

SCHEDULE: (b)

SL/2016/0519

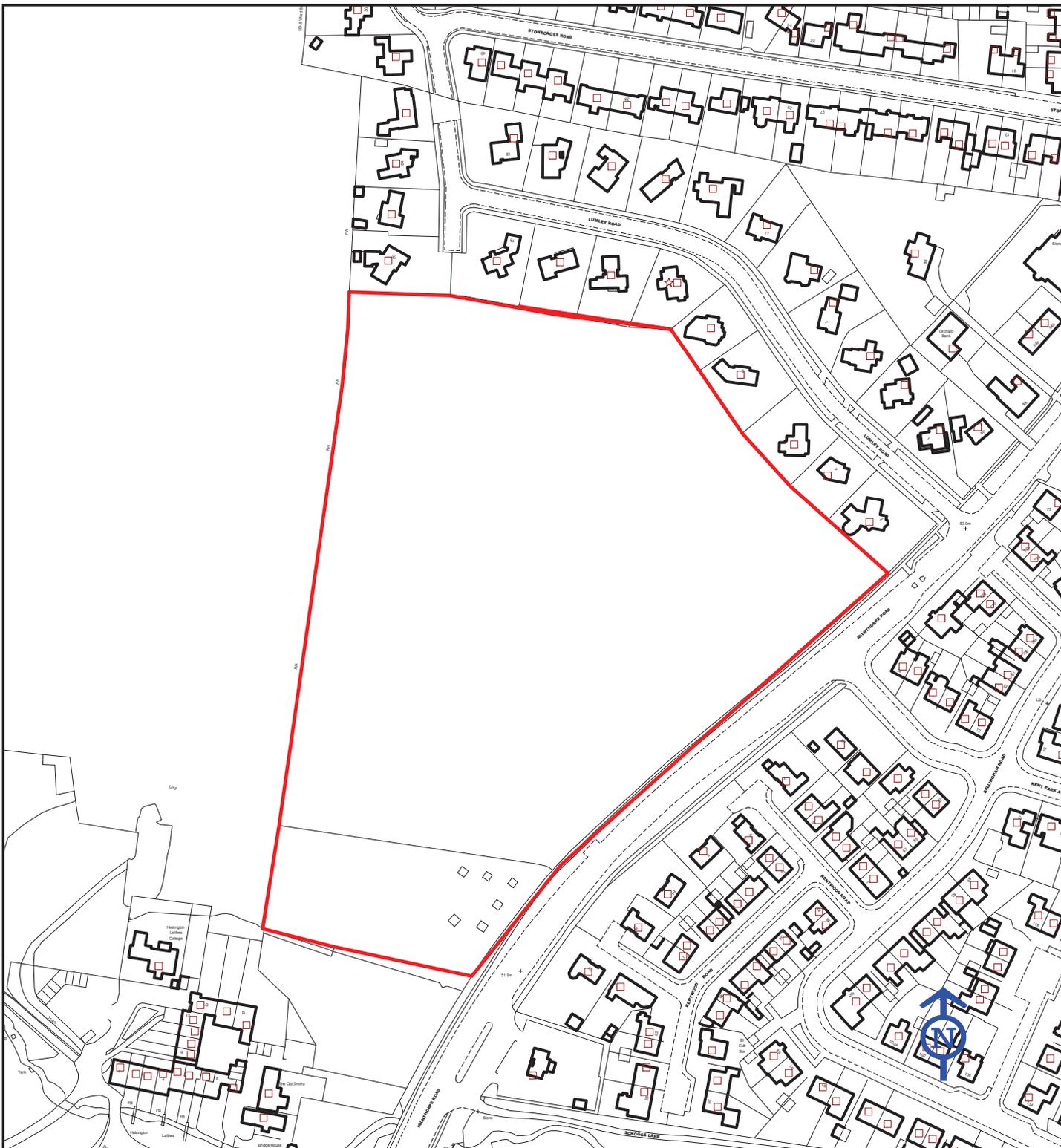
PARISH: KENDAL

Land to the south of Lumley Road

PROPOSAL: Erection of 110 dwellings; associated infrastructure and landscaping; and discharge of condition 9 (surface water drainage) attached to outline permission SL/2014/0846

APPLICANT: John Roccroft – Jones Homes (Fylde)

