emergency Vehicle Access, CBO-0784-003
- Southern Emergency Vehicle Access, CBO-0784-004 A

Surface Water Drainage Management Scheme

No development shall commence until a Surface Water Drainage Management Scheme has been submitted to and agreed in writing by the local planning authority containing provisions to ensure the management and maintenance in perpetuity of all non-adopted elements of the approved surface water drainage scheme (including channels etc. for exceedance flows);

Public Open Space, Landscape and Hedgerow Management Scheme

No development shall commence until a Public Open Space, Landscape and Hedgerow Management Scheme has been submitted to and agreed in writing by the local planning authority containing provisions to ensure the management and maintenance in perpetuity of all areas of public open space, street trees and the Defined Hedgerows. The Public Open Space, Landscape and Hedgerow Management Scheme will bind the Approved Organisation, any registered providers and all individual homeowners.

(The “Defined Hedgerows” are the existing hedgerows that currently cross and bound the site, minus the areas lost to facilitate approved development.)

Approved Organisation

None of the approved dwellings shall be first occupied until an Approved Organisation (i.e. a management company) has been established and approved in writing by the local planning authority. The areas of the site for which the Approved Organisation has direct and indirect control shall be clearly identified on a plan.

The Approved Organisation shall take on responsibility for the management and maintenance in perpetuity of: (1) those areas of the site outside the private curtilages of the dwellings and the areas passed to registered providers; and (2) the Defined Hedgerows, all in accordance with: (1) the Roads and Footpaths Management Scheme; (2) the Surface Water Drainage Management Scheme; and (3) Public Open Space, Landscape and Hedgerow Management Scheme.

The Approved Organisation and/or its representatives shall have reasonable rights of access onto land within the application site not directly within its control in order to fulfil the obligations set out in the management schemes.

A scheme for the promotion of active travel options

Establishment of a car club.

(c) the following conditions:

Condition (1): The development hereby permitted shall be commenced before the expiration of THREE YEARS from the date hereof.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved plans

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

Location Plan 076-SLP-01 Revision C
Topographical Survey, 22K004/001 A

Site Layout

Site Plan (Coloured), 076-P-02 Revision P

Electric Vehicle Charging Points

Electric Vehicle Charging Points & Bike Storage Layout, 076/EvCh/01, Revision E

External Materials

Material Finishes Layout, 076/MF/01 Revision G

Surface Treatments

Surface Treatments Layout, 076/ST/01 Revision F

Landscaping

Detailed Landscape Proposals c-1912-01 Rev H (Sheet 1 of 3)
Detailed Landscape Proposals c-1912-02 Rev I (Sheet 2 of 3)
Detailed Landscape Proposals c-1912-03 Rev H (Sheet 3 of 3)
Southern Boundary Arrangement c-1912-12

Trees

Survey of Existing Trees c-1912-04 Revision A

Fencing

Fencing Layout, 076/F/01 Revision F
Southern Boundary Arrangement c-1912-12
Fence to Eastern Boundary Behind Plots 104-116 076-CLF-01
900mm Natural Stone Wall SD-SW-06.02
1800mm Feathered Edge Timber Fence SD-FT-08
900mm Stone Wall with 900mm Feather Edge Fencing SD-SW-09
1200mm Natural StoneWall SD-SW-06.03

Street Scenes

Street Scenes A, B & C 076/P-STREET_1 A1 (SUPERSEDED except for Scene A-A)
Street Scenes & Sections Road 5, 076/P-SSC-R5 Revision E

Site Sections

Site Sections, 076/P-SITESEC_2 Revision L
076-P-SITESEC-3 Revision A Site Sections 076/P-SITESEC-4
Site Sections 076/P-SITESEC_DE(A)
Hartland House site sections 076-P-HARTSEC (A)

