

## STRATEGIC PLANNING COMMITTEE UPDATE REPORT

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### Planning Application Reference No. SL/2022/0305

**Proposal: Erection of 111 houses, 6 bungalows and 8 apartments with associated roads, car parking, landscaping, infrastructure and access from Beetham Road, Land off Beetham Road, MILNTHORPE (AMENDED SCHEME)**

Location: Land off Beetham Road MILNTHORPE

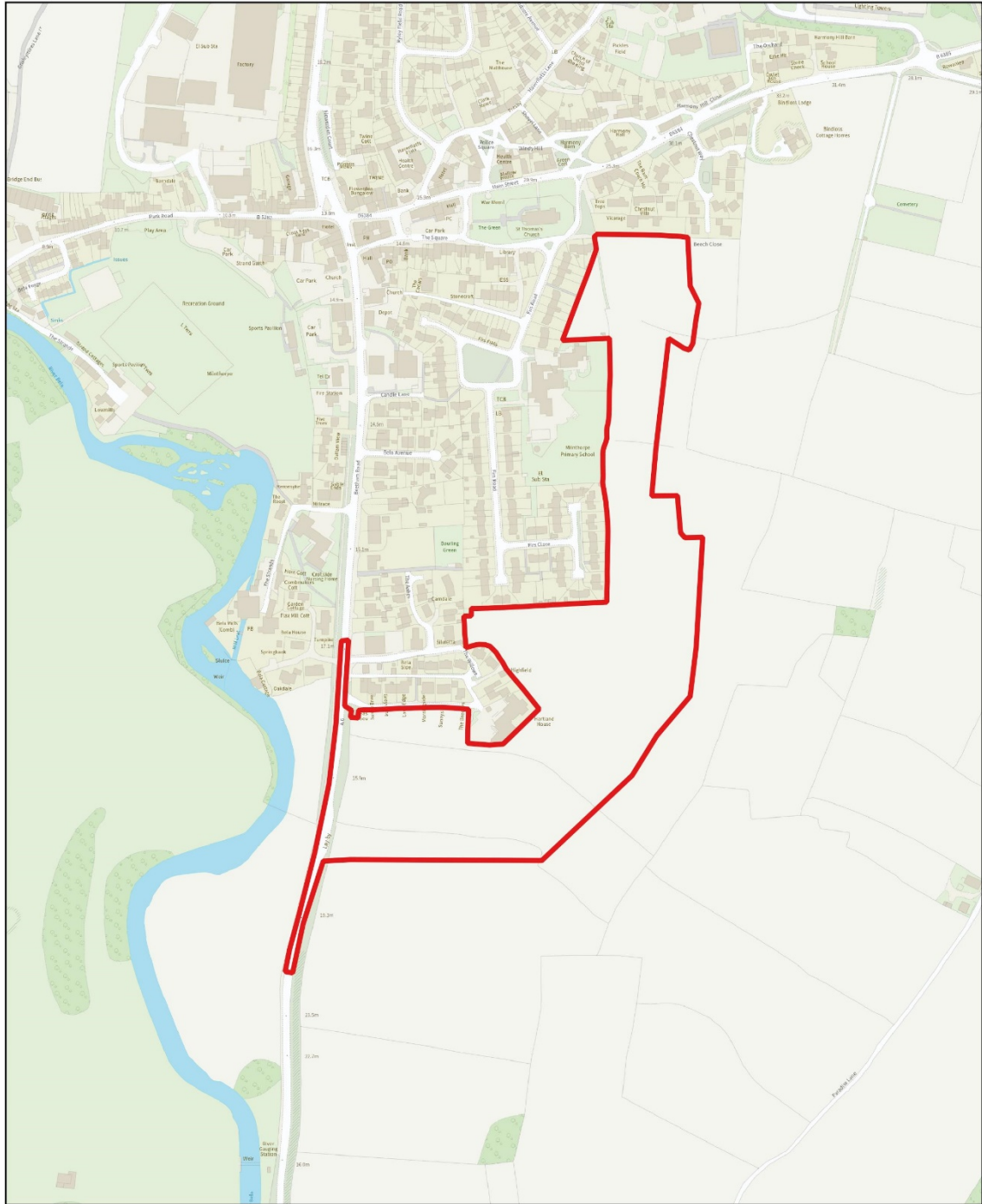
Applicant: Oakmere Homes Ltd

Committee Date: 20 March 2024

Case Officer: Andrew Martin

Reason for Committee Level Decision:

- Conflicts with the representations received from a Town or Parish Council where they are capable of being material planning considerations;
- Residential development comprising more than 100 dwellings or site area exceeding 3 hectares.



SL/2022/0305  
Land off Beetham Road, MILNTHORPE



Scale 1:5000

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## **1.0 SUMMARY AND RECOMMENDATION**

1.1 The application is recommended for approval 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 planning obligations set out in paragraph 9.1b below; and
- c) the conditions listed below in paragraph 9.1c being attached to the planning permission.

## **2.0 BACKGROUND**

2.1 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.

2.2 The Planning Assessment section of this report provides updates on these issues, with references back to the report presented in January as appropriate. The earlier report (referred to from now on as "the January Report") is attached at Appendix A.

## **3.0 SITE PLANNING HISTORY**

3.1 There is no relevant planning history for this site.

## **4.0 CONSULTATIONS**

4.1 The application has now been publicised on five separate occasions: (1) 01 April 2022, when the application was first registered; (2) 11 April 2023, following significant amendments (including the omission of Apartment Block C); (3) 14 June 2023 (a targeted re-consultation with certain properties in Firs Road and Firs Close following amendments along the boundary); (4) 28 July 2023, a full re-

consultation following further significant amendments to the proposal; and (5) 16 February 2024, a targeted re-consultation following amendments in response to the concerns raised by the Strategic Planning Committee at its meeting on 11 January 2024. The latter comprised re-consultation with:

- Milnthorpe Parish Council.
- Immediate neighbours, plus other third parties who have already submitted representations.
- Lead local flood authority (to consider: (1) the Strategic Planning Committee's concerns in respect of surface water drainage; and (2) consequential amendments to the surface water drainage proposals following design changes in response to the Strategic Planning Committee's concerns in respect of living conditions).
- United Utilities (as above, plus further consideration of the Strategic Planning Committee's concerns in respect of: (1) the capacity of Milnthorpe Waste Water Treatment Works (WWTW); and (2) planned investment in local infrastructure).
- Local highway authority (to consider: (1) the Strategic Planning Committee's concerns in respect of site access; and (2) consequential amendments to the internal road layout following design changes in response to the Strategic Planning Committee's concerns in respect of living conditions).