Grid Ref: E: 350880 N: 490972



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SL/2016/0519

**Land to the south of:
Lumley Road**

Scale 1:2500

SUMMARY

1. The application was deferred at the last committee to allow Officer to negotiate changes and resolve the outstanding surface water drainage matters. Specifically:
 - Resolution of all the outstanding technical drainage issues and confirmation from County Council regarding these matters being acceptable including the culvert;
 - Satisfactory conclusion to negotiations with regard to levels;
 - Satisfactory conclusion to negotiations with regard to plot 9;
 - Removal of the garage at plot 1;
 - Better separation / mix of affordable social rented housing.
2. The applicant submitted additional information with regard to the surface water drainage scheme, re-orientated the position of plot 9, altered the garage at plot 1 and made changes to floor levels towards the southern end of the site.
3. Outline planning permission (SL/2014/0846) has been granted for the erection of up to 119 dwellings on the site off Milnthorpe Road, to the south of Lumley Road. The permission included the detailed scheme for the access arrangements off Milnthorpe Road. This application seeks reserved matters consent for the access arrangements within the site, appearance, landscaping, layout and scale and the discharge of the conditions 9 and 10 attached to the outline planning permission which require the submission and approval of the surface water and foul drainage and open space / play equipment schemes.
4. The scheme proposes 110 dwellings, 35% of which will be affordable, a detailed drainage scheme, play equipment and landscaping.
5. This report is predominantly unchanged from the report considered at the March planning committee. The issues outlined at above have resulted in changes to the following sections of this report: Consultations – Cumbria County Council (paragraphs 17 – 24); United Utilities (26 – 27); Neighbours / Other (36 – 37); Assessment – Principle (57); Impact on the entrance to Kendal (64 – 67); Impact on residential amenity (74 – 75); Provision of play, open spaces and green infrastructure (78); Affordable Housing (87 – 89); Conclusion and Recommendations (116 – 118).

RECOMMENDATION

6. It is recommended that delegated authority be given to grant reserved matters consent subject to completion of the S106 agreement with regard to affordable housing and long term maintenance of the surface water drainage and open spaces.

DESCRIPTION AND PROPOSAL

Site description

7. The site covers 5.17 hectares of land between Lumley Road and Helsington Laithes, at the southern edge of Kendal. The majority of the site is allocated for development by Policy LA1.3 of the South Lakeland Land Allocations

Development Plan Document (DPD). The site also includes 0.56 hectares to the south of the allocated site which would be utilised for a sustainable drainage system and landscaping but would not incorporate any built development.

8. The site slopes upward away from Milnthorpe Road towards the top northwest corner adjacent to Lumley Road. The land then rises further up to the A591 in the west. The A591 is partially screened from the site by the rising landform with the Lake District National Park located beyond. The properties along Lumley Road rise across the northern boundary and appear as a prominent feature when entering Kendal. The site is bound by the A6 to the east with trees and residential properties on the opposite side of the Road. Helsington Laithes is located to the south. Helsington Laithes consists of a small group of houses, a listed farm house and bridges.

Proposal

9. The application seeks reserved matters consent for the layout, design, housing type, mix, landscaping and to partially discharge conditions 9 (drainage) and 10 (play equipment), attached to the outline planning permission).
10. The application proposes 110 houses, including 38 affordable homes. The open market houses are predominantly four and five bed detached houses. Fourteen three bed town houses (three storey at the front and two storey at the rear) and bungalow type houses with rooms in the roof space are included within the mix.
11. The proposals include a play area, landscaped areas along the frontage with Milnthorpe Road and the western edge of the site alongside the open countryside. A landscaped surface water drainage and public open space is also proposed to the south of the site adjacent to Helsington Laithes.

HISTORICAL CONTEXT

12. Outline planning permission for approximately 119 dwellings was granted for the site in April 2015 (SL/2014/0846). The layout, design, housing type, mix, landscaping and the detailed drainage scheme were all matters to be dealt with at a later stage (reserved matters).
13. The detailed access and the works within the highway were included and approved as part of the outline planning permission. The permission provides a single vehicular access point onto Milnthorpe Road, located where the existing 30mph speed limit changes to 40mph. The junction will be in the form of a priority controlled junction with a ghost island right turn facility into the site. The right turn facility into Kent Park Avenue will be retained but reduced in length to 25m. The 30mph limit is to be extended to the south.
14. The outline planning permission is subject to a S106 agreement which requires the submission of the affordable housing scheme, drainage details and play equipment as part of the reserved matters application.
15. The planning permission was granted prior to the adoption of the Community Infrastructure Levy. Contributions in the region of £290,000 for education provision and highway improvements at the Milnthorpe Road / Romney Road junction were also required.

CONSULTATIONS

Kendal Town Council:

16. The Town Council recommends refusal of the application for the following reasons:
 - insufficient evidence that on and off site surface water adequately dealt with in high flow or sustained heavy rainfall;
 - most surface water directed to storage pond where some would have flowed a different way onto A6 reducing flow at culvert;
 - insufficient on site surface water infiltration;
 - flooding risk to adjacent properties – Helsington Laithes, Kent Park;
 - limiting factors off site out of control of applicant – access for stream across private land, restricted culvert size under A6, potential lack of culvert grid maintenance;
 - potential sewage contamination to the south of the site if pumping station disrupted or flooded sewer or to Kent Park if sewer capacity exceeded; affordable housing not scattered across the site;
 - Plot 1 is too close to 2 Lumley Road.

Cumbria County Council:

Highways

17. The layout is acceptable.

Lead Local Flood Authority (LLFA)

18. The design approach using sustainable materials where slopes are less than 1 in 20, swales to intercept overland flows and the revised plans showing the infiltration basins for surface water and overland flow interception is welcomed. At the time of the last committee, the LLFA required further clarity with regard to regard to the catchment size for overland flows, swale details, calculations.
19. In response additional information supplied by the applicant, the LLFA has provide the following comments:
20. Individual calculations for soakaways and their size and exceedance routes;
 - a. The plan provided gives the detail required for soakaway sizes and infiltration rate used.
 - b. Accept the exceedance from SW on the roads but do not see why the other exceedance arrows exist at the locations shown. They would implicate that the design would have to specifically look for these flow routes not to flood properties and have routes devised to do so. Can these be checked against a contoured plan for accuracy.
21. Default value for Cv calculations;
 - a. Accept adjustment in calculations
22. Maintenance;
 - a. Accepted manual provided

23. The catchment area for overland flows.

- a. Accept the detail provided covers the overland flow risk.