Construction Management

Proposed CMS Layout 076-P-11.C

Management Company

Management Co. Plan 076/P/14

Drainage

DRAINAGE LAYOUT SHEET 1, 21045-GAD-00-00-DR-C-1001 P11
DRAINAGE LAYOUT SHEET 2, 21045-GAD-00-00-DR-C-1002 P09
DRAINAGE LAYOUT SHEET 3, 21045-GAD-00-00-DR-C-1003 P08
EXCEEDANCE ROUTE SHEET 1, 21045-GAD-00-00-DR-C-1005 P09
EXCEEDANCE ROUTE SHEET 2, 21045-GAD-00-00-DR-C-1006 P08
EXCEEDANCE ROUTE SHEET 3, 21045-GAD-00-00-DR-C-1007 P08
MANHOLE SCHEDULES SOUTH, 21045-GAD-00-00-DR-C-1011 P03
MANHOLE SCHEDULES SOUTH SHEET 2, 21045-GAD-00-00-DR-C-1012 P03
MANHOLE SCHEDULES CENTRAL, 21045-GAD-00-00-DR-C-1013 P04
MANHOLE SCHEDULES NORTH, 21045-GAD-00-00-DR-C-1014 P02
DRAINAGE LONGSECTIONS (SOUTH) SHEET 1, 21045-GAD-00-00-DR-C-1021 P04

DRAINAGE LONGSECTIONS (SOUTH) SHEET 2, 21045-GAD-00-00-DR-C-1022 P05
DRAINAGE LONGSECTIONS (CENTRAL) SHEET 3, 21045-GAD-00-00-DR-C-1023 P04
DRAINAGE LONGSECTIONS (NORTH) SHEET 4, 21045-GAD-00-00-DR-C-1024 P04
DRAINAGE LONGSECTIONS (NORTH) SHEET 5, 21045-GAD-00-00-DR-C-1025 P01
IMPERMEABLE AREAS PLAN SHEET 1, 21045-GAD-00-00-DR-C-1041 P04
IMPERMEABLE AREAS PLAN SHEET 2, 21045-GAD-00-00-DR-C-1042 P04
IMPERMEABLE AREAS PLAN SHEET 3, 21045-GAD-00-00-DR-C-1043 P04
DRAINAGE DETAILS SHEET 1, 21045-GAD-00-00-DR-C-1061 P02
DRAINAGE DETAILS SHEET 2, 21045-GAD-00-00-DR-C-1062 P03
DRAINAGE DETAILS SHEET 3, 21045-GAD-00-00-DR-C-1063 P03
EXTERNAL WORKS LEVELS SHEET 1, 21045-GAD-00-00-DR-C-1401 P06
EXTERNAL WORKS LEVELS SHEET 2, 21045-GAD-00-00-DR-C-1402 P06
EXTERNAL WORKS LEVELS SHEET 3, 21045-GAD-00-00-DR-C-1403 P06
ROAD LEVELS SHEET 1, 21045-GAD-00-00-DR-C-1501 P05
ROAD LEVELS SHEET 2, 21045-GAD-00-00-DR-C-1502 P05
ROAD LEVELS SHEET 3, 21045-GAD-00-00-DR-C-1503 P03
ROAD LEVELS SHEET 4, 21045-GAD-00-00-DR-C-1504 P04
ROAD LEVELS SHEET 5, 21045-GAD-00-00-DR-C-1505 P04
HIGHWAY LONGSECTIONS SHEET 1, 21045-GAD-00-00-DR-C-1511 P02
HIGHWAY LONGSECTIONS SHEET 2, 21045-GAD-00-00-DR-C-1512 P04
HIGHWAY LONGSECTIONS SHEET 3, 21045-GAD-00-00-DR-C-1513 P03
HIGHWAY LONGSECTIONS SHEET 4, 21045-GAD-00-00-DR-C-1514 P02
HIGHWAY LONGSECTIONS SHEET 5, 21045-GAD-00-00-DR-C-1515 P02
HIGHWAY LONGSECTIONS SHEET 6, 21045-GAD-00-00-DR-C-1516 P04
HIGHWAY LONGSECTIONS SHEET 7, 21045-GAD-00-00-DR-C-1517 P02
HIGHWAY CONSTRUCTION DETAILS SHEET 1, 21045-GAD-00-00-DR-C-1531 P02
HIGHWAY CONSTRUCTION DETAILS SHEET 2, 21045-GAD-00-00-DR-C-1532 P02
HIGHWAY KERBING LAYOUT (SOUTH) SHEET 1, 21045-GAD-00-00-DR-C-1555 P03
HIGHWAY KERBING LAYOUT (CENTRAL) SHEET 2, 21045-GAD-00-00-DR-C-1556 P03
HIGHWAY KERBING LAYOUT (NORTH) SHEET 3, 21045-GAD-00-00-DR-C-1557 P03
REFUSE VEHICLE TRACKING SHEET 1, 21045-GAD-00-00-DR-C-1571 P02
REFUSE VEHICLE TRACKING SHEET 2, 21045-GAD-00-00-DR-C-1572 P02
REFUSE VEHICLE TRACKING SHEET 3, 21045-GAD-00-00-DR-C-1573 P02