4.2 The remainder of this section summarises responses to the 16 February consultation only. **For a summary of responses to the earlier phases of consultation, which remain valid, please refer to the report to the January 2024 meeting of the Strategic Planning Committee.**

#### 4.3 **Milnthorpe Parish Council**

##### 4.4 **29 February 2024**

The Parish Council have no major objections the development and notes the changes that have been made since the last planning committee. As you are aware the Parish Council must act for the village as a whole and have tried to reflect that in our communications. The PC believes that most concerns have been satisfied but would like to make a point that it would have preferred a greater number of affordable houses.

#### 4.5 **Local highway authority**

##### **26 February 2024**

We continue to recommend that this proposal can be approved with conditions.

#### 4.6 **Lead local flood authority**

##### **26 February 2024**

We continue to recommend that this proposal can be approved with conditions.

#### 4.7 **United Utilities**

**29 February 2024**

#### 4.8 Response includes the following comments:

Milnthorpe has sufficient capacity to treat the additional foul only flows from this development site. The current proposals for this development are for surface water (rainwater) to infiltrate to ground and also to discharge directly to watercourse, thereby not connecting with the public sewer and reducing the impact of the development on the sewer network. As the additional flow into the drainage system will be foul only, the treatment works will have capacity. Furthermore, United Utilities will continue to undertake due diligence to assess the potential impacts of the proposed foul only connection from the development to the sewer network and treatment facilities and will respond accordingly as and when the development progresses.

#### 4.9 The response also recommends conditions to ensure the implementation of: (1) a surface water drainage scheme based upon the principles included within the application; and (2) a sustainable drainage management and maintenance plan for the lifetime of the development.

### 5.0 **REPRESENTATIONS**

#### 5.1 We have received a further eight representations in response to the latest consultation, all explicitly badged (or taken to be) objections. **For a summary of representations received in response to the earlier phases of consultation, which remain valid, please refer to the report to the January 2024 meeting of the Strategic Planning Committee.**

#### 5.2 The key concerns raised in the further letters of representation are summarized as follows:

- There have been no substantive changes to the proposal.
- The village lacks the appropriate infrastructure.
- Village needs affordable housing.
- More foul sewage will be added to the existing system
- Not acceptable that more sewage should be added to system that already discharges raw sewage during sewer storm overflow events
- Milnthorpe WWTW needs an immediate upgrade to ensure it can process the current volume of foul water plus an estimated 20% increase from the proposed development
- Surface water infrastructure needs to be designed correctly from the outset.
- Query the enforceability of the surface water drainage management arrangements.
- The development brief has not been met in a number of ways.

- Proposed houses are still too close to existing properties.
- Apartment Block B is of great harm to the conservation area.
- Proposal still decimates the landscape, contrary to Council's own Landscape Character Guidance.
- Landscaping adjoining A6 contrary to expectations of the Development Brief

## 6.0 RELEVANT PLANNING POLICY

- 6.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 provides that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) requires local planning authorities to have special regard to the desirability of preserving listed buildings, their setting and any feature of special architectural or historic interest which they possess.
- 6.3 Section 72 of the LBCA Act requires that special attention is paid in the exercise of planning functions to the desirability of preserving and enhancing the character and appearance of a Conservation Area.

### Local Plans

- [South Lakeland Core Strategy](#) ("the Core Strategy") - *adopted 20 October 2010*
- [South Lakeland Local Plan Land Allocation Development Plan Document](#) ("the LADPD") - *adopted 17 December 2013.*
- [South Lakeland Development Management Policies Development Plan Document](#) ("the DMDPD") - *adopted 28 March 2019.*

### Other Material Considerations

#### National Planning Policy Framework (NPPF) (December 2023)

- 6.4 The NPPF sets out governments planning policies for England and how these are expected to be applied. This is a material consideration in planning decisions.
- 6.5 At the heart of the NPPF is a presumption in favour of sustainable development (Paragraph 11). However, Paragraph 12 confirms that the presumption does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. In this case, the relevant sections of the NPPF are:
- 6.6 The following sections are considered relevant to this application:
2. Achieving sustainable development
  4. Decision-making

5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed and beautiful places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

Supplementary Planning Document: South and East of Milnthorpe, Development Brief, April 2015 (the “Development Brief”);

National Planning Policy for Waste (October 2014)

- 6.7 This is relevant to the issue of refuse collection, discussed further under the Planning Assessment section of this report.

South Lakeland District Council First Homes Interim Position Statement April 2022

## **7.0 PLANNING ASSESSMENT**

- 7.1 This section of the report presents updates in respect of the issues raised by Members in January.

### Waste water treatment works

- 7.2 At its meeting in January, the Strategic Planning Committee requested an update on United Utilities’ position in respect of: (1) the capacity of Milnthorpe Waste Water Treatment Works (WWTW); and (2) planned investment in local infrastructure. Members were concerned about the potential impact of the development on foul drainage infrastructure. United Utilities provided a written update dated 29 February 2024 and this is published in full online. United Utilities summarises the current position at Milnthorpe as follows:

Milnthorpe has sufficient capacity to treat the additional foul only flows from this development site. The current proposals for this development are for surface water (rainwater) to infiltrate to ground and also to discharge directly to watercourse, thereby not connecting with the public sewer and reducing the impact of the development on the sewer network. As the additional flow into the drainage system will be foul only, the treatment works will have capacity. Furthermore, United Utilities will continue to undertake due diligence to assess the potential impacts of the proposed foul only connection from the development to the sewer network and treatment facilities and will respond accordingly as and when the development progresses.

- 7.3 Members’ concerns are understandable; it seems counterintuitive to be approving development that will add pressure to the existing WWTW when, as reported in January, there is evidence of existing sewer storm overflow events discharging a mix of excess rainfall and raw sewage into the River Bela. However, the local planning authority’s role in this aspect of pollution control is limited and is clearly prescribed in paragraph 194 of the NPPF:

The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

- 7.4 The pollution control regime for waste water treatment works is exercised through permits issued and enforced by the Environment Agency in accordance with The Environmental Permitting (England and Wales) Regulations 2016.
- 7.5 Milnthorpe WWTW has the required environmental permit and the operator, United Utilities, is telling us unequivocally that the facility has sufficient capacity to treat the additional foul only flows from the development proposed by this application. And notwithstanding any concerns Members may have about the veracity of United Utilities stated position, there are no grounds for refusing planning permission on this issue. Any breaches of the environmental permit governing operation of the site are a matter for the Environment Agency.
- 7.6 Members will recall that the January Report referred to an outstanding issue in respect of the potential impact of the development on some of United Utilities' water assets near the site access. This issue has now been resolved to United Utilities' satisfaction.

