SUMMARY

The application is in outline with layout, design, housing type, mix, landscaping and detailed drainage layout all matters to be dealt with at a later stage (Reserved Matters). Access is to be provided from Kendal Parks Road and is to be assessed.

The 5ha site is the northern half of a larger area of 10.1ha land allocated for housing development by Policies LA1.3 and LA2.4 of the South Lakeland Local Plan Land Allocations DPD. Policy LA2.4 provides the parameters for development and specifies that the site will be subject to a Development Brief. The principle of development on the site and its acceptability in sustainable terms is therefore already established within the South Lakeland Local Plan. However the allocation of this site is dependent upon the preparation of a Development Brief to guide the development of the overall site and this work is still currently in the final stages of the process.

This application seeks to clarify the maximum numbers of dwellings which may be built upon the site, the infrastructure requirements, and the level of affordable housing. The main issues therefore relate to:

- The principle of development and whether the site can accommodate 105 dwellings whilst complying with the key requirements of Policy LA 2.4 and the Draft Development Brief.
- Density and the consequent impact upon the landscape.
- Affordable housing provision.
- Highways including the proposed access point, the traffic generation and wider traffic impacts.
- Potential Education and Adult Social Care Contributions.
- Site considerations: drainage, ecology, archaeology, air quality, noise, land contamination and open space / play area.
DESCRIPTION AND PROPOSAL

Site Description
The site is located on the south east edge of Kendal, approximately 2km from Kendal Town Centre. It is bound by the Oxenholme - Windermere branch railway line to the east, with the West Coast Main Line and open countryside located further beyond. To the west lies an existing residential area known as Kendal Parks which includes an area of public open space on Kendal Parks Road. To the north lies Bluebell Wood, a small woodland, and to the south a 5.2 hectare parcel of land allocated within the wider LA2.4 Kendal Parks allocation.

The application site comprises greenfield land and is separated into four enclosures and an area of woodland by a mixture of dry stone walls, fences and hedges. Natland Beck, a tributary of the River Kent, runs centrally from east to west through the centre of the application site. This area almost bisects the application and the main part of the Beck and its associated woodland was specifically excluded from the residential allocation. The site is currently used for grazing.

The Proposal
The proposal seeks outline planning permission for 105 dwellings with associated open space, highways and infrastructure provisions. All matters reserved with exception of access which is proposed off Kendal Parks Road.

Access into the application site is an extension of Kendal Parks Road which currently stops at the site boundary. The road would extend through the site and will stop at the southern edge of the site where the developers for the remaining site allocation would be able to continue its progress. The access road would be 5.5m in width with a 1.8m footway on the south side and a 2.5m combined pedestrian / cycleway on the northern side on land within the public open space. The existing trees along the northern part of Kendal Park Road are to be removed and compensatory replacement tree planting is to be provided with a landscaped area between the road and the pedestrian / cycleway.

105 dwellings are proposed which equates to 26 dwellings per hectare on the developable part of the allocated site. This is below the average density sought by Policy CS6.6 for sustainable sites adjoining Kendal.

The outline application is accompanied by an Initial Concept – Block Plan. Whilst this plan is illustrative only it has been submitted to demonstrate how the development of 105 dwellings is capable of being delivered in a manner which meets the key requirements of Policy LA 2.4 and the Draft Development Brief.

The application proposals provide over 1.1 ha of open space across the site.

CONSULTATIONS
Kendal Town Council:
The Town Council recommends approval subject to an independent report on the wider transport system and provision of interpretive panels in the Bluebell Woods.
Cumbria County Council:

Highways and Transport

Although this is an “Outline” application, it is considered that “means of access” must be determined at this time and note details have been submitted with this application. The applicant has submitted a Transport Assessment to support the application, which has been fully assessed and the following comments reflect the information provided within this statement.

Travel Plan

The applicant has submitted an Interim Travel Plan at this time.