Site Access

Revised Access Proposal CBO-0784-002

Emergency Vehicle Accesses

Northern Emergency Vehicle Access, CBO-0784-003
Southern Emergency Vehicle Access, CBO-0784-004 A

House Types

1328 House Type Floor Plans and Elevations 076/1328/SPLU_3
1270 House Type Floor Plans and Elevations 076/1270/SPLD_3
Apartments B - Plans & Elevations 076/APART_B_1 B
Borrowdale House Type Floor Plans and Elevations 076/BORR_3
Bowfell V2 House Type Floor Plans and Elevations 076/BOW(V2)_3
Bowfell V2 (SLD) House Type Floor Plans & Elevations 076/BOW/SPL(V2)_3
Brathay – Plans & Elevations 076/BRA_3, Revision C
Eskdale (SLU) House Type Floor Plans and Elevations 076/ESK/SPLU_3
Gowan House Type Floor Plans and Elevations 076/GOW_3
Grasmere House Type Floor Plans and Elevations 076/GRAS_3
Grasmere (SLD) House Type Floor Plans & Elevations 076/GRAS/SPLD_3
Grasmere (SLU) House Type Floor Plans & Elevations 076/GRAS/SPLU_3
Grizedale – Plans & Elevations 076/GRIZ_3
Grizedale bungalow (with a hipped roof) proposed for plot 101:
076/GRIZ_P101_3, Grizedale (Plot 101), Plans & Elevations
Hawkshead House Type Floor Plans and Elevations 076/HAWK_3
Kirkstone House Type Floor Plans and Elevations 076/KIRK_3
Rothay - Plans & Elevations 076/ROTH_3
Rothay - Plans & Elevations (Plot 74), 076/ROTH74_3 A
Rothay - Plans & Elevations (Plot 71), 076/ROTH71_3
Rydal - Plans & Elevations 076/RYD_3
Ullswater - Plans & Elevations 076/ULLS_3
Wasdale House Type Floor Plans and Elevations 076/WAS/SPLU_3
Wasdale (SLD) House Type Floor Plans and Elevations 076/WAS/SPLD_3
Wasdale (SLU) House Type Floor Plans and Elevations 076/WAS_3
Windermere Split Up - Plans & Elevations 076/WIND_3

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

External materials

Condition (3): External walls of the dwellings hereby approved shall be finished in accordance with the materials shown on the approved Material Finishes Layout (076/MF/01 Revision G). Roofs shall be finished in natural slate (Estillo 3) and where natural limestone is proposed this shall be sourced from Pennington Quarry, Underbarrow Road, Kendal, or such other source as shall first have been agreed in writing by the local planning authority. Render shall be KRend (Polar White).