#### Surface water

- 7.7 At its meeting in January, the Strategic Planning Committee sought reassurance that the surface water generated by this development would not make its way into the public sewer system and end up adding pressure to the Waste Water Treatment Works. This touches on two issues: (1) the design of the surface water drainage scheme proposed for the development; and (2) its long term maintenance.
- 7.8 In response to Members' concerns, the applicant's drainage consultants have submitted further comments in a letter dated 07 February 2024. This is published in full online and also informs the further discussion below. The lead local flood authority has also contributed to this further discussion.
- 7.9 It is an underlying principle in the various components of the District's development plan and in relevant Government policy and guidance that development should not increase flood risk elsewhere. To that end, all development is now expected to employ sustainable drainage systems (SuDS) to deal with surface water. In essence, this requires infrastructure to attenuate surface water flows to the green field rate for all rainfall / flooding events with a return period of up to 1:100 years, including an allowance for climate change. Furthermore, the solution for discharging attenuated flows to the wider environment is expected to sit as high as reasonably practicable in the following hierarchy of drainage options:
- into the ground (infiltration at source);
  - to a surface water body;



- to a surface water sewer, or other suitable surface water drainage system;
  - to a combined sewer.
- 7.10 There is also an expectation that SuDS will include a level of mitigation for events with a return period greater than 1:100 years, often referred to as exceedance events. Exceedance events of increasing intensity will eventually overwhelm every properly designed SuDS, but until that point the worst impacts of flooding can still be avoided by channeling exceedance flows in a particular manner.
- 7.11 As explained in the report to the January 2024 meeting of the Strategic Planning Committee, the SuDs in this case treats the site as three separate catchment areas, with the northern and central sections being served by ground infiltration, the optimum solution in the hierarchy set out above, and the southern section employing an attenuated flow to the River Bela, the second best option in the hierarchy. No surface water is directed into any sewer. In addition, the scheme also includes a number of exceedance channels and bunds, designed to intercept and direct exceedance flows around the proposed houses to the highways bounding of the site. The proposed SuDS has been confirmed as acceptable by both the lead local flood authority and United Utilities.
- 7.12 Long-term maintenance of the SuDS will be handled by a Surface Water Drainage Management Scheme, which is to be established through the proposed section 106 agreement. This will become the shared responsibility of individual homeowners for in-curtilage surface water soakaways, and a site-wide management company for infrastructure in common areas. This is a typical solution for schemes of this nature. Where the proposed Management Scheme differs from other schemes is in its approach to certain aspects of the exceedance infrastructure; the channels and bunds which run through private gardens. Because these features are rarely, if ever, called upon to perform their primary function, there have been examples in other developments where individual homeowners have unwittingly removed them, or otherwise compromised their use. Channels and bunds which appear to serve no obvious purpose year-on-year can get removed or blocked. The consequences of this may not be evident for a long time, perhaps decades, but it will increase the risk of flooding in a rare exceedance event. To address that risk in this case, the long-term responsibility for managing exceedance infrastructure in private gardens is to be passed to the site-wide management company. This places responsibility in the hands of a single organization, rather than numerous individual households, and provides a targeted focus for enforcement action should breaches of the management scheme occur.

## Conclusion

- 7.13 Considerable effort has gone into the design of the surface water drainage scheme to serve this development, with the final scheme having emerged from extensive discussions between the applicant's drainage consultants and the lead local flood authority. And having given consideration to the concerns raised by Members in January, the lead local flood authority remains satisfied that, subject to the normal suite of planning conditions, the surface water drainage arrangements proposed for this development are acceptable. Were Members to refuse this application based on their earlier concerns, the local planning authority would struggle to defend that position at appeal. The expert opinion

before the council does not support Members' concerns and the lead local flood authority's support for the scheme would be used in evidence to support the appeal.

### Highway access

7.14 At its meeting in January, the Strategic Planning Committee expressed a number of misgivings in respect of the proposed vehicular access arrangements for the site. Members asked that further consideration be given to: (1) a roundabout at the access from the A6; and (2) an extension of the 30mph speed limit further south than is currently proposed. In response to these concerns there have been further discussions with the applicant and the local highway authority. And the applicant's transport consultants have submitted a "Review of Strategic Planning Committee Comments". This is published in full online and informs the discussion below. The local highway authority has also contributed to this further discussion.

### Junction with the A6

7.15 The current application proposes that the development is served by a single point of vehicular access onto the A6, configured as a ghost island priority junction. This employs road markings to create a dedicated right hand turning lane for traffic entering the site from the south. The applicant's traffic consultants tell us that a junction of this nature is typical in the circumstances, where traffic flows on the main road (the A6 in this case) are much higher than those on the proposed estate road. The junction will be within the 30mph speed limit (which is to be extended further south) and has been designed to meet the relevant standards of the Department for Transport's (DfT) Design Manual for Roads and Bridges (DMRB). The proposal has the support of the local highway authority.

7.16 Members have asked that consideration be given to the construction of a roundabout as an alternative to the proposed junction. An elongated configuration has been suggested.

7.17 The applicant's traffic consultants and the local highway authority concur that a roundabout is unnecessary and inappropriate in this location. From an operational perspective, the predicted traffic flows from the development are too low to justify such a significant intervention. The proposed estate would have to be much larger before the queuing distances would require a roundabout.

7.18 There a number of practical considerations too. Roundabouts demand a greater land take. The applicant's traffic consultants state that the minimum diameter of a conventional roundabout is 30m and may need to be larger in this case in order to achieve the required deflection on the northbound A6 approach. It is uncertain how much land to the west of the A6 would be available to accommodate the necessary works (it is not within the applicant's control) and so, by default, the extra land take would have to come from the site itself. That would impact upon the proposed landscape buffer to the A6, proposed in response to the expectations established by Figures 1.2 and 1.3 of the Development Brief, and would also likely involve the loss of roadside trees currently proposed for retention. Furthermore, the lead local flood authority is concerned that such a proposal could have a profound impact on the scheme's surface water drainage infrastructure; the low area of the site adjoining the A6 is proposed to house a

number of critical attenuation features.

