

WESTMORLAND AND FURNESS COUNCIL STRATEGIC PLANNING  
COMMITTEE

Minutes of a Meeting of the **Strategic Planning Committee** held on Tuesday, 19 September 2023 at 10.00 am at County Hall, Kendal, LA9 4RQ

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**PRESENT:**

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

**Officers in attendance:**

Mr A Martin      Principal Planning Officer  
Mr A Moffatt      Legal, Governance and Democracy Specialist (Democratic Services)  
Mr C Parkes      Development Management Officer - Highways  
Mrs L Tremble      Assistant Director Legal and Democratic Services (Eden)

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

**16. APOLOGIES FOR ABSENCE**

An apology for absence had been received from Councillor W Clark.

**17. MEMBERSHIP**

Councillor V Hughes acted as substitute for this meeting in Councillor W Clark's absence.

**18. DECLARATIONS OF INTEREST/DISPENSATION**

Whilst no Members declared a pecuniary interest in the item on the agenda, a number of members noted for transparency, that three of the public speakers were known to them, due to them being associated with Kendal Town Council and Westmorland and Furness Council.

**19. EXCLUSION OF PRESS AND PUBLIC**

There were no excluded items on the agenda.

## **20. MINUTES OF THE PREVIOUS MEETING**

Members requested that the location of the application be included in the minutes of the previous meeting and all future meetings, as well as a description of the application.

**RESOLVED**, that the Chair be authorised to sign, as a correct record, the minutes of the meeting held on 13 July 2023, subject to the minor amendment set out above.

## **21. SL/2022/0921 - ERECTION OF 24 DWELLINGS WITH ASSOCIATED VEHICULAR ACCESS, ROADS AND FOOTWAYS, HARD AND SOFT LANDSCAPING, DRAINAGE AND OTHER ASSOCIATED WORKS - LAND AT BRIGSTEER ROAD (PHASE 3) , KENDAL**

*Planning Application No. SL/2022/0921 – Land at Brigsteer Road (Phase 3), Kendal – Erection of 24 dwellings with associated vehicular access, roads and footways, hard and soft landscaping, drainage and other associated works.*

The Principal Planning Officer informed members of a full planning application, for 24 dwellings, which represented the third phase of development on an allocated housing site on the western side of Kendal at Brigsteer Road. Taking into account the main planning issues, and having considered the responses from consultees and third parties, the proposal was judged to be consistent with the relevant development plan policies and other material planning considerations.

The officer then gave members a presentation, which set out the report in detail, referring to site plans and photographs which showed an aerial view as well as key points of access on the site. Elevations were shown to give examples of the house types, including the affordable units.

The officer was recommending approval of the application.

The Chair then opened the meeting up to public participation.

Mr G Dearlove, a local resident, addressed the Committee, speaking in objection to the application.

Mr G Trimmingham, a local resident, addressed the Committee, speaking in objection to the application.

Cllr S Long, Kendal Town Council, addressed the Committee, speaking in objection to the application.

Mr C Bagshaw, the Clerk to Kendal Town Council, addressed the Committee on behalf of the Town Council, speaking in objection to the application.

Cllr M Severn, Westmorland and Furness Councillor and Kendal Town Councillor, addressed the Committee as Ward Member in objection to the application.

Mr D Hayward, Land Manager for Story Homes addressed the Committee, speaking in support of the application.

The Chair thanked all of the public participation for their contribution to the meeting and made Members aware that a Highways Officer was in attendance to respond to any questions.

The Principal Planning Officer responded to the points raised within the public participation.

Members requested further information on the traffic modelling that had been undertaken. The highways officer explained that earlier iterations of the applicant's modelling had suggested a potential impact on the Bankfield/Greenside junction but that further work had confirmed that the junction would operate within capacity with no unacceptable impact on highway safety.

Members expressed concern regarding the phased approach of the development, it was felt that some aspects that may be considered unacceptable for Phase 3 may be later considered as acceptable for Phase 4. Furthermore, the methodology of the transport assessment was queried as the use of a new set of data had changed the pressure on the junction in the study. Members noted that a clear picture of the impact of the whole development was difficult when the phases were being approved separately.