Reason: To ensure compliance with: (1) policy CS8.10 (Design) of the South Lakeland Core Strategy; and (2) policies DM1 (General Requirements for all development) and DM2 (Achieving Sustainable High Quality Design) of the South Lakeland

Plot boundaries

Condition (4): Other than for plots 6, 7, 8 17, 18, 29 and 30 (see condition 5 below) no individual dwelling shall be first occupied until its boundary has been enclosed in accordance with the details shown on the approved Fencing Layout (076/F/01 Revision F) and the further detail provided on the following drawings: (1) Fence to Eastern Boundary Behind Plots 104-116 (076-CLF-01); (2) 900mm Natural Stone Wall (SD-SW-06.02); (3) 1800mm Feathered Edge Timber Fence (SD-FT-08); (4) 900mm Stone Wall with 900mm Feather Edge Fencing (SD-SW-09); and (5) 1200mm Natural Stone Wall (SD-SW-06.03). Natural stone used in boundary walls shall match the specification agreed in compliance with condition 3.

Reason: To ensure compliance with: (1) policy CS8.10 (Design) of the South Lakeland Core Strategy; and (2) policies DM1 (General Requirements for all development) and DM2 (Achieving Sustainable High Quality Design) of the South Lakeland Development Management Policies Development Plan Document.

Condition (5) None of the dwellings on plots 6, 7, 8 17, 18, 29 and 30 shall be first occupied until the common boundary with these plots and the field to the south has been completed in accordance with the details shown on drawing c-1912-12 (Southern Boundary Arrangement).

Reason: To ensure compliance with: (1) policy CS8.10 (Design) of the South Lakeland Core Strategy; and (2) policies DM1 (General Requirements for all development) and DM2 (Achieving Sustainable High Quality Design) of the South Lakeland Development Management Policies Development Plan Document.

Ecological Design Strategy

Condition (6) The construction phase of the development must proceed in accordance with the provisions of the Ecological Design Statement (EDS), prepared by Envirotech Ecological Consultants and dated 28 February 2024. No individual dwelling shall be first occupied until any features proposed by the EDS within its curtilage have been provided. The timetable for the provision of other features shall be factored into the timetable for the implementation of the approved hard and soft landscaping required by condition 8. The future maintenance

and management of all the features proposed within the EDS shall be carried out in accordance with section 4 of the EDS.

Reason: To ensure compliance with policies DM2 (Achieving Sustainable High Quality Design) and Policy DM4 (Green and Blue Infrastructure, Open Space, Trees and Landscaping) of the South Lakeland Development Management Policies Development Plan Document

Landscaping

Condition (7) The hard and soft landscaping of the site shall be completed and thereafter maintained in accordance with the following drawings and documents:

- Detailed Landscape Proposals c-1912-01 Rev H (Sheet 1 of 3)
- Detailed Landscape Proposals c-1912-02 Rev I (Sheet 2 of 3)
- Detailed Landscape Proposals c-1912-03 Rev H (Sheet 3 of 3)
- Southern Boundary Arrangement c-1912-12
- Surface Treatments Layout, 076/ST/01 Revision F
- Highway Tree Planting Pit Detail c-1912-11
- Guide to the Landscape Management , land off Beetham Road, Milnthorpe, February 2022
- The Ecological Design Strategy approved in compliance with condition 6.

Reason: To ensure compliance with policies DM2 (Achieving Sustainable High Quality Design) and Policy DM4 (Green and Blue Infrastructure, Open Space, Trees and Landscaping) of the South Lakeland Development Management Policies Development Plan Document

Condition (8): No development shall commence until there has been submitted to, and approved in writing by, the local planning authority a timetable for the implementation of the approved hard and soft landscaping. Thereafter, the development must proceed in accordance with the approved timetable. Notwithstanding the above, the “Arden Thorny Mix” proposed to the south and east of Hartland House on drawings c-1912-02 Rev I and c-1912-03 Rev H shall be implemented in the planting season November 2024 – March 2025.