- 7.19 A roundabout would also come at a greater cost. The applicant's traffic consultants put the cost of the junction currently proposed at c. £150K and they estimate that a roundabout could easily be three times that amount. If a roundabout was essential then the applicants would have to bear that cost, albeit that it would likely impact further on scheme viability and the delivery of affordable housing – more of which below. But where a roundabout is not essential, insisting upon one anyway, at the expense of other scheme benefits, would not match the priorities of the development plan.

### 30mph limit

- 7.20 The local highway authority has insisted from the outset of its discussions with the applicants that works in the highway to create the new access should also include extending the 30mph speed limit further south along the A6. The plans currently show the speed limit boundary moved approximately 100m. Members have asked that consideration be given to extending it further.

- 7.21 The position of the speed limit boundary will ultimately be fixed as part of a separate agreement made between the developer and the local highway authority. This agreement will grant the developer the right to undertake works within the highway necessary to facilitate the planning permission, should it be granted. These works will be subject to a safety audit, which, the local highway authority has confirmed, will fix the optimum position for the extended speed limit. Arbitrarily pushing the speed limit further south does not automatically guarantee a safety improvement; in fact, it could be counterproductive. The local highway authority makes the point that driver behaviour is more effectively influenced where speed limits are encountered in the context of other features and measures that mark a change in road character, which is why, at the moment, the proposal shows the extended 30mph limit close to the proposed new site access where, perceived in association with signs, road markings, bus stops, the right turn lane and the access itself, it is likely to have greatest effect. Nevertheless, the safety audit will identify the optimum point for speed limit boundary and Members' concerns can be fed into that process.

### Conclusion

- 7.22 It is right that Members should look critically at the proposed access arrangements for this development; the safe movement of pedestrians, cyclists and motor vehicles is a key objective of development plan policy. To that end the local highway authority has been closely involved in the evolution of this development from the start to ensure it meets the necessary technical standards. And having given consideration to the concerns raised by Members in January, the local highway authority remains satisfied that, subject to the normal suite of planning conditions, and the proposed highway works that would be carried out under a section 278 agreement, the access arrangements proposed for this development are acceptable. Were Members to refuse this application based on their earlier concerns, the local planning authority would struggle to defend that position at appeal. The expert opinion before the council does not support Members' concerns and the local highway authority's support for the scheme would be used in evidence to support the appeal.

## Open market housing mix

- 7.23 At its meeting in January, the Strategic Planning Committee requested reconsideration of the proposed open market housing mix within the current planning application, in an attempt to meet, or get closer to, the expectations of the Council’s Strategic Housing and Economic Needs Assessment (SHENA).
- 7.24 Within the context of its approach to establishing housing need, the NPPF states (at paragraph 63) that:
- ... “the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; families with children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes”.
- 7.25 Currently, for that part of Westmorland and Furness Council covering South Lakeland, the expectation of the NPPF in this regard is mirrored in policy CS6.2 of the Core Strategy, which expects:
- “New developments offer a range of housing sizes and types, taking account of the housing requirement of different groups of society, including the need to deliver low cost market housing as part of the overall housing mix.”
- 7.26 Policy CS6.2 does not state explicitly how the objective of ensuring an appropriate “range of housing sizes and types” will be achieved, but, as a starting point, decisions have tended to use information contained within the development plan evidence base. Until recently this was information contained within the 2017 Strategic Housing Market Assessment (SHMA), but this has now been replaced by the Strategic Housing and Economic Needs Assessment (SHENA)<sup>1</sup>.
- 7.27 Neither of these two documents was commissioned specifically as a tool to be used in the determination of individual planning applications. Paragraph 2.3 of the SHENA states:
- The overall aim of the study is to provide robust and proportionate evidence to inform the review of the South Lakeland Local Plan with regards to housing and employment land needs and requirements, and related policies.
- 7.28 The review of the South Lakeland Local Plan is no longer being progressed; instead, the Council will be progressing a new district-wide local plan. Nevertheless, in addressing the expectations of policy CS6.2, the information contained with the SHENA remains relevant when assessing planning applications within the former South Lakeland area.
- 7.29 Before considering the SHENA further, it is worth revisiting the experience with the SHMA that preceded it. In order to maintain a housing supply in balance with

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<sup>1</sup> Strategic Housing and Economic Needs Assessment, April 2023 (Published November 2023)

predictions of long term demographic change, the SHMA recommended that for the period 2016 – 2036 market housing across the former South Lakeland District should be delivered in the following proportions:

	1-bed	2-bed	3-bed	4+ bed
Market Housing	0-5%	35-40%	40-45%	15-20%

7.30 However, this did come with an important caveat at paragraph 9.35:

“Although the analysis has quantified this on the basis of the market modelling and an understanding of the current housing market, it does not necessarily follow that such prescriptive figures should be included in the plan making process. The ‘market’ is to some degree a better judge of what is the most appropriate profile of homes to deliver at any point in time, and demand can change over time linked to macro-economic factors and local supply. The figures can however be used as a monitoring tool to ensure that future delivery is not unbalanced when compared with the likely requirements as driven by demographic change in the area.”

7.31 When South Lakeland District Council began reviewing its local plan in 2020, it produced a topic paper on “Meeting Housing Need”. This included an analysis of completed homes between 2010 and 2020, which demonstrated that over that period market housing had been delivered in the following proportions:

	1-bed	2-bed	3-bed	4+ bed
Market Housing	13.68%	26.62%	29.00%	30.70%*

7.32 \*4-bedroom homes alone accounted for 25.99%.

7.33 Further analysis showed that, as a proportion of the yearly totals, the supply of properties with 4 or more bedrooms had grown steadily over the period, leading the topic paper to conclude that:

“The supply of open market homes therefore appears to be increasingly dominated by four or more bedroomed properties.”

7.34 A subsequent discussion of options for the local plan review acknowledged an overreliance on the market in contributing to this mismatch, and concluded that whilst maintaining the position established by Core Strategy policy CS6.2 would have the benefit of ensuring “flexibility on a site by site basis”, it would, nevertheless, result in a position:

“... whereby the market will continue to determine the open market mix of housing on sites with the result that we will continue to see high proportions of 4+bedroom houses that are unaffordable to a significant proportion of the local population, and use up more land and resources to both construct and live in.”