Concern with regard the broken pipe will be referred to Highways for inspection as it falls within the verge of the adopted road Scroggs Lane. A job will be raised to deal with this.

24. Therefore only the above concern with exceedance needs dealt with.

Environment Agency:

25. The Environment Agency has no remit for surface water.

United Utilities:

26. The surface water drainage scheme with infiltration is acceptable in principle. Conditions have been requested with regard to maintenance.

27. Confirmation was requested from United Utilities to ensure that the foul drainage system was in accordance with their requirements. The following response has been received:

- The developer has the right to connect to the public sewer at the point of their choosing. We have been in discussions with the applicant concerning their drainage strategy and proposal to connect foul sewerage into the public sewer on Kent Park Avenue.
- We will provide technical assessment of the proposed drainage scheme should the applicant offer their sewers forward for adoption.

South Lakeland District Council:

Principal Housing Strategy Officer

28. Whilst not totally in line with the evidence above, this scheme will provide a mix of tenure / property type that will satisfy a need and is therefore acceptable.

Environmental Protection Officer

29. Conditions have been recommended with regard to contaminated land, control of dust during construction and construction hours.

Conservation Officer

30. The application would preserve the heritage asset significance of the three listed structures - preservation in this context meaning keeping safe from harm as opposed to entirely unchanged.

31. The impact on the setting of the curtilage of the former Home Farm group is identified as being only slightly harmful and far less than substantial in terms of the language used in the National Planning Policy Framework. However, the proposal would not preserve the special interest of this curtilage building and a presumption against development remains. The National Planning Policy Framework advises that such harm can be off-set by public benefits.

Community Spaces

32. The design and equipment is appropriate.

Natural England:

33. The comments made in respect of the outline application still apply – no objection. The proposal is unlikely to have a significant effect on any European Protected Site.

Cumbria Police – Crime Prevention:

34. Crime prevention measures have been incorporated. Additional demarcation of front gardens is recommended. Natural surveillance within the covered archway access to parking areas is compromised, which could lead to a place to congregate.

Electricity North West:

35. The applicant should be advised to take care to protect electrical equipment. If equipment requires relocation, consent will be required.

Neighbours / Others:

36. 42 letters of objection have been received from the occupiers of 18 nearby properties, including occupiers of properties which bound the site on Lumley Road and Helsington Laithes to the south, and Kent Park Avenue. Reasons for objection include:-

Surface water drainage

37. The majority of the letters refer to concerns relating to surface water drainage and the potential for the scheme to exacerbate issues elsewhere.
- Lack of supporting calculations, design detail;
 - The soakaways, attenuation pond and culvert are not adequate to protect neighbouring properties or the A6 from flooding;
 - Potential surface water risk to properties in the vicinity of Kent Park Avenue;
 - The drainage connection to Scroggs Wood Beck should be under the road and into the highway drain in front of Hadwins Garage then into the watercourse;
 - The culvert survey identifies area where it is damaged;
 - Blockage in the narrow culvert under the A6 in the past;
 - Future maintenance.

Foul drainage

- The foul system is overloaded;
- Potentially insufficient space for United Utilities to exercise rights over their easement;
- Potential for overflows from the attenuation basin into the Helsington Laithes foul pumping station and associated contamination;
- Impact on private sewer from Helsington Laithes which runs across the front of the site;

- Properties on River Bank Road have experienced rising foul water during the flood of 2015 and previously. It is not acceptable for foul sewage to be discharged into a decades old, capacity limited system which has flooded properties previously;
- Connection to a 6 inch pipe over 50 years old through private property;
- There is no information on the steps proposed by the developers to prevent disruption to this sewer during construction, or to deal with issues that may arise subsequently;
- The comments made by the applicant and United Utilities with regard to the foul discharge do not reassure residents.

Landscaping

- Insufficient planting to screen views from the A6, Helsington Laithes and the north;
- Tree planting between the site and Helsington Laithes, and its retention should be made a condition;
- As there will be public access to the drainage field / planted area there should be a boundary wall alongside the beck to prevent access to Helsington Laithes;
- There is no mention of planting along the western boundary to screen the three storey buildings from the north western part of Helsington Laithes.

The design, layout and scale

- The scale of the three storey buildings which are out of character and intrusive when viewed from Helsington Laithes;
- The density is too high;
- The building ridges and levels are too high and will have a significant adverse impact on the view from Milnthorpe Road;
- Concentration of affordable dwellings in the southwest corner;
- Loss of privacy and overshadowing due to proximity of housing to the boundary;
- Boundary fences along Lumley Road should be replaced by stone walls.

Ecology

- Bats are observed in the vicinity.