By helping to reduce single occupant car use, Travel Plans can encourage effective use of current transport network (thereby reducing the need for significant infrastructure improvements), help support sustainable economic growth, encourage healthy lifestyles, promote social inclusion, manage travel demand and assist in reducing the impacts of climate change.

In accordance with the County Council’s Planning Obligations Policy, given the absence of an Action Plan detailing the specific measures to be implemented and specific targets, it is necessary to secure the outcome of the Travel Plan through a developer contribution which is secured via a Section 106 Agreement. The contribution is required to enable further mitigating measures to be implemented by the County Council should the identified targets not be achieved by an agreed date and to provide an incentive to the developer to ensure that the Travel Plan objectives are met. The contribution is secured via an S106 Agreement, and is payable should the target reduction in number of trips, or single occupant car journeys, not be achieved. Where targets are partly met, then an equivalent proportion of the contribution is payable.

However, if the document is amended to include an acceptable Action Plan of specific measures and targets as indicated previously, then this contribution would not be required.

Para 2.2 – The proposed inclusion of cycle parking facilities for each property is welcomed. Details of the provision for each property should be submitted for approval.

Para 2.4 – In addition to the combined foot / cycleway along the northern edge of the access road, a footway should also be provided along the southern edge connecting to existing pedestrian facilities.

While the plan in Appendix 5 provides an indication of the distances from the site access and location of the nearest bus stops, the actual walking distance for future residents located at the furthest reaches of the proposed site should be included.

Transport Assessment

In terms of traffic activity (trip generation), it is evident that there will be an increase in traffic movements during the morning peak and evening peak hours from the development site. To assess the trip generation of the development, an analysis of data using the latest TRICS database was undertaken.

It is considered that a reasonable amount of traffic may use Valley Drive to travel to the north but the proportion seems quite high. It is highly unlikely that 42% of the “new” traffic in the morning peak will use Valley Drive and 59% traffic in the afternoon peak will use Hayclose Road as one of the main routes.
Considering the size of the development, it is recommended that Method of Travel to Work data should be used for traffic distribution. The wrong database has been used and the TRICS analysis needs revision.

A more detailed ARCADY assessment is required for the Romney Road / Lound Road / A65 Burton Road / Natland Road roundabout. A sensitivity test is required for Kendal Park / Oxenholme Road signalised junction with full development traffic using the junction.

Road Safety Audit

This Highway Authority considers that this development shall require a Stage 1 Road Safety Audit (RSA) to be carried out. The benefits of carrying out the Audit are two-fold, firstly, the RSA will demonstrate that the development is considered safe in terms of road safety and, secondly, it will create a positive link to the Stage 2 RSA which is required to be carried out as part of the Section 38 Agreement.

Highways Matters Conclusions

The application is presently considered unacceptable for all of the reasons previously raised and, therefore, the Highway Authority has no option but to recommend the application, as it stands, for refusal.

The application should be referred back to the applicant / developer for careful consideration and amendment.

Education

The proposed development at Kendal Parks for 105 dwellings is estimated to yield 21 primary aged children and 15 secondary aged children, using a theoretical population led model. The development lies within the catchment area of Heron Hill Primary School, and Kirkbie Kendal Secondary.

The expected number of pupils from the Kendal Parks planning application are able to be accommodated within Castle Park Primary School, even when taking into consideration 5 other developments within Kendal with planning permission and the 1 development which is subject to a current planning application.

It is considered that there is also sufficient capacity within the secondary school at Kirkbie Kendal School to cope with this development.

Historic Environment

The applicant has helpfully commissioned an archaeological desk based assessment and geophysical survey of the site. The results indicate that archaeological assets consistent with the form of prehistoric settlement, burial and agricultural activity survive on the site. Any such archaeological assets will be disturbed by the proposed development.