7.35 As an alternative the topic paper presented another option for consideration:

“ ... providing more specific policy wording to set out the proportions of different types of housing that should be provided, to make sure that it more closely aligns with our evidence of need in the SHMA.”

7.36 Although the topic paper was consulted on, no conclusions were ever drawn on this issue; local government reorganization saw the review of the South Lakeland Local Plan abandoned before any further analysis and policy formulation was undertaken.

7.37 The more recent SHENA updates the recommended profile for the supply of market housing within the legacy South Lakeland area of the District (2020 – 2040) as follows:

	1-bed	2-bed	3-bed	4+ bed
Market Housing	5-10%	45-50%	35-40%	5-10%

7.38 However, as with the SHMA, this recommendation is caveated; paragraphs 10.35 and 10.36 stating:

Although the analysis has quantified this on the basis of the market modelling and an understanding of the current housing market, it does not necessarily follow that such prescriptive figures should be included in the plan making process (although it will be useful to include an indication of the broad mix to be sought across the study area) – demand can change over time linked to macro-economic factors and local supply. Policy aspirations could also influence the mix sought.

The suggested figures can be used as a monitoring tool to ensure that future delivery is not unbalanced when compared with the likely requirements as driven by demographic change in the area. The recommendations can also be used as a set of guidelines to consider the appropriate mix on larger development sites, and the Council could expect justification for a housing mix on such sites which significantly differs from that modelled herein. Site location and area character are also however relevant considerations for the appropriate mix of market housing on individual development sites.

7.39 The latest iteration of the layout for the development currently under consideration comprises the following mix:

	1-bed	2-bed	3-bed	4+ bed	Total
No.	4	6	32	64	106
%	3.8%	5.7%	30.2%	60.4%	100%

7.40 This is clearly a poor match with the recommendations of the SHENA, and maintains the bias towards larger units observed in the topic paper discussed above. The applicants have provided no justification for their proposed mix beyond: (1) their confidence that it will meet their assessment of demand in Milnthorpe; and (2) a mix closer to the recommendations of the SHENA will impact negatively on gross development value, reducing further the ability of the

scheme to deliver affordable housing.

7.41 Influencing market housing mix, particularly on larger sites, remains a vexed issue. In this case, Members appear to be concerned that the bias towards larger units will put much of the development beyond the reach of local people, a point reflected in the representations we have received. The stalled review of the South Lakeland Local Plan also produced evidence to suggest that this is an issue. But presenting this mismatch as a defensible argument in support of a refusal of an individual planning application presents a number of problems – at least, as things stand.

7.42 First, as mentioned above, policy CS6.2 does not state explicitly how the objective of ensuring an appropriate “range of housing sizes and types” is to be achieved, beyond a concluding statement that:

The Council will work in partnership with developers and other housing providers to address the housing requirements.

7.43 Paragraph 3.3.3 of the Development Brief is a little more helpful, stating:

The development will provide a mix of housing types and tenures based on the local evidence base (current at the time any proposal is made) and viability considerations and subject to further discussions with the District Council.

7.44 But the Development Brief is not part of the development plan.

7.45 The SHMA has served as a useful local evidence base since 2017 and the SHENA now performs the same function. And, even though there is no explicit link to either of these documents (or anything akin to them) in the Core Strategy, it remains reasonable to use the SHENA as a starting point in applying the expectations of policy CS6.2 to the assessment of current planning applications.

7.46 However, the SHENA alone would be weak evidence in the face of the detailed examination we can expect should this matter end up at appeal. The ambivalence in the wording of policy CS6.2 would inevitably result in a challenge to the SHENA’s relevance (why should it carry more weight than the applicant’s reading of market signals for example?) and even if we could make that case there would be further obstacles. The fact that the SHENA was commissioned as high level “evidence to inform the [now defunct] review of the South Lakeland Local Plan” immediately calls into question its relevance to the granular site-specific assessment that would be expected to underpin a refusal of planning permission, a concern that would likely be exacerbated by the caveats in paragraphs 10.35 and 10.36.

7.47 All-in-all, using the SHENA to defend a site-specific refusal of planning permission on the basis of what is, understandably, perceived to be a mismatched housing mix would not be a strong case. Had South Lakeland District Council progressed the review of its local plan to the point where the SHENA, together with other evidence, had convinced an inspector (through public examination) to include a prescriptive housing mix policy in an updated development plan, reflecting the alternative approach put forward in the options of the Council’s “Meeting Housing Need” topic paper, there may well have been

an argument to pursue in this case. But, unless and until the evidence in the SHENA is transposed into an unambiguous development plan policy, its usefulness in determining individual planning applications remains limited.

- 7.48 There is one aspect of the evidence currently available that is persuasive: the fact that moving towards a more SHENA-compliant housing mix would further reduce the ability of the scheme to deliver affordable housing. Our independent viability consultants were asked to model this scenario and concluded in their final report of 09 November 2023 that reworking the layout to present a SHMA-compliant mix, using the applicant's standard house types, would reduce the gross development value of the scheme to the extent that it could contribute only 8 units (6.4%) of affordable housing. This modelling has not been re-run based upon the figures in the SHENA, but the principle is unchanged and the results are likely to be very similar. If anything, the situation will be worse given that the SHENA recommends a lower proportion of 4+ bedroom units: 5-10%, as opposed to the 15-20% in the SHMA – further reducing the gross development value as a consequence.

#### Affordable housing

- 7.49 At its meeting in January, the Strategic Planning Committee requested 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.
- 7.50 There is not a lot more that can be added on this issue beyond what was presented in the January Report. Although Core Strategy policy CS6.3 would ordinarily expect a scheme of this nature and in this location to deliver no less than 35% of the total number of dwellings as affordable housing, it acknowledges that, exceptionally, a lower proportion of affordable housing will be acceptable where there is clear evidence that the development would otherwise be unviable.
- 7.51 The process for assessing viability is now prescribed by the government's planning practice guidance and the applicant's evidence in this case has been reviewed for the council by independent valuers, supported by an independent quantity surveyor. These professionals all accept that this development is unable to make a contribution of 35% affordable housing, concluding instead that a viable contribution lies within a range of 15.2% (19 units) and 19.2% (24 units) – with the difference accounted for by uncertainties associated with the potential impact of the Future Homes Standard (FHS), which will be fully operational by 2025. Officers consider the effects of the FHS would likely see the viable number of affordable housing units eventually settle closer to (or even at) the lower end of this range and, in the circumstances, conclude that a contribution of 15.2% (19 units) is reasonable.
- 7.52 Repeating the point made above, all of the evidence suggests that pushing for a more SHENA-compliant open market housing mix would further reduce the ability of the scheme to deliver affordable housing.