Other issues not material to this application

- The application includes land outside the allocated area;
- The position of the access point;
- Impact of the increase in the 30mph limit on traffic entering Kendal;
- Sink holes have appeared in surrounding land.

POLICY ISSUES

South Lakeland Core Strategy (CS):

38. Policy CS1.1 *Sustainable Development Principles* provides criteria for new development.
39. Policy CS2 *Kendal Strategy* seeks to ensure greenfield development is sympathetic to the landscape character of Kendal, the historic character and setting, addresses archaeological impacts; minimises air pollution and flooding, and provide 35% affordable housing with up to 60% of that as social rented.
40. Policy CS6.2 *Dwelling Mix and Type* seeks to ensure that development offers a range of housing sizes and types which is easily adaptable for everyone.
41. Policy CS6.3 *Provision of Affordable Housing* states that schemes in Kendal must include a minimum of 35% affordable dwellings.
42. Policy CS6.6 *Making Effective and Efficient Use of Land and Buildings* states that the Council will seek to make effective and efficient use of land and buildings.
43. Policy CS8.1 *Green Infrastructure Policy* states that the Core Strategy will seek to ensure green infrastructure is incorporated into new developments.
44. Policy CS8.2 *Protection and Enhancement of Landscape and Settlement Character* states that proposals should demonstrate that their scale, design and materials will protect and conserve the special qualities and local distinctiveness of the area.
45. Policies CS8.3a and CS8.3b *Open Space, Sport and Recreation* provide accessibility standards for the provision of facilities.
46. Policy CS8.4 *Biodiversity and Geodiversity* states that all development proposals should protect, enhance and restore the biodiversity and geodiversity value of land and buildings.
47. Policy CS8.6 *Historic Environment* supports safeguarding and where possible enhancing historic environment assets such as listed buildings.
48. Policy CS8.8 *Development and Flood Risk* seeks to ensure most new development is located in Flood Risk Zone 1; surface water is managed in a sustainable way and provision is made for long term maintenance of flood protection / mitigation measures.
49. Policy CS10.2 *Transport Impact of New Development* requires that development should provide for safe and convenient access.
50. Policy CS8.10 *Design* encourages design appropriate to the context.

Local Plan Land Allocations: Development Plan Document (DPD):

51. Policy LA1.3 of the DPD allocates the site for residential development. The policy provides an indicative number of 122 houses for the site (26.29 per hectare).

Saved Policies of the South Lakeland Local Plan (LP):

52. Saved Policy C15 *Listed Buildings and their Setting* seeks to protect or enhance listed buildings and their settings.
53. Saved Policy C19 *Site of Archaeological Interest* seeks to ensure that an appropriate programme of archaeological work is provided to record and / or preserve remains where necessary.
54. Saved Policy L3 *Landscaping* promotes good landscaping.

Planning (Listed Building and Conservation Areas) Act 1990:

55. The act places a duty upon a Local Planning Authority to preserve or enhance the setting of listed buildings.

National Planning Policy Framework (NPPF):

Core Planning Principles

56. The core principles seek to secure high quality design and a good standard of amenity for existing and future occupants.

ASSESSMENT

Principle

57. Outline planning permission has been granted for the development of this site. The principle is therefore established. The scheme has been revised since the last committee meeting when Members deferred making a decision.
58. The key issues that apply to this application are:-
 - Design;
 - Impact upon the historic environment;
 - Provision of affordable housing;
 - Drainage;
 - Provision of play and open spaces;
 - Other matters.

Design

59. Good design includes a number of issues e.g. the layout, house design, landscaping and the impact on residential amenity. This section includes an assessment of such matters as:-
 - Impact upon the entrance to Kendal;
 - General layout and design;
 - Impact on the wider landscape;
 - Impact on residential amenity;
 - Provision of play, open spaces and green infrastructure.

Impact upon the entrance to Kendal

60. The group of buildings at Helsington Laithes form the first impression when entering the developed part of Kendal. The developed form on the west is then broken by 2 relatively flat fields and the steeply sloping field which forms the main part of the development site.
61. Along the eastern side of Milnthorpe Road, continuous development starts shortly before the application site. This development starts with a car showroom and the associated cars along the frontage. The housing is of a modern design and set lower than the road. Views of the housing are filtered by trees. The fields to the south of Scroggs Wood are also allocated for employment related development. Housing on Lumley Road rises at the rear of the site and forms a dominant feature when entering the town.
62. The field to the south of the application site was not included within the allocation but was included within the outline planning permission for drainage. It is proposed to utilise this area to provide for sustainable drainage, a woodland area and amenity space. This will provide green infrastructure and enhance the distinctive woodland at Helsington Laithes and the ribbon of woodland at Scroggs wood to the south east. Additional formal planting is also proposed along the Milnthorpe Road frontage (behind the retained stone wall) to enhance the row of cherry trees within the highway verge. These aspects are not currently shown on the submitted landscaping plan but plans will either be submitted prior to a decision being issued or conditions may be used to ensure this landscaping is provided.
63. The housing proposed for the Milnthorpe Road frontage consists of 10 relatively spacious large detached houses. The layout will be denser than the housing on Lumley Road to the north and the housing on the opposite side of Milnthorpe Road (seven houses over a similar length of road). The houses face toward Milnthorpe Road and will be set 12m and 21m back from the stone boundary wall along Milnthorpe Road with formal tree planting between. As the site rises steeply, the houses will be elevated between approximately 3m above the road level at the southern end, 1.5m at the site entrance and 2.5m at the northern end closest to Lumley Road. As the site rises, the roofs will step up the hill in a form similar to historic parts of Kendal.
64. The layout and levels have been driven by the site gradients necessary to provide roads to the top of the site. The site rises 20m from Milnthorpe Road to the top of the site over approximately 250m (1 in 13) resulted in the curving road required to reach the top of the site. The roads running off this main access route are also constrained by the level of this road and the maximum fall available for road gradients. The road gradient running from the main access road to the south of the site results in a requirement to increase the land levels across the southern section.
65. Discussions have taken place seeking to reduce the ground floor level of some of the houses. The ground levels and road gradients do however pose significant constraints. The southernmost house at the corner of the site has been reduced by 400mm. The gradients required to provide the cycle/footpath link adjacent and the drainage pipe levels, limit any further reduction. The resulting house will sit approximately 2.8m above the road level and 2m above the footpath level. The elevation of properties along the western side of