In response, the Principal Planning Officer informed members that there were no policy requirement for the allocation to be developed comprehensively. Nevertheless, he believed the phased approach was on course to deliver the plan for the site with the development brief being followed closely by Story Homes. Members were reminded that only Phase 3 of the application was being considered at this meeting.

Regarding the traffic assessment, the Principal Planning Officer and Highways Officer explained that the focus of the initial assessment had used an unrealistic assumption that 100% of vehicles would use the junction to travel into Kendal. The assessment showed that the number of vehicles per hour resulting from Phase 3 was likely to have an impact on the junction at Bankfield Road/ Greenside. It was noted that Story Homes' traffic consultant had redistributed the trips to a more realistic split in the direction of travel, which was why the pressure on the junction had changed from the initial assessment. Members were informed that Phase 4 was a more marginal case and it was anticipated that further analysis of the junction would be done at that stage of development.

Members further expressed concern regarding the impact of traffic if the application was to be approved. The Principal Planning Officer explained that the former SLDC Planning Committee had established dedicated highway links to the boundaries of Phases 1 and 2 for use by the later phases. The Principal Planning Officer reminded Members that in considering development for Phase 3, it was important to ensure that at least one of those links was protected.

Members requested further information from Mr D Hayward, Story Homes. The Chair gave his permission following the request from Members.

Mr D Hayward, Land Manager for Story Homes addressed the Committee. He informed the Committee of the process to acquire the land and how the different phases of development would be brought forwards. He commented on the road link on the site, confirming that Story Homes was progressing a scheme for Phase of the allocation, and that this would be connected to existing development via the dedicated link in Phase 2.

Following a query relating to the status of the hedgerow, the Principal Planning Officer confirmed that the hedgerow was to be retained, and that trees were protected through the course of the development.

Members resolved to adjourn the meeting for a brief comfort break at 11.47 a.m.

The meeting reconvened at 11.54 a.m.

Following a request from the chair, a proposal to move the officer recommendations as set out in the report was put forward and seconded.

A separate proposal was made, to defer the application, in order to consider Phase 3 and 4 of the development together. The Chair reminded Members that the substantive motion must be considered before an alternative is put forwards.

Before moving to the vote, Members requested that the concerns raised during the meeting be acted on by officers in consultation with the developers.

Members moved to the vote and it was unanimously

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

(1) a section 106 agreement covering the following issues:

**Affordable housing**

8 units of affordable housing, based upon:

- (1) a tenure mix of 4 x 1 Bed Rented Homes (Belford Type) to be rented at Affordable Rents Levels 2 x 2 Bed First Homes ( Branford Type) to be sold at 40% discount on the Open Market Value to First Time Buyers only 2 x 2 Bed Shared Ownership ( Branford Type); and
- (2) the Council's other standard clauses.
  - Not to allow the disposal of and/or occupation of more than nine full market value units until the 4 x 1 Bed Rented Homes (Belford Type) units have been made ready for occupation and written notification of such has been made to the council.

- Not to allow the disposal of and/or occupation of more than 15 full market value units until the remainder of the affordable housing units have been made ready for occupation and written notification of such has been made to the council. The one remaining full market value unit shall be a 5- bedroom house type.

### **On-site recreation and SuDS**

Establishment of management and maintenance arrangements for all of the on-site open space and SuDS in accordance with an “On-Site Open Space Management Plan” and a “SuDS Management Plan” to be first agreed. The Suds Management Plan must contain clear arrangements for the ongoing maintenance of the drainage system over the lifetime of the development, including a maintenance schedule identifying all responsible parties. Thereafter, the on-site open space and SuDS must be established, managed and maintained in accordance with the agreed schemes for the lifetime of the development.

### **Off-site recreation**

A financial contribution of £12,170 towards off-site open space. [This is a pro rata calculation based on the £44,625 agreed for the 88 dwellings in the Phase 1 and 2 permission].