#### Living conditions

- 7.53 At its meeting in January, the Strategic Planning Committee requested amendments to the proposed development to improve residential amenity for a



number of existing properties adjoining the boundary of the site. Members specifically referenced the following relationships:

- Plot 1 and Sunny Brae
- Plot 13 and Lane Edge
- Plots (not specified) surrounding Hartland House
- Plots 87-89 and 19 Firs Close
- Plot 101 and 17 Firs Close

#### Policy position

7.54 The reference to policy in the report to the January meeting of the Strategic Planning Committee referred to the 20/21m “rule-of-thumb” widely used when assessing privacy, and Building Research Establishment (BRE) guidance used when assessing potential impacts on daylight and sunlight. There is also reference to a third consideration: outlook. Loss of outlook occurs where development would have an adverse overbearing effect that would result in an unduly oppressive living environment for existing and/or future residents. Outlook clearly has a correlation with privacy and daylight/sunlight, but it is generally assessed as a separate consideration in the planning process. And it is a far more subjective matter. Outlook may still be judged as unacceptable, even where the guidelines in respect of privacy and daylight/sunlight have been satisfied.

#### Discussion

7.55 The proposal has been amended in response to some of Members’ concerns expressed in January. The updated position is discussed below.

#### Plot 1 and Sunny Brae

7.56 This relationship is described in more detail in paragraph 8.250 of the January Report.

7.57 This is actually one of the more “relaxed” relationships resulting from the development. The ground level differences are modest compared to cross-boundary relationships in other locations around the site and, given the configuration of the proposed dwelling, the separation distance will ensure reasonable standards of privacy, outlook and daylight/sunlight are maintained. The proposal for Plot 1 remains unchanged from the position presented in January. It is considered that a refusal of planning permission on the basis of this relationship would be very difficult to argue.

#### Plot 13 and Lane Edge

7.58 This relationship is described in more detail in paragraph 8.251 of the January Report. And, as above, the modest ground level differences have resulted in a typical relationship, given the configuration of the proposed dwelling. Levels of privacy, outlook and daylight/sunlight are all as one would expect in the circumstances. The proposal for Plot 13 remains unchanged from the position presented in January. It is considered that a refusal of planning permission on the basis of this relationship would be very difficult to argue.

## Hartland House

7.59 In response to Members' concerns, changes have been made to a number of the properties adjoining Hartland House. The landscaping proposals for this part of the site have also been updated.

## Plots 39 to 42

7.60 Plots 39 to 42 are four detached houses contained within a run of properties that front the main estate road as it moves north through the application site. These properties present rear elevations to the south-western elevation of Hartland House, which contains numerous windows to habitable rooms. Each of the four proposed houses is elevated relative to Hartland House, and each adopts a split-level design in response to the rising ground. This results in separate upper and lower ground floor levels (LGFL and UGFL) and an overall increase in eaves and ridge heights (relative to their non-split-level counterparts) on the elevation to the LGFL. In this case that means taller rear elevations facing Hartland House.

7.61 The January Report included the following table at paragraph 8.266, which summarized the LGFL and UGFL for plots 39 to 42 as then proposed. The "+" columns denote the height of each LGFL and UGFL above the surveyed FFL of Hartland House (26.291m). The Distance column denotes the shortest separation distance to Hartland House, in metres.

Plot No.	Type	LGFL	LGFL+	UGFL	UGFL+	Distance
39	Bowfell	30.95	4.659	32.15	5.859	27.52
40	Wasdale	30.95	4.659	32.15	5.859	33.99
41	Grasmere	30.80	4.509	32.00	5.709	28.42
42	Wasdale	30.70	4.409	31.9	5.609	26.80

7.62 The applicants have now looked again at plots 39 to 42, increasing the separation distance to Hartland House in each case and making further adjustments to the floor levels. The updated position, using the same measuring axes, is now as follows (with changed figures marked in bold):

Plot No.	Type	LGFL	LGFL+	UGFL	UGFL+	Distance
39	Bowfell	<b>30.90</b>	<b>4.609</b>	<b>32.10</b>	<b>5.809</b>	<b>28.60</b>
40	Wasdale	<b>31.10*</b>	<b>4.809</b>	<b>32.30*</b>	<b>6.009</b>	<b>36.24</b>
41	Grasmere	30.80	4.509	32.00	5.709	<b>29.10</b>
42	Wasdale	30.70	4.409	31.9	5.609	<b>28.20</b>

\*The FFLs for plot 40 have risen by 15cm.

7.63 New drawing 076/P-SITESEC-3 Revision A illustrates the revised positions of plots 39 to 42 at a greater scale than appears on the main site plan. It also includes an overlay marking the positions of these plots as they appeared on the site plan presented in the January Report. There are also sections illustrating the relationships between Hartland House and plots 39 and 41. (The annotated distances on the sections are slightly different from the figures quoted in the table above, a consequence of the sections being based on a slightly different alignment).

- 7.64 In addition to the adjustments listed above, the applicants have also updated their planting proposals for the landscape buffer on the boundary with Hartland House. Assuming planning permission is granted, the intention is to plant this area in the next planting season (November 2024 – March 2025), using “standard” tree species, as opposed to whips. This should ensure that the planting is well-established by the time construction of the new houses to the east commences, estimated to be 2026/27. The Council’s arboriculturist comments that these changes should have a more instant screening effect overall.
- 7.65 It was reported in January that none of the relationships between plots 39 to 42, as then proposed, breached the BRE Guidance in respect of Hartland House and all of the separation distances exceeded the rule-of-thumb minimum. That remains the case with the proposal as revised and with a further modest improvement as a consequence of the latest changes. The situation could be further improved by the introduction of bungalows onto plots 39 to 42, and officers have explored this possibility. But it has been rejected by the applicants on the basis that it would further reduce the scheme’s gross development value, which, by implication, would further reduce the ability of the scheme to deliver affordable housing.
- 7.66 Plots 39 to 42 will be a significant component in the outlook from Hartland House, but not unreasonably so in the circumstances. The site is allocated for development and the challenges imposed by the topography, together with technical considerations such as the DMDPD policy requirement to achieve accessible and adaptable homes, were always going to be most evident on the site boundaries, and particularly so where (as with Hartland House) existing buildings are positioned and orientated to take maximum advantage of the existing open fields. Nevertheless, with the further changes to plots 39 to 42 and the strengthening of the boundary planting officers consider that the development in this part of the site continues to strike a reasonable balance.