Milnthorpe Road is characteristic of the first group of buildings from Lumley Road to Stonecross Manor. As an example, no.1 Lumley Road is approximately 2m above the road level.

66. The houses to the north sit further back from the road and the level difference varies. The area between the road and the proposed houses, will be graded, finished with stone boundary walls, hedging and with ornamental tree planting. It is considered that the elevated position of the houses along the frontage, is in keeping with the character of Milnthorpe Road.
67. The design, layout and treatment of the intervening space is well conceived and will enhance the transition between the rural area and the urban environment in which the site will be viewed.

General design and layout

68. The layout and house designs work with the contours of the land, particularly where the land slopes steeply. The houses at the bottom of the slope would be three storey at the front and two storey at the rear and the buildings at the top of the slope two storey at the rear and single storey (with rooms in the roof space) at the front.
69. A mixture of house designs, storey heights and materials (stone / slate / render) are proposed which are appropriate to the context of the site. The design used for the larger buildings which will house the flats at the southern end of the site is appropriate within the context of the converted development to the south of the site.
70. The highway layout follows the site contours and provides appropriate pedestrian access, parking space and access for waste vehicles. The Highway Authority has confirmed the acceptability of the layout. The detailed construction design, lighting and drainage is included within condition 6 attached to the outline planning permission. This detail does not need to be reiterated on this consent.

Impact on the wider landscape

71. The site is allocated for housing and its development will inevitably alter the character within the landscape. The site is bound by housing to the north and east, woodland and building to the south west and a drumlin which rises to the A591. The field is visible from long distance views but has no distinctive features within it. The development will be viewed within the existing urban form and the landscape features to the west and south.
72. The development has been designed to rise with the slope of the land, it will include landscaping, an open space area toward the top of the site, and will utilise slate for the roofs. The design, layout and planting will ensure that the impact on the wider landscape is minimised and will have an overall negligible effect on the landscape character.

Impact on residential amenity

73. The majority of the proposed houses along the northern part of the site with Lumley Road have been sited to ensure that the privacy and amenity available at existing property is protected. Ground floor levels are appropriate to the land level at the boundary and will not require significant increases in ground level.

Window to window distances are 25m in the majority of cases and gable to window distances are between 13m and 18m. There are garages to be sited closer to the boundary, but the scale of these structures is smaller and the relationship is appropriate.

74. The relationship between plots 1 and 9 to the adjacent properties does differ. The side gable of plot 1 is sited 12m from the boundary with 2 Lumley Road and at an appropriate ground level. The scheme considered at the last meeting, included a double garage in the intervening space. Members requested that the garage be removed from the scheme. The applicant has removed the double garage and inserted a single storey attached garage. This garage would be located 9m from the boundary. As it will be single storey, it is considered that the relationship with the boundary and the conservatory at 2 Lumley Road will not adversely affect direct sunlight or amenity.
75. The position of Plot 2 has been re-orientated and it has been pulled further from the corner of the boundary. The ground level has also been lowered by 750mm. The resulting property will be approximately 28m from the conservatory and 3m higher. The position, elevation and boundary hedge will ensure that there is not direct overlooking. The position will overlook the bottom of the garden at 4 Lumley Road but will not allow direct overlooking towards the house. Appropriate treatment of the garden and boundary will ensure that the development does not adversely affect privacy or amenity.