The contribution to be used towards:

- (1) the provision / improvement of open space and recreation/play space provision within the main Stainbank Green allocation; or
- (2) the provision / improvement of open space and recreation/play space provision within the “Vicarage Road green wedge” if the remainder of the Stainbank Green allocation is not substantially complete by the end of 2030.

### **Biodiversity net gain**

A financial contribution of £50,715, for onward transmission to Cumbria Wildlife Trust, for the establishment and future maintenance of 2.4 hectares of species rich pasture on former agricultural land adjoining Foulshaw Moss Nature Reserve.

- (2) 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 – Phase 3, 40067.03.LP Revision B
- Site Layout PH3, 20101.01.03.SLPH3 Revision M
- Boundary Treatments Layout, 20101.03.03.BT Revision K
- Standard Boundary Treatments Layout 40014.03.03ST Revision D
- Elevations Treatment Layout – Phase 3, 40067.03.02 Revision K
- Hard Surfacing Layout, 20101.03.04.HS Revision K
- Site Section A-A, BRPH3-SS-AA Revision D
- Site Section B-B, BRPH3-SS-BB Revision D
- Site Section C-C, BRPH3-SS-CC Revision D
- Site Section D-D, BRPH3-SS-DD Revision D
- Landscape Structure Plan, 6219.09 Revision L
- Management Company Layout, 20102.01.07.MCL Revision C
- Parking Plan, 20101.01.03.PPPH3 Revision L
- Proposed External Levels, 101 Revision E
- Drainage Layout Plan, 120 Revision F
- Refuse Tracking, 20101.01.03.SLTR Belford M4(2), House Type
- Planning Elevation 1/46 (drawing number BEL-PL1/46) Branford M4(2), House Type
- Planning Elevation 1/44 (drawing number BFD-PLP1)
- Planning Elevation 1/44 (drawing number BFD-PL1/44) Cranford M4(2), House Type
- Planning Layout 1 (drawing number CND-PLP1)
- Planning Elevation 1/1 (drawing number CND-PL1/1) Hartford M4(2)S, House Type
- Planning layout 1 (drawing number HFD-PLP1)
- Planning Elevation 1/44 (drawing number HFD-PL1/44)
- Planning Elevation 1/45 (drawing number HFD-PL1/45) Linford M4(2)S House Type
- Planning Layout 1 (drawing number LFD-PLP1)
- Planning Elevation 1/4 (drawing number LFD-PL1/4)
- Planning Elevation 1/5 (drawing number LFD-PL1/5) Rutherford M4(2) House Type
- Planning Layout 1 (drawing number RTD-PLP1 Rev A)
- Planning Elevation 1/44 (drawing number RTD-PL1/44 Rev A)
- Planning Elevation 1/45(drawing number RTD-PL1/45 Rev A) Stanford M4(2)S House Type
- Planning Layout 1 (drawing number SFD-PLP1)
- Planning Elevation 1/44 (drawing number SFD-PL1/44)
- Planning Elevation 1/45(drawing number SFD-PL1/45) Wexford M4(2)S, House Type
- Planning Layout 2 (Corner) (drawing number WXD-PLP2)
- Planning Layout 2 (Corner) (drawing number WXD-PL244)

- Planning Layout 2 (Corner) (drawing number WXD-PLE245)

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

### **External materials**

Condition (3) External walls and roofs of the dwellings hereby approved shall be finished in accordance with the materials shown on the approved Elevation Treatments Layout (40067.03.02 Revision K), and in accordance with natural stone and natural slate specifications that shall first have been submitted to, and approved in writing by, the local planning authority.

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.

### **Plot boundaries**

Condition (4) No individual dwelling shall be first occupied until its boundary has been enclosed in accordance with the details shown on the approved Boundary Treatments Layout (20101.03.03.BT Revision K) and approved Standard Boundary Treatments Layout (40014.03.03ST Revision D).