#### Plot 69

- 7.67 The latest revision to the proposal also makes changes to plot 69, which was labelled plot 68 in earlier iterations of the site layout. When the scheme was presented in January, (what was then) plot 68 was occupied by a Brathay house type, one half of a pair of two-storey, three-bedroom, semi-detached properties, accessed from a private drive within the proposed estate. The separation distance between the all-but-blank southern gable of the Brathay and the closest projecting gable on Hartland House ranged between approximately 10m and 14.65m, but there were no issues in respect privacy, daylight or sunlight when judged against the relevant guidance. It was noted that that the outlook from habitable rooms in the north-east elevation of Hartland House would have been constrained by the relationship, but not to an unreasonable degree.
- 7.68 In the latest drawings, the semi-detached Brathays on (what are now) plots 68 and 69 have been replaced by a pair of semi-detached bungalows – Rydal house types. In fact, the change has been achieved by transposing the original Brathays with the pair of Rydals that previously occupied (what are now) plots 62 and 63. The footprint of the two Rydals has also been moved further away from

Hartland House (relative to the two Brathays) such that the separation distances now range between approximately 10.7m and 16m. New drawing 076/P-SITESEC-3 Revision A shows the latest position, at a scale of 1:200, together with a cross-section (section C-C). The plan and the cross section include an overlay of the new arrangement relative to the position presented in January.

- 7.69 The two storey dwelling originally proposed for (what is now) plot 69 would have provided Hartland House with levels of privacy, daylight and sunlight in accordance with relevant guidance. Substituting a single storey unit now secures improved outlook.

#### Plots 87-89 and 19 Firs Close

- 7.70 19 Firs Close is the easternmost of an existing pair of semi-detached, two-storey properties, with a rear elevation facing south into the application site. In the iteration of the plans presented to the Committee in January, the rear face of 19 Firs Close faced directly towards the rear of two single-storey Grizedale house types (plots 86 and 87), and obliquely towards two detached two-storey Brathay house types (plots 88 and 89), all positioned at a higher level because of the topography. These relationships are described in more detail in paragraphs 8.283, 8.284 and 8.285 of the January Report. Members expressed concern that the cumulative impact of the proposed dwellings in this part of the site would have an overbearing impact on the existing property.
- 7.71 In response, the applicants have reconfigured their proposals, substituting the two Brathays on plots 88 and 89 with another single-storey Grizedale house type. This means that the outlook from the rear of 19 (and 20) Firs Close is now towards three single-storey units only, albeit that the proposed dwellings remain at higher level. The new Grizedale unit on plot 89 is positioned approximately 1.5m further away from the boundary than the Brathays it replaces and the Grizedale unit on plot 88 (formerly plot 87) has also been moved nudged further south as well. Section F-F on drawing 076/P-SITESEC\_2 Revision L shows the relationship between the Grizedale unit on plot 87 and 19/20 Firs Close. Sections A-A and B-B on new drawing 076/P-SITESEC-4 show the oblique relationships between plots 88 and 89 and 19 Firs Close respectively.
- 7.72 The configuration of plots 86 to 89 presented in January would have provided 19 (and 20) Firs Close with levels of privacy, daylight and sunlight in accordance with relevant guidance. The subsequent reconfiguration, reducing by one the number of dwellings in this part of the new development and proposing only single-storey units, improves the outlook from 19 (and 20) Firs Close significantly. The reconfiguration benefits other properties too, particularly 18 Firs Close.
- 7.73 There are other knock-on consequences from the proposed changes. The Grizedale unit on (what is now) plot 89 further weakens the urban design in this part of the site; Members will recall from paragraph 8.118 of the January Report that even the two-storey Brathay previously proposed in this location was judged to lack the necessary gravitas relative to the open space to the east, and the bungalow now proposed makes even less of a statement. However, the more imposing a building on this plot becomes, the greater the impact it will have on the outlook from the existing properties in Firs Close and, on this occasion, the latter is judged to be the more significant planning consideration.

- 7.74 In order to maintain the overall housing numbers the applicants have also substituted two Brathay units for the detached Bowfell unit that was previously shown on plot 49. This is judged inconsequential from a planning perspective; the change has no appreciable impacts on urban design or the living conditions of neighbours and the local highway authority and the lead local flood authority have, respectively, confirmed that the changes have no implications for the internal road layout of the estate nor the surface water drainage proposals.

#### Plot 101 and 17 Firs Close

- 7.75 19 Firs Close is the northernmost of an existing pair of semi-detached, two-storey properties, with a rear elevation facing east into the application site. In the iteration of the plans presented to the Committee in January, the rear face of 17 (and 18) Firs Close faced directly towards the end elevation of the proposed house on plot 101, a detached, two-storey, Bowfell unit. This relationship is described in paragraphs 8.286 and 8.287 of the January Report.
- 7.76 The two-storey Bowfell unit bisected a 25 degree line extended perpendicularly from the centre of the lowest windows to the rear of no. 17 Firs Close, thereby failing the initial test in the BRE Guidance. However, this was not judged to be significant given the narrow arc of view. Nevertheless, Members asked if this could be looked at again.
- 7.77 In response, the applicants have now replaced the Bowfell house type on plot 1010 with a single-storey Grizedale unit. This significantly improves the position relative to 17 (and 18) Firs Close, as is evident from section J-J on updated drawing 076/P-SITESEC\_2 Revision K.

#### Plots 75 to 78

- 7.78 In addition to the changes made in direct response to Members' concerns, the applicants have also relocated the short terrace of properties on (what are now) plots 75 to 78 south by approximately 1.4m, moving it further from the rear of 70/72 Firs Road. (These four proposed properties were labelled plots 74 to 77 on the plans presented in January).
- 7.79 The relationship between the proposed development and 70/72 Firs Road was discussed in paragraphs 8.277 – 8.279 of the January Report, with the conclusion that, although the initial BRE test would have been breached in respect of the rear extension to 72 Firs Road, the situation was acceptable in the circumstances. Relocating this terrace means that a 25 degree line projected from the rear of the extension at 24m AOD means that the initial BRE test is now passed, resulting in an appreciable improvement. The updated relationship is shown on Section E-E on drawing 076/P-SITESEC\_2 Revision K.