Provision of play, open spaces and green infrastructure

76. The scheme includes a play area with nine pieces of equipment for varying age groups. The size and type of equipment is appropriate for the scale of the development. The play area will form an open area toward the top of the slope providing a break in the rooflines and an area of planting.
77. It is proposed that the area to the south of the site will be publically accessible and a number of incidental open spaces, including an area across the front of the site are also proposed. These areas include tree, grass and shrub planting. Creation of the drainage field to the south will involve removal of some of the existing trees. These will be replaced with additional planting to create a woodland area to improve biodiversity, and enhance green infrastructure and the appearance of the site.
78. It is intended to retain the hedge along the western boundary and enhance this. The enhancement can include additional trees. Similarly a fence can be required along the southern end of the drainage field. It is however considered that a stock proof fence to retain the open appearance would be more appropriate than a stone wall. Conditions and the S106 agreement management and maintenance scheme will control retention of trees / planting.
79. A Habitat Survey Report was carried out at the outline planning stage. The report concluded that the majority of the site comprises of species poor grassland with only the hedgerow worthy of protection. Protection and enhancement of the hedgerow will retain linkages for bats and birds.
80. The play space, equipment and open space accord with the requirements of condition 10 attached to the outline planning permission. The submission section of the condition can therefore be discharged. Condition 10 includes sections which require the implementation and retention of the play space and

open spaces. These sections cannot be discharged at present but do not need to be reiterated on this consent.

Design conclusion:-

81. The layout, scale, design and materials of the proposed development will utilise the contours of the site and are well conceived taking into account the location at the entrance to Kendal. The houses front onto Milnthorpe Road and are of an acceptable density with designs which will ensure that this allocated housing site provides an enhancement to the entrance to Kendal's urban environment and protects the setting of the listed buildings. The landscaping scheme will ensure that woodland and formal planting are appropriate to the context and soften the visual impact of the scheme.
82. The mixture of house designs and materials reflect the range of properties along Milnthorpe Road. Together with the siting and planting, the proposal is in character with the townscape and local designs in accordance with Policies CS1.1, CS2, CS8.1, CS8.2, CS8.3, CS8.6 and CS8.10 of the Core Strategy and saved Policies C16, S2, S3 and S10 of the Local Plan.

Provision of affordable housing

83. The scheme provides 38 affordable dwellings, 50% discounted sale and 50% affordable rent. The mix is as follows:
 - Affordable rented - eight x 1 bed and seven x 2 bed apartments; two x 2 bed and two x 3 bed houses.
 - Discounted sale - eight x 1 bed apartments (four of these are ground floor with level access and rear gardens so are similar to a bungalow), 1 x 2 bed apartment (two storey with own parking and small front garden), two x 2 bed and eight x 3 bed houses.
84. The Strategic Housing Market Assessment identifies a need for a mix of affordable housing types of 68% for 1 - 2 bedrooms, 28% for 3+ bedrooms and 4% for older persons properties. The Cumbria Choice Register provides preference for properties in Kendal. Of these households, 62% would prefer a 1 bedroom, 26% a 2 bedroom and 12% a 3 bedroom property. The mix proposed predominantly provides smaller dwellings. While not totally in line with the evidence, the proposal provides a good range of property types.
85. Three of the pairs of semi-detached houses and one of the blocks of four flats are distributed separately within the open market housing. A group of two pairs of semi-detached houses and one of the blocks of four flats is located off a drive along the southwest part of the site. The houses are well designed and not distinct from the open market designs.
86. The two blocks of flats and a small terrace of four houses are located together along the southern boundary, twenty dwellings in total. The design of the flats reflects the scale and rural barn like appearance of the buildings to the south. The terrace links the two blocks of flats. These buildings are well designed, predominantly stone and the location provides an outlook over the open space to the south. This is one of the most attractive parts of the site. The affordable units are appropriately mixed within the development and the design ensures that the development will appear tenure blind.

87. Members deferred the application at the last committee requesting that the affordable rented units be better dispersed throughout the site. The applicant has considered this request and declined stating referring to the design quality, the attractive position provided and the dispersal of the affordable discounted sale. Attention has also been drawn to an appeal decision where the Inspector determined that the use of complementary materials and the design ensured an acceptable degree of integration. This decision related to a scheme in which the largest cluster was 10 units out of 40, all sited along a single cul-de-sac.
88. In this case, it would not be appropriate to locate blocks of flats of the scale proposed elsewhere on the site. The design of the blocks of flats reflects the building styles to the south and the finish will be stone and slate. An alternative arrangement would be to reduce the size of the blocks, relocate smaller them in smaller buildings elsewhere. This would however affect the number of units within the site and may result in viability issues.
89. The NPPF refers to the need to create sustainable, inclusive and mixed communities. Policy CS6.3 of the Core Strategy states, 'affordable housing shall be mixed within the development'. The proposal provides 35% affordable units in accordance with policy CS6.3, it provides the appropriate mix and tenure and disperses the affordable discounted sale units equally throughout the site. The concerns raised by Members with regard to social inclusion and potential social issues arising from the clustering of 20 of the affordable rented units in one area are acknowledged. It is however considered that the mix, tenure and location within the site meet the aims of the NPPF and mix affordable units within the site. The applicant has provided reasoning for the location and while the design of the flats is distinctive, it is of a high quality utilising stone and slate appropriate to the location and will create a quality environment for occupiers.