It is therefore recommended that, in the event planning consent is granted, a programme of archaeological investigation of the site be undertaken in advance of development to record the archaeological assets which will be disturbed. We advise that this archaeological work should be commissioned and undertaken at the expense of the developer and can be secured through the inclusion of a condition in any planning consent.
Local Flood Risk Management

It is pleasing to see that a sustainable approach is being taken with a site that closely borders Natland Beck. However, there is no mention in the planning application of the source controls that would form a treatment train. Any discharges to the beck would have to have treatment to ensure road surface water does not pollute the beck. It is considered that de-silting and flow retention are not sufficient on their own to prevent pollutants entering the beck. A better use of the green areas would allow wetland habitats to add additional treatments via basins / retention ponds, and would provide better biological treatment of the surface water from the roads.

If no additional natural treatments are provided as part of the scheme, then a Class 1 bypass separator would need to be provided close to the point of discharge to Natland Beck.

Separate systems should be used for the collection of roof water, which could be held separately in water buts and swales across the site before discharge to wetland areas in the Natland buffer zones.

Currently, Cumbria County Council Highways Authority does not adopt joint roof water and highway systems within Section 38 of the Highways Act 1980.

The LLFA would require more information with regards to the surface water drainage scheme for approval; the current conceptual design lacks the detail needed for the LLFA. This can be dealt with by condition.

Adult Social Care

The County Council’s Planning Obligations Policy seeks to ensure that new housing designs can be easily adapted to meet the requirements of occupants should their needs change over time. Adaptations to properties that are not designed with a view to accessibility often fall short of achieving their full impact. Poorly adapted properties can contribute to increased levels of dependence which impact on the wellbeing of the individual, their carers and families and ultimately require social care support.

Housing designs that incorporate a straight staircase and a room for level entry shower facilities adjacent to ground floor toilet facilities will significantly aid the provision of the most frequently requested adaptations in a most cost effective way. These design elements better meet the needs of residents as their requirements change, allow improved use of DFG funding by Council and allow reduced demand for personal care support and care home services by promoting greater independence, safety and wellbeing in the home environment.

Given the difficulty in adapting homes that do not provide these features, the County Council will require the provision of financial contribution as appropriate mitigation based on the number of homes that do not contain these features, given the increased challenges in delivering adaptations to them and the potential for increased support services in the home occurring. This is set out on the County Council’s Planning Obligations Policy.

Any contribution would be used to support DFG funding in the locality, or support care packages which will include care at home and / or adaption and equipment in the locality. When details of the proposed housing designs are apparent, the County Council will use the formula detailed above to work out the contribution that will be sought. This should be included and secured through the Section 106 Agreement. It
should be noted that should all homes meet the above referred “design mitigation”,
this contribution would not be sought.

It is the County Council’s view, as the Local Authority responsible for delivering social
care within Cumbria, that the contribution sought complies with SLDC’s Core
Strategy Policies CS9.1 and CS9.2 (adopted October 2010). Within the SLDC Local
Plan Land Allocations Development Plan Document (adopted 17 December 2013), it
makes it clear (paragraph 2.46) that on planning applications above 60 units, the
County Council will consider the need for extra care provision as part of the scheme
and may request affordable provision having regard to the existing level of provision
in the area and the appropriateness of the site. It is considered that the approach
taken in this case to seeking a contribution is necessary to make the development
acceptable in planning terms; directly related to the development; and fair and
reasonably related in scale and kind to the development (as per Regulation 122 and
123 of the CIL Regulations (as amended).

Any contribution would be used to support DFG funding or support care packages,
which will include care at home and / or adaption and equipment in the locality.
When details of the proposed housing designs are made apparent, the County
Council will be able to clarify the level of requirement, and importantly should all
homes meet the above referred “design mitigation”, this financial contribution would
not be required.

**Countryside Access Officer**

The proposed development would warrant the diversion of public bridleway No 536074 under s257 of the Town and Country Planning Act. The minimum available
width for a public bridleway is 3m.