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) Plots 110 – 112 shall not be first occupied until the retaining walls and associated external works adjoining their boundaries, shown on, drawing 101 Revision E (Proposed External Levels), have been completed in accordance with a further specification that shall first have been submitted to, and approved in writing by, the local planning authority. For the avoidance of doubt, the exposed external faces of these retaining walls shall be finished in natural stone.

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.

## **Landscaping**

Condition (6) No development shall commence until a timetable for the completion of all hard and soft landscaping of the site has been submitted to, and approved in writing by, the local planning authority. Hard and soft landscaping shall be completed in accordance with the following plans:

- Hard Surfacing Layout, 20101.03.04.HS Revision K
- Landscape Structure Plan, 6219.09 Revision L
- Proposed External Levels, 101 Revision E
- Management Company Layout, 20102.01.07.MCL Revision C

Thereafter, the landscaping shall be maintained for a period of not less than 30 years in accordance with the provisions of the Biodiversity Enhancement Management Plan, Brigsteer Road Phase 3, prepared by Urban Green and dated July 2023.

Reason: To safeguard and enhance the character of the area in accordance with policies LA1.3 (Housing Allocations) and LA2.7 (Stainbank Green) of the South Lakeland Land Allocations Development Plan Document 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 (7) No development shall commence within 15 metres of any tree or tree group identified for retention in the submitted Arboricultural Impact Assessment (AIA) until physical tree protection measures have been put in place (and confirmed as acceptable following a site inspection by the local planning authority's representative) in accordance with the details in the submitted Arboricultural Method Statement (AMS), comprising the following drawings:

- UG\_1670\_ARB\_AMS\_01 Revision 01,
- UG\_1670\_ARB\_AMS\_02 Revision 01 and
- UG\_1670\_ARB\_AMS\_SIGN\_OFF Revision 01

Thereafter, the protection measures shall be kept in place for the duration of the construction phase of the development, and development shall proceed in accordance the further measures detailed in the AIA and AMS.

In addition to the general provisions with the AMS, work within the vicinity of Tree Group G21 (identified in the submitted Arboricultural



Impact Assessment (AIA), shall be carried out in accordance with the specific proposals within the letter titled “Preliminary Assessment of Arboricultural Impacts on Retained Tree T19 and Tree Group G21 from Proposed Drainage Strategy for Land at Brigsteer Road (Phase 3), Kendal”, from Urban Green dated 24 August 2023.

For the avoidance of doubt, photographic records of all supervised excavations, along with any remedial works required during the excavations must be documented in the AMS Sign Off records.

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.

### **Accessible and adaptable homes**

Condition (8) All of the dwellings hereby approved, other than the first floor Belford units, shall be constructed to meet the Building Regulations M4(2) standards for accessible and adaptable homes.

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

### **Broadband**

Condition (9) 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.

### **Photovoltaic panels**

Condition (10) No development shall commence until a specification for the installation of photovoltaic panels on each dwelling has been submitted to, and approved in writing by, the local planning authority. Thereafter, no individual dwelling shall be first occupied until it has been provided with photovoltaic panels in accordance with the agreed specification.

Reason: To maximise opportunities for renewable and low carbon energy technologies in accordance with Appendix 1 of the South Lakeland Development Management Policies Development Plan Document.

## Highways

Condition (11) No dwellings shall be occupied until the estate road including footways, cycleways, parking, and turning spaces, to serve such dwellings has been constructed in all respects to base course level 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.

Condition (12) Plots 110 – 112 shall not be first occupied until the estate road connection to Phases 1 and 2 of the development (originally approved under reference SL/2020/0783) past Plot 60 has been constructed and made operational.

Reason: To maintain highway connectivity in accordance with: (1) policy CS10.2 (Transport impact of new development) of the South Lakeland Core Strategy; and (2) policy DM1 (General Requirements for all development) of the South Lakeland Development Management Policies Development Plan Document.

Condition (13) Plots 97 - 101 shall not be first occupied until the estate road connection to Phases 1 and 2 of the development (originally approved under reference SL/2020/0783) past Plots 68 and 69 has been constructed and made operational.