Impact upon the historic environment

90. Three listed buildings would be potentially affected by the development proposal. 'Helsington Laithes' and the 'bridge carrying the drive to the north east of Helsington Laithes farmhouse' are both listed Grade II*. The 'farm road bridge to the north east' is listed Grade II. All three are located in a compact cluster a short way to the south of the proposal site and, as they share the same settings as well as the potential effects of any development.
91. Helsington Laithes farmhouse can be seen from some distance in a narrow view arc from the south and south east. Other views of the house are much more restricted. Immediately to the north is a broad wooded glade. Further planting around the farmhouse garden to the east and south east of the garden isolates the listed farmhouse from its visual and historic setting, and this greatly limits the opportunity for views out from this heritage asset towards the proposal site.
92. The wider setting of these listed buildings is compromised by C20th development; and any strategic outward and inward views are almost entirely obscured by the physical presence of the converted Home Farm group, and by the natural filtering woodland. Any visual or other impacts generated by the proposed development would therefore have a very slight and essentially negligible effect on these heritage assets. As the proposal would only slightly

change the setting of these three assets, rather than cause harm to them, the special architectural and historic interest would be preserved.

93. The visual impact of the development on the Home Farm building would be more apparent. The Home Farm group is listed due to the location within the original curtilage of the main listed building. The immediate setting of the group has been diminished by recent changes associated with its conversion. The provision of numerous gardens, garaging and other domestic paraphernalia for this converted farm group have also altered and lessened the importance of its setting as a curtilage structure. The contribution it now has is considered to be a negative one.
94. The scheme includes a landscape buffer zone (the surface water drainage field) immediately to the north of the Home Farm group and will include tree planting along the boundary between the housing site and the surface water drainage field. The hedge along the western boundary will also be enhanced. Due to the lack of close proximity and the open green space, the impact on the Home Farm group will only be slightly adverse.
95. It is necessary to examine the reasons put forward as to why the slight harm should be outweighed by public benefits. The proposed development site is allocated and the housing, including the 35% affordable housing is required to fulfil the Council's requirement for a housing supply. The provision of housing will enhance the economic and social elements of sustainable development.
96. The buildings on site will be 80m to the north east of the nearest part of the Home Farm group. The buildings will be separated by the surface water drainage area, which is intended to be landscaped with trees to form a woodland buffer. The separation of the development from Helsington Laithes and the Home Farm group and the enhancement of this area with planting and woodland tree screening will provide environmental benefits.
97. The buildings along the southern boundary have been designed to reflect the scale, layout and materials of within the Home Farm group. The street scene consists of two, 3 storey 'L' shaped buildings separated by a short terrace. The 'L' shape reflects the courtyard layout of the group to the south. The design of the larger buildings seeks to mimic a barn like simple design. Similar window designs and eave details are proposed along with the use of stone and slate. A larger protruding full height window proposed which provides a contemporary element. The smaller terrace reflects the scale of the smaller buildings within the complex to the south. Gables and porches are proposed along with a mixture of stone, render and slate.

Heritage conclusion:-

98. Together the design, layout and materials proposed, the visual impact on the Home Farm group will be mitigated to ensure that its, already compromised, setting is protected. The proposal therefore ensures the 'far less than substantial harm' identified by the Conservation Officer is outweighed by the provision of sustainable development. This accords with the aims of Policies CS8.6 of the Core Strategy, saved Policy C15 of the Local Plan, the aims of the NPPF and the requirements within the Planning (Listed Buildings and Conservation Areas) Act.

Drainage

99. Condition 9 attached to the outline planning permission and the terms of the S106 agreement require the submission of the drainage scheme to be submitted and approved as part of the reserved matters application.
100. The submitted scheme comprises the outcome of ground condition and soakaway tests carried out at the site, calculations, and a detailed surface water drainage scheme. The scheme includes individual soakaways for house drainage and permeable paving for approximately 25% of the site, land drainage swales to capture, infiltrate and direct surface water along the western boundary (adjacent to the open fields and rising land) and part of the eastern boundary (Milnthorpe Road) and a piped system for the remainder of the site. The piped water will be transferred to infiltration basins in the field to the south and then via flow control and a drainage swale into the watercourse to the south of the site.
101. The concepts used within the drainage scheme follow best practice using sustainable urban drainage methods. Permeable materials have been used where possible and where not, water will be piped, stored and filtered into an existing water course at an attenuated rate. Account has been taken of water running from the higher land outside the site and swales are proposed to capture water from these areas and transfer it into the drainage field before discharge into the watercourse. Swales are also proposed along the Milnthorpe Road boundary to collect water and minimise escape onto Milnthorpe Road.
102. The water from the hill above the site will currently flow through the green field and discharge both under and onto Milnthorpe Road and into the water course. The proposal will collect water and a scheme has been provided which seeks to control the rate at which the water will be discharged into the beck. The scheme has the potential to improve the impacts upon Milnthorpe Road across most of the site frontage. The rate of control will ensure that the water going into the watercourse will not exacerbate surface water flooding in the field or within Milnthorpe Road. The size of the culvert underneath Milnthorpe Road acts as an additional break for water and together with the controls within the site will ensure that surface water flooding is not exacerbated elsewhere.
103. Additional information has been submitted by the applicant which addresses the LLFA's concerns. The only remaining issue relates to exceedance transfer within the site. This issue can be addressed by the use of contours within the development and does not affect property outside the site.
104. Members requested clarification with regard to the culvert. Cumbria County Council Highways has confirmed that there is a 10mm open joint within the culvert under Milnthorpe Road and a 10mm open joint and broken section of culvert in the verges either side of Scroggs Lane, but the water is still flowing freely. Highways are currently determining the best options for repair. Cumbria County Council Highways has also confirmed that the highway drain appears to cross and partially block the culvert at the vehicle access to Hadwins Approved. Highways are currently determining the best option to address this issue also.
105. Condition 9 attached to the outline planning permission includes a section requiring the implementation and retention of the approved drainage scheme.