### **8.0 CONCLUSION**

- 8.1 This is a full application, proposing 125 dwellings on a site broadly coincident with the boundaries of an area allocated for residential development by policy LA2.11 of the South Lakeland Local Plan Land Allocation Development Plan Document. The application site does deviate from the allocation boundary in places, excluding high ground in the north-east and including a compensatory area in the south-east. This is contrary to the development strategy of the

development plan, but having assessed the changes against relevant policies and other material considerations, the impacts are considered to be negligible and the proposal is judged to be in accordance with the development plan as a whole. However, given that the excluded part of the allocation still enjoys a presumption in favour of development, it will be necessary to negate this via a planning obligation in order to fully justify the breach of the development boundary proposed in this case - should Members be minded to grant planning permission.

- 8.2 The application contributes less than 35% affordable housing, but the applicants have submitted a viability assessment to justify their position. This has been independently scrutinised and found to be sound. Therefore, a lower contribution of affordable housing is policy compliant in this case.
- 8.3 Consultation responses demonstrate that existing infrastructure either has adequate capacity to deal with the demands of the development, or, as in the case of health care provision, can be made so by drawing upon the Community Infrastructure Levy (CIL). United Utilities maintains its position that Milnthorpe Waste Water Treatment Works has adequate capacity to deal with the proposed development.
- 8.4 A scheme for dealing with surface water has been agreed in principle with the lead local flood authority. This is designed to achieve the optimum performance against the relevant planning and technical standards. Maintenance responsibilities will be split between individual homeowners and a site-wide management company and will include specific provisions for additional protection of exceedance infrastructure.
- 8.5 A new road junction will be created onto the A6. This will include a right-hand turn lane and an extension of the 30mph speed limit. Two additional emergency vehicle accesses are also proposed, which could also function as additional pedestrian / cycle connections.
- 8.6 The proposed access configuration has been revisited following concerns raised by Members in January. Specifically, the applicant's transport consultants have assessed the merits of a roundabout as an alternative to the current proposals. They conclude that a roundabout is an unnecessary intervention in the circumstances and that the junction arrangement currently proposed is the optimum solution judged against the relevant standards of the Department for Transport's (DfT) Design Manual for Roads and Bridges (DMRB). That conclusion is supported by the local highway authority. A roundabout may also be impractical given the greater land take needed and, furthermore, would likely impact significantly on the current surface water drainage arrangements. It is also likely that the added cost would further undermine the scheme viability, impacting on the ability of the development to deliver development plan priorities. Taking all of this account, no change to the access arrangements is proposed.
- 8.7 The sloping nature of the site presents many design challenges, from ensuring that, as far as possible, the proposed dwellings achieve the level access to meet appropriate standards for accessible and adaptable homes, to maintaining appropriate relationships with existing properties and protecting the character of the village. Those have been the objectives in negotiating changes to the scheme since it was first submitted. Further changes have occurred in response

to concerns raised by Members in January. With a view to improving the living conditions of existing properties, the footprints of houses on certain plots have been repositioned and single-storey units have been substituted in other locations. And whilst the development shown on the latest iteration of the site layout remains prominent, and will have an appreciable impact on the outlook from some existing properties, it is judged to strike a reasonable balance.

- 8.8 The Council's Conservation Officer considers that the impact of Apartment Block B (the only remaining apartment block in the development) will be harmful to the setting of Milnthorpe Conservation Area, albeit less than substantially so in NPPF terms. That is a point Members will need to consider. If Members do conclude less than substantial harm then they will need to be satisfied that it is outweighed by the public benefits of the development. The public benefits of delivering a major housing allocation are considerable.
- 8.9 The site occupies a sensitive position in the landscape, overlooking the Arnside & Silverdale Area of Outstanding Natural Beauty (AONB) and Dallam Park, the latter included on the Register of Parks and Gardens of Special Historic Interest at Grade II. Landscape impact has been assessed through a Landscape and Visual Assessment (LVIA), which confirms to current best practice. The conclusions of the LVIA are that, with appropriate landscaping, the development need not have a significant impact. To that end, the development includes an appreciable landscape buffer on the frontage to the A6 along with a commitment to retaining existing hedges (as far as is practicable) as part of a broader landscape scheme, which includes the planting of street trees along the main estate road.
- 8.10 The proposal is close to Morecambe Bay, which is designated as a Site of Special Scientific Interest (SSSI) a Special Protection Area (SPA), a Ramsar site and a Special Conservation Area (SAC). The potential impact of the development on these receptors has been explored through a Habitat Regulations Assessment (HRA), which concludes no significant impact, subject to some modest mitigation. Natural England concurs with this conclusion. If Members accept this view too, then they will need to adopt the applicant's HRA in order to meet the Council's responsibilities as a competent authority in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended).
- 8.11 The development will achieve a biodiversity net gain exceeding 10%. And a condition is recommended to secure further biodiversity enhancements within the fabric of the scheme.
- 8.12 In summary, it is considered that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions proposed, any potential harm would reasonably be mitigated. Therefore, having regard to the presumption in section 38(6) of the Planning & Compulsory Purchase Act 2004, and having considered the impact on heritage assets in accordance with sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act), it is recommended that planning permission is granted, subject to necessary planning obligations and conditions.

- 8.13 Under Section 149 of the Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions (i) eliminating discrimination, (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are age (normally young or older people) disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
- 8.14 In determining applications, the Council must ensure that all parties get a fair hearing in compliance with the provisions of Article 6 under the European Convention on Human Rights, as now embodied in UK law in the Human Rights Act 1998.

## **9.0 RECOMMENDATION**

- 9.1 The application is recommended for approval 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 - 9012m<sup>2</sup> (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-02C 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

Highway Tree Planting Pit Detail c-1912-11

#### **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

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

Wastwater - Plans & Elevations 076/WAST\_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 Development Management Policies Development Plan Document.

## **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): 83 of the dwellings hereby approved shall be constructed to meet the Building Regulations M4(2) standards for accessible and adaptable homes and six (plots 61, 62, 69, 70, 86 and 87) 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 Water Quality) of the South Lakeland Development Management Policies Development Plan Document.

### **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.