Reason: To maintain highway connectivity in accordance with: (1) policy CS10.2 (Transport impact of new development) of the South Lakeland Core Strategy; and (2) policy DM1 (General Requirements for all development) of the South Lakeland Development Management Policies Development Plan Document.

## Travel plan

Condition (14) The measures identified in the Travel Plan approved under reference SL/2022/0838 (Discharge of condition 16 attached to planning permission reference SL/2020/0783) shall also be implemented in respect of all properties hereby approved, within 12 months of any occupation of the development.

Reason: To mitigate for the cumulative impacts of development, recognising that the transport impacts of Phase 3 are linked to, and additional to, the impacts of the previously approved Phases 1 and 2 (planning reference SL/2020/0783). To aid in the delivery of sustainable transport objectives.

## **Parking**

Condition (15) No individual dwelling shall be first occupied until its parking provision, as indicated on the approved Parking Plan (20101.01.03.PPPH3 Revision L) and, where applicable, integral garages shown on the relevant house type designs, has been constructed 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.

## **Electric vehicle charging points**

Condition (16) All dwellings shall be provided with electric vehicle charging points before first occupation.

Reason: To maximise opportunities for renewable and low carbon energy technologies in accordance with Appendix 1 of the South Lakeland Development Management Policies Development Plan Document.

## **Cycle parking**

Condition (17) No development shall commence until a cycle parking plan, providing details of secure and convenient long stay cycle parking for residents, has been submitted to, and approved in writing by, the local planning authority. Thereafter, no individual dwelling shall be first occupied until it has been provided with cycle parking in accordance with the approved cycle parking plan.

Reason: To maximise opportunities for promoting sustainable transport in accordance with Appendix 1 of the South Lakeland Development Management Policies Development Plan Document.

## **Public rights of way**

Condition (18) Plots 89 - 91 shall not be first occupied until a new public pedestrian link from the development to public footpath 536043 has been completed in accordance with a specification that shall first have been submitted to, and approved in writing by, the local planning authority. The specification must address working within the root protection areas of the protected trees that line public footpath 536043 and must include:

- (a) measures necessary to secure ongoing pedestrian access for the public over privately owned land; and

- (b) proposals for future maintenance. Thereafter, the link must remain available as a public connection for the lifetime of the development.

Reason: To improve pedestrian links in accordance with the expectations of policy LA2.7 of the South Lakeland Land Allocations Development Plan Document.

Condition (19) Plot 96 shall not be first occupied until a new public pedestrian link from the development to public footpath 536040 immediately south of plots 92 – 95 has been completed in accordance with a specification that shall first have been submitted to, and approved in writing by, the local planning authority. The specification must include:

- (a) measures necessary to secure ongoing pedestrian access for the public over privately owned land; and
- (b) proposals for future maintenance. Thereafter, the link must remain available as a public connection for the lifetime of the development.

Reason: To improve pedestrian links in accordance with the expectations of policy LA2.7 of the South Lakeland Land Allocations Development Plan Document.

Condition (20) Plots 106 - 107 shall not be first occupied until the new public pedestrian link from the development to public footpath 536040 (identified on Site Layout PH3, 20101.01.03.SLPH3 Revision M) has been completed in accordance with a specification that shall first have been submitted to, and approved in writing by, the local planning authority. The specification must address working within the root protection areas of tree group G21 identified in the submitted Arboricultural Impact Assessment (AIA) (accepting that a section of Group G21 will be lost to create the connection) and include:

- (a) measures necessary to secure ongoing pedestrian access for the public over privately owned land; and
- (b) proposals for future maintenance. Thereafter, the link must remain available as a public connection for the lifetime of the development.

Reason: To improve pedestrian links in accordance with the expectations of policy LA2.7 of the South Lakeland Land Allocations Development Plan Document.

## **Drainage**

Condition (21) Foul and surface water shall be drained to separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

Condition (22) No development shall commence until a further specification for the proposed geocellular soakaway system, confirming maintenance arrangement for the lifetime of the development, has been submitted to, and approved in writing by, the local planning authority.