Reason: To ensure compliance with policies DM2 (Achieving Sustainable High Quality Design) and Policy DM4 (Green and Blue Infrastructure, Open Space, Trees and Landscaping) of

the South Lakeland Development Management Policies
Development Plan Document

Tree protection

Condition (9): No development other than approved works to retained trees and hedges shall commence until tree and hedge protection measures have been installed in accordance with the provisions of Appendix E of the submitted Tree Survey Report prepared by PDP Associates, updated January 2024. Development in this context includes the introduction of any machinery or material to site. Thereafter, the installed measures must be retained for the duration of the construction phase of the development.

Reason: To protect existing trees in accordance with policy DM4 (Green and Blue Infrastructure, Open Space, Trees and Landscaping) of the South Lakeland Development Management Policies Development Plan Document.

On-site open space

Condition (10): None of the dwellings hereby approved shall be first occupied until a timetable for the laying out and completion of all areas of on-site open space has been submitted to, and approved in writing by, the local planning authority. Thereafter, all areas of on-site open space shall be laid out and completed in accordance with the agreed timetable.

Reason: To ensure the timely provision of public open space in accordance with policies CS8.3a (Accessing open space, sport and recreation) and CS8.3b (Quantity of open space, sport and recreation) of the South Lakeland Core Strategy.

Accessible and adaptable homes

Condition (11): 73 of the dwellings hereby approved shall be constructed to meet the Building Regulations M4(2) standards for accessible and adaptable homes and six (plots 68, 69, 70, 71 87 and 88) shall be constructed to meet the Building Regulations Category M4(3) standards.

Reason: To secure an appropriate level of compliance with Policy DM11 of the Development Management Policies Development Plan Document.

Broadband

Condition (12): No individual dwelling hereby approved shall be first occupied until connected to the necessary infrastructure to enable access to high speed (superfast) broadband.

Reason: To comply with Policy DM8 (High Speed Broadband for New Developments) of the Development Management Policies Development Plan Document.

Electric vehicle charging

Condition (13): No individual dwelling hereby approved shall be first occupied until it has been provided electric vehicle charging facilities in accordance with the details shown on drawing 076/EvCh/01, Revision E - Electric Vehicle Charging Points & Bike Storage Layout.

Reason: To ensure compliance with policy DM2 (Achieving Sustainable High Quality Design) of the South Lakeland Development Management Policies Development Plan Document

Access

Condition (14): No development other than the construction of the main access to the site shown on the Revised Access Proposal prepared by CBO Transport (CBO-0784-002) shall commence until: (1) the main access to the site has been completed to a standard suitable to serve the construction of the remainder of the development: and (2) the existing 30mph speed limit on Beetham Road has been extended in accordance with the details contained within the Revised Access Proposal prepared by CBO Transport (CBO-0784-002).

Reason: In the interests of highway safety.

Condition (15): None of the dwellings hereby approved shall be first occupied until there has been provided on Beetham Road: (1) a right turn lane into the site; (2) a speed limit gateway feature; (3) a new bus stop; (4) a traffic island crossing feature; and (5) a new footway linking the site entrance to the nearest existing footway on Beetham Road - all broadly in accordance with the details contained within the Revised Access Proposal prepared by CBO Transport (CBO-0784-002).

Reason: In the interests of highway safety.

Condition (16): No development shall commence until there has been submitted to, and approved in writing by, the local planning authority further details confirming that the carriageway, footways, footpaths, cycleways and refuse collection facilities

serving this development will be designed, constructed, drained and lit to a standard: (1) suitable for adoption in accordance with the standards laid down in the current Cumbria Design Guide; and (2) that complies with the “Requirements for refuse and recycling provision at new developments”, published by South Lakeland District Council in April 2012. The further details must include longitudinal/cross sections.

Dwell areas should be provided at transition points between roads where one of those roads has a significant gradient or it should be demonstrated that the absence of a dwell area will not adversely affect the operation of the road.

Road lighting should be provided at the lowest levels of luminance compatible with achieving a standard suitable for adoption.

Reason: To ensure a minimum standard of construction in the interests of highway safety.

