

# LATE REPRESENTATIONS FOR COMMITTEE

**Committee Date:** 27 April 2017

**App No:**  
SL/2016/0519

**Site Address:** Land to the south of Lumley Road,  
Kendal

## **REPRESENTATIONS:**

### **Neighbours / Other:**

Two letters have been received in response to the changes made by the applicant and the committee report.

One letter has been emailed directly to Members by the resident. The representation refers to the committee report and argues that the imposition of a specific percentage of Affordable-to-Rent properties should not be applied on this steeply sloping site which is so constrained by its topography. The sensible way forward would be to accept the limitations of the site even if that means a small reduction in the number of these properties.

The response also states that, although there are 3-storey properties at Helsington Laithes, all the properties facing the Development and therefore viewed from the Development are 2-storey.

A response has also been received from the occupier of 2 Lumley Road. The response states that the revised proposal does not address the concern that the close proximity of the property is unreasonable and will give rise to an unfair loss of privacy – not just to occupants of my existing property, but also to the residents of the new property.

## **APPLICATIONS REPRESENTATIONS:**

The applicant has provided supporting information with regard to the affordable housing provision and the assessment of sink holes.

### Affordable Housing

Following criticism early in the planning process regarding pepper-potting of the affordable proposal (concerning the delivery of 38 units of 110 units overall), Jones Homes has worked extensively with SLDC Officers and amended repeatedly and very significantly the proposal. Two Castles support the proposal and have advised the Company that the 20<sup>th</sup> dwelling within these three buildings needs to be social rented as they will not share a building with a single intermediate dwelling not within their ownership, therefore the affordable delivery has actually shifted slightly favourable toward rented units (now 20 social rented and 18 intermediate).

We argue that the apartment block grouping is indistinguishable to how the Company would seek to build out (and externally landscape) a wholly open market offering of

apartment homes, and therefore we reject any claim that we are attempting to tuck rented units purposefully 'out of harms way'. They occupy one of the more desirable areas of the site (enjoying open aspects to open spaces) and by process of elimination they are placed in just about the only universally acceptable location the site can accommodate them. Even in the absence of any external factors that are demonstrable, the very dispersed intermediate housing unquestionably offsets any perceived shortcoming of the social rented clustering.

### Sink Holes

Outside of areas that have been subject to mining or where rock with significant and rapid natural dissolution potential (Halite), sink holes are almost exclusively associated with the erosion of the superficial drift soils by natural or man-made groundwater flows, therefore the presence of shallow bedrock at the site makes the potential for largescale sink holes extremely remote. The carboniferous limestone is not subject to rapid ground dissolution to an abnormal degree above that of rock with similar structural properties in this locality and as such the potential for erosion a sinkhole is low. There will be fractures and fissures within the rock that allows some localised flow of water, however rapid erosion potential is low.

The British Geological Survey (BGS) confirmed that there is no potential for ground dissolution and subsidence within influence of the subject site, however the BGS do note the potential for natural consolidation of superficial drift (soil), landslip quarrying and sandpits circa 500-750m from the site which I would suggest is what has been identified by the local residents and is fully documented by the BGS. As you suggest, one approach would be to utilise Ground Penetrating Radar / Geo-physical survey equipment to look for anomalies within the magnetic resistivity of the near surface which would identify any sink holes or voids.

### **OFFICERS COMMENTS:**

The application was deferred at the last committee for the outstanding issues with regard to drainage, levels, the position / height of plot 9, the removal of the garage at plot 1 and the separation/ mix of affordable social housing. These issues have been addressed as explained in the committee report.

### Affordable Housing

Paragraph 50 of the NPPF advises that development should create inclusive and mixed communities and Policy CS6.3 requires that affordable housing be mixed within the development. Neither policy provides guidance on clustering. It is acknowledged that the scheme groups 20 affordable units (two buildings including eight flats each and a terrace of four). The design and siting is however appropriate for the context of the site. The flat buildings will be finished in stone and slate. Apart from the scale, which differs to the larger four/five bed detached houses, the quality of the design and materials will not distinguishable as from the remainder of the site.

It is considered that the overall distribution, design and type of housing on the site, including the affordable units will provide an inclusive and mixed community in accordance with policy CS6.3 and the NPPF.

### Other matters

A landscaping plan and a boundary treatment (fences/walls) have been provided but there has been insufficient time to assess the detail. These matters are usually dealt with by conditions. Once the schemes have been assessed, the conditions below will be worded accordingly.

### **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) Implementation of the floor and ground levels indicated on the approved plans.
- (3) Hard and soft landscaping.
- (4) Boundary fences / walls.