Reason: To ensure the surface water system continues to function as designed and that flood risk is not increased within the site or elsewhere. [Ensuring ongoing maintenance in accordance with the agreed specification will be secured by an obligation in the recommended section 106 agreement]

Condition (23) No development shall commence until a construction surface water management plan has been agreed in writing with the local planning authority. Thereafter, the construction phase of the development shall proceed in accordance with the approved plan.

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

Condition (24) 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 main sustainable drainage system and exceedance routes. 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. The validation report should include confirmation of the infiltration rate at the design depth of the proposed geocellular soakaway, confirmation of the infiltration properties of any fill material in which infiltration devices will be used, and confirmation that the geocellular system is installed in accordance with good practice.

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

## **Construction management**

Condition (25) 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 (26) No blasting shall be undertaken as part of the construction process.

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 (27) No development shall take place, including any works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by the local planning authority. The CEMP shall provide for:

- (i) a phasing scheme for the construction of the development, including timescales for the installation of the access roads, parking and turning areas;
- (ii) safe visibility at the access during the construction period;
- (iii) details of proposed crossings of the highway verge;
- (iv) dedicated areas for the parking of vehicles of site operatives and visitors;
- (v) dedicated areas for loading and unloading of plant and materials;
- (vi) dedicated areas for storage of plant and materials used in constructing the development;
- (vii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (viii) wheel cleaning facilities;
- (ix) the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- (x) cleaning of site entrances and the adjacent public highway;
- (xi) the management of junctions to and crossings of the public highway and other public rights of way/footway;
- (xii) the scheduling and timing of movements, details of escorts for abnormal loads, temporary warning signs and banksman/escort details;
- (xiii) measures to control the emission of dust and dirt during construction;
- (xiv) measures to control surface water run-off during construction;
- (xv) a rock pecking method statement;
- (xvi) measures to control noise and vibration.

Thereafter, the approved Construction Environment Method Statement shall be adhered to throughout the construction period.

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.

### **Land contamination**

Condition (28) Prior to the occupation of any residential dwellings a Verification Report demonstrating completion of the recommendations set out in the site investigation scheme and the detailed risk assessment detailed in the following documents has been submitted to, and approved in writing by the local planning Authority:

- 16-061-L2- Supplementary Geoenvironmental Investigation,e3p - September 2022-1-50
- 16-061-L2- Supplementary Geoenvironmental Investigation e3p[1]September 2022-51-125

The Verification Report shall include results of all remediation measures and sampling and monitoring carried out in accordance with the site investigation scheme and the detailed risk assessment recommendations to demonstrate that the site is suitable for residential occupation.

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

Condition (29) If during the course of development any visible contaminated or odorous material (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present, development shall immediately cease. Thereafter, development shall only recommence in accordance with a method statement detailing the nature and degree of the contamination and the techniques proposed to remove it. The method statement must be prepared by a suitably qualified independent consultant and must first have been submitted to, and approved in writing by the local planning authority.

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

## **Archaeology**

Condition (30) No development shall commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall first have been submitted to, and approved in writing by, the local planning authority.

This written scheme will include the following components:

- An archaeological evaluation;
- An archaeological recording programme the scope of which will be dependent upon the results of the evaluation;
- Where significant archaeological remains are revealed by the programme of archaeological work, there shall be carried out within one year of the completion of that programme, or within such timescale otherwise agreed in writing by the local planning authority, a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the local planning authority, 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 CS2 (Kendal Strategy) and 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 (31) No individual dwelling or block of flats shall be first occupied until it has been fitted with swift bricks in accordance with a scheme that shall first have been submitted to, and approved in writing by, the local planning authority.

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

Condition (32) 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 Scout and Cunswick Scars Site of Special Scientific Interest (SSSI) (part of the Morecambe Bay Pavements Special Area of Conservation (SAC)), 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.

## **22. URGENT ITEMS**

There were no urgent items.

The meeting ended at 11.59 am