Condition (17): No individual dwelling hereby approved shall be first occupied until the estate road serving it, including footways, cycleways, and turning areas, has been constructed in all respects to base course level in accordance with the details approved by condition 16 and street lighting where it is to form part of the estate road has been provided and brought into full operational use.

Reason: In the interests of highway safety.

Emergency vehicle accesses / pedestrian cycle links

Condition (18): None of the dwellings on plots 69 - 76 shall be first occupied until the Southern Emergency Vehicle Access, shown on drawing CBO-0784-004 A, has been completed and made available for use in a manner that: (1) also allows unrestricted pedestrian and cycle access from within the application site boundary; and (2) is lit to the standards approved in compliance with condition 16. The Southern Emergency Vehicle Access shall thereafter be retained as completed for the lifetime of the development.

Reason: To facilitate emergency vehicle access and wider connectivity for pedestrians and cyclists in accordance with the expectations of the Supplementary Planning Document: South and East of Milnthorpe, Development Brief, April 2015.

Condition (19): None of the dwellings on plots 115 - 117 shall be first occupied until the Northern Emergency Vehicle Access, shown on

drawing CBO-0784-003, has been completed and made available for use in a manner that: (1) also allows unrestricted pedestrian and cycle access from within the application site boundary; and (2) is lit to the standards approved in compliance with condition 16. The Northern Emergency Vehicle Access shall thereafter be retained as completed for the lifetime of the development.

Reason: To facilitate emergency vehicle access and wider connectivity for pedestrians and cyclists in accordance with the expectations of the Supplementary Planning Document: South and East of Milnthorpe, Development Brief, April 2015.

Parking

Condition (20): No individual dwelling hereby approved shall be first occupied until its allocated parking provision has been completed and made available for use.

Reason: To ensure the timely provision of car parking in accordance with policy DM9 (Parking Provision, new and loss of car parks) of the South Lakeland Development Management Policies Development Plan Document.

Cycle storage

Condition (21): No individual dwelling hereby approved shall be first occupied until it has been provided cycle storage facilities in accordance with the details shown on drawing 076/EvCh/01, Revision E - Electric Vehicle Charging Points & Bike Storage Layout.

Reason: To ensure compliance with policy DM2 (Achieving Sustainable High Quality Design) of the South Lakeland Development Management Policies Development Plan Document

Drainage

Condition (22): No development shall commence until full details of the sustainable drainage system proposed to serve the development, in accordance with the principles set out in the Flood Risk Assessment and Drainage Strategy report (July 2023, Ref: CN21045V5, M & P Gadsden Consulting Engineers Ltd) and Design Note (July 2023, M & P Gadsden Consulting Engineers Ltd), have been submitted to, and approved in writing by, the local planning authority. The sustainable drainage system must fully address: (1) the management of off-site flows; (2) dealing with impermeable surfaces within the site; (3) the design and delivery of off site features such as the proposed new outfall to the River Bela; and (4) integration with

the landscaping proposals listed within condition 7 to ensure that no existing or proposed landscaping features are compromised. Additionally, the sustainable drainage system must incorporate: (1) hydraulic design and treatment design; and (2) an implementation timetable.

Infiltration design shall be confirmed and corrected by infiltration testing at the effective design depth to BRE Digest 365 standard, at locations and depths that are reasonably similar to the locations and depths of the proposed infiltration devices.

Treatment Design (e.g. for the basin and for any proprietary treatment devices) shall be in accordance with the recommendations of the SuDS Manual.

The exceedance drawing shall show how the flow will be guided when proposed to flow against the natural topography, e.g. along contours.

Thereafter, the approved sustainable drainage system must be implemented in accordance with the agreed timetable.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. To ensure the surface water system continues to function as designed and that flood risk is not increased within the site or elsewhere.

Condition (23): No development shall commence until a surface water drainage validation strategy has been submitted to, and approved in writing by, the local planning authority. The strategy must include a timetable for the phased submission of validation reports in respect of the construction of the main sustainable drainage system and exceedance routes. As a minimum a construction validation and a pre final occupation validation shall be submitted. A validation report shall include confirmation of the seasonally high groundwater level and details of any remedial measures taken. No dwelling shall be first occupied until the validation report for the relevant phase of the development has been submitted to, and approved in writing by, the local planning authority.