This does not need reiterating in a condition attached to a reserved matters consent.

106. The scheme proposes a separate system for the foul sewage which will exit the site into Milnthorpe Road and join the mains system. United Utilities have confirmed that they have no objection to this scheme. A copy of an email from United Utilities to the developer has been provided. Within this email (dated 24th October 2016) United Utilities requested that the developer investigate a gravity connection to Kent Park Avenue and state that 'This would be our preferred connection point'.
107. The scheme for the long term maintenance of drainage is required by the S106 agreement attached to the outline planning permission.

Other matters

S106

108. The S106 requires the submission of a detailed management and maintenance scheme for the surface water drainage scheme and open / play space. The requirement includes the agreement of how the maintenance will be carried out, who / what will be responsible and financial arrangements. The scheme is currently required at the reserved matters stage. This timing is however unreasonable and other S106's have required the information prior to occupation. Such details are also usually not available until after a developer has been through separate consenting processes with United Utilities, negotiated with management and contractor companies. In this case the developer intends to pursue adoption of parts of the scheme by United Utilities. The separate consenting process does not normally take place until later in the development process.
109. The applicant wishes to amend the terms of the S106 to allow this information to be submitted and approved, prior to the occupation of dwellings. This would be in line with other S106 agreements and is reasonable.

Ecology

110. The watercourse to the south of the site is connected to the River Kent Special Area of Conservation (SAC) and the River Kent and Tributaries Site of Special Scientific Interest (SSSI). Subject to appropriate pollution control measures during construction and implementation and maintenance of a drainage strategy, the development can be carried out without impacting upon the conservation interests of the SSSI and SAC. The proposal therefore accords with Policy CS8.4 of the Core Strategy and saved Policies C6 and C7 of the Local Plan.

Contamination and construction

111. Conditions are attached to the outline planning permission with regard to potential contamination, construction management and hours of construction. These matters do not need to be reiterated on a reserved matters consent.

Financial benefits to Local Authorities from the development

112. In accordance with the requirements introduced by Section 115 of the Housing and Planning Act 2016. The financial benefits of the proposed development are estimated below.

Source	Benefit
Community Infrastructure Levy	Nil - The site was granted outline planning permission before CIL was adopted. Contributions have been required through a S106 agreement for highway and education infrastructure.
Council Tax	Council Tax income £208,300 SLDC element £22,460 (based on 121 Band D Equivalents).
New Homes Bonus	New Homes Bonus* £104,400 SLDC element £83,500 (based on 121 Band D Equivalents) *New Homes bonus only applies for four years and the first 40% of new dwellings are to be disregarded following the December 2016 autumn statement, with the money transferring to adult social care.

113. It is considered limited weight should be attached to the financial benefits arising from the proposed development.

114. Council Tax is an ongoing annual income, new home bonus for four years (currently).

115. Any financial considerations would add to the overall benefits in delivering the five year housing land supply and identified housing need on this allocated site.

CONCLUSION

116. The issues with regard to drainage, neighbours amenity and levels have been addressed. The applicant has not however amended the distribution of affordable rented units as requested by Members. The design and layout ensures there is not a difference in quality of the environment. It is not considered that a refusal due to the grouping could be sustained. The overall mix of affordable units within the development is sufficiently compliant with the requirement of the NPPF and policy CS6.3 of the Core Strategy.

117. The layout, design and landscaping are appropriate for this site on the edge of Kendal and will protect the setting of the nearby listed buildings in accordance with Policies CS1.1, CS2, CS8.22, CS8.3, CS8.6 and CS8.10 of the Core Strategy, saved Policies C15, S2 and S3 of the Local Plan, the aims of the NPPF and the Planning (Listed Building and Conservation Areas) Act.

Subject to amendments to the levels, the scheme will protect the amenity of neighbouring residents in accordance with the Core Principles of the NPPF.

118. The concepts behind the drainage scheme, in particular the use of infiltration throughout the main site, are appropriate to ensure surface water flooding will not be exacerbated elsewhere. The off-site culvert is not the responsibility of the developer and is being dealt with by the County Council. Further details are however required to ensure that the proposals fully accord with the aims of Policy CS8.4 of the Core Strategy. Once confirmation has been received from the County Council as Lead Local Flood Authority the requirements of the policy and aims of the NPPF will have been met.

RECOMMENDATION:

Delegated authority be given to the Director (People and Places) to grant reserved matters, partially discharge condition 9 (surface water drainage scheme) and partially discharge condition 10 (play area) subject to completion of the S106 agreement with regard to affordable housing and long term management and maintenance of the surface water and open space schemes and condition relating to matters set out below:

- (1) Samples of the materials to be used to be submitted, approved and thereafter used within the development.
- (2) Floor and ground levels.
- (3) Hard and soft landscaping.
- (4) Boundary fences / walls.