Reason: To ensure adequate provision is made for the management of surface water.

Construction management

Condition (24): Construction work shall not take place outside the hours of 0800 – 1800 Monday to Friday or 0900 – 1300 on Saturdays, nor at any time on bank holidays.

Reason: In the interests of safeguarding the amenity and ecological interest of the existing area in accordance with: (1) policy CS8.4 (Biodiversity and geodiversity) of the South Lakeland Core Strategy; and (2) policies DM4 (Green and Blue Infrastructure and Open Space) and DM7 (Addressing Pollution, Contamination Impact, and Water Quality) of the South Lakeland Development Management Policies Development Plan Document.

Condition (25): All works of demolition and construction shall be carried out in accordance with Construction Method Statement, Revision D, received 16 February 2024.

Reason: To safeguard the amenity of the area in accordance with policy DM7 (Addressing Pollution, Contamination Impact, and Water Quality) of the South Lakeland Development Management Policies Development Plan Document.

Condition (26): No development shall commence until a Construction Surface Water Management Plan has been submitted to, and approved in writing by, the local planning authority. Thereafter, the approved Construction Surface Water Management Plan shall be adhered to for the duration of the construction phase of the development.

Reason: To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems.

Contamination

Condition (27): No individual dwelling hereby approved shall be first occupied until there has been submitted to, and approved in writing by, the local planning authority, a Validation/Completion Report in respect of ground contamination issues (if any) relating to that dwelling, in accordance with section 5 (Reporting) of the Remediation Method Statement prepared by BEK Geo-Environmental Consulting (Report Ref: BEK-20813-3) dated November 2023, and having regard to earlier contamination assessments contained within the following documents: (1) BEK – ‘Phase 1 – Preliminary Risk Assessment – Land off Beetham Road, Milnthorpe’ Report Ref: BEK-20813-1, dated January 2021; and (2) BEK – ‘Site Investigation & Ground Assessment – Land off Beetham Road, Milnthorpe’ Report Ref: BEK-20813-2, dated February 2022.

Reason: To safeguard the amenity of the area in accordance with policy DM7 (Addressing Pollution, Contamination Impact, and

Archaeology

Condition (28) No development shall commence until the developer has secured the implementation of an archaeological evaluation in accordance with the approved document by Greenlane Archaeology entitled: 'Archaeological Evaluation Cover Sheet and Project Design'. Where significant archaeological assets are revealed in the evaluation, there shall be a requirement to submit an additional written scheme of investigation for approval by the local planning authority for the investigation and recording of the archaeological assets.

The second written scheme of investigation, if required, will include the following components:

- An archaeological recording programme the scope of which will be dependent upon the results of the evaluation;
- There shall be carried out within one year of the completion of the programme of archaeological work on site, or within such timescale as otherwise agreed in writing by the LPA: a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the LPA, completion of an archive report, and submission of the results for publication in a suitable journal.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains, in accordance with (1) policies CS8.6 (Historic environment) of the South Lakeland Core Strategy; and (2) policy DM3 (Historic Environment) of the South Lakeland Development Management Policies Development Plan Document.

Biodiversity

Condition (29): None of the dwellings hereby approved shall be first occupied until an information pack to be made available to future residents, highlighting the significance and sensitivity of the nearby Morecambe Bay Ramsar and the Morecambe Bay and Duddon Estuary Special Protection Area (SPA), has been submitted to, and approved in writing by, the local planning authority. Thereafter, the information pack shall be made

available to all future residents for the lifetime of the development.

Reason: To reinforce compliance with policy CS8.4 (Biodiversity and geodiversity) of the South Lakeland Core Strategy.

40. URGENT ITEMS

There were no urgent items.

The meeting ended at 1.40 pm