**Minerals and Waste**

It would appear that there are no issues in relation to the draft Cumbria Mineral and
Waste Local Plan allocations. We would point out that the Kendal Parks Road site
lies in a mineral safeguarding area for sandstone, and hence the applicant may wish
to consider use of any rock that they dig up during foundations, sewers, etc. within
their dwelling designs for external cladding etc.

**SOUTH LAKELAND DISTRICT COUNCIL:**

**Environmental Protection**

**Air Quality**

The air quality assessment for the proposed development of 105 dwellings assesses
the impact of the whole allocation of 200 houses in this location and takes into
account some residential development already committed in Kendal. I don’t believe
this includes the Kendal Rugby Club / Sainsbury or Lumley Road applications, the
traffic from which should be taken into account in this assessment, as should any
other sites the Planning Officer is aware of. I would ask that this be addressed.

I would also ask that mitigation is proposed for any predicted increase in air pollution,
even if negligible, in order to result in an air quality neutral development. This should
be more than the provision of a Travel Plan (participation in which I do not believe
can be enforced at residential developments) and may include the installation of
electric vehicle charging points at the houses; improvements to public transport provision, footpaths and cycle-ways; and the planting of green roofs, walls, and species known to be most efficient at removing pollutants from the air.

The assessment of construction phase dust and air quality concludes that a Dust Management Plan containing specific control measures to control dust and emissions to air is required. I would ask that the following condition is attached to any permission granted:-

- A Dust Management Plan, in line with the recommendations of the air quality assessment, shall be agreed in writing with the Local Planning Authority prior to work commencing on site.

Noise

The updated Acoustic report (Peninsular Acoustics – 4 December 2014) takes account of a revised plot layout and allows for additional train movements through the summer months. The report has identified unacceptable noise levels that may impact upon the future residents, however mitigation is also recommended in the form of acoustic barriers, suitable glazing units and/or mechanical ventilation.

In order to ensure the noise aspect is adequately mitigated a more detailed report is required which identifies the individual plots to be protected and the measures incorporated to protect both indoor and external noise exposure for each property. I therefore recommend the following condition forms part of any consent granted.

No development shall commence until the details of the noise attenuation measures to be installed in the noise sensitive units have been submitted to and approved in writing by the Local Planning Authority. None of the dwellings that are the subject of this condition shall be occupied until the approved noise attenuation measures have been installed.

Reason: To ensure that the occupants of the noise sensitive properties do not suffer unacceptable levels of noise from the adjacent railway.

To ensure noise, vibration and dust is adequately managed during the construction phase I would request the following conditions also form part of any consent granted:-

- No works of excavation or construction shall commence until a Method Statement for protecting the surrounding area from noise, dust and for the protection of the public highway from the deposit of materials and debris from vehicles has been submitted to and approved in writing by the Local planning Authority. The development shall not proceed except in accordance with the approved Method Statement.

Reason: To protect the amenity and the occupants of nearby properties during the construction phase.

- Hours of construction shall be restricted to between 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 Saturday, with no working on Sundays or Bank Holidays.

Reason: To protect the amenity and the occupants of nearby properties from noise outside of typical working hours.
Land Contamination

The e3p Phase I Geo-Environmental Site Assessment has identified low potential risk of contamination, however a parcel of infilled land does exist towards the centre of the proposed development site. Therefore I accept the recommendations that a detailed Phase II intrusive Geo-Environmental Ground Investigation should be undertaken in order to “… confirm the low risk to human health and controlled waters determined within the initial conceptual site model.” I therefore request the following condition.

- No development approved by this permission shall commence until a scheme to deal with potential site contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall follow the recommendations in the E3P Report: 10-322-r3: Phase I Geo-Environmental Site Assessment and include a site investigation, updated conceptual model and risk assessment (in accordance with Model Procedures for the Management of Land Contamination- CLR11) to identify the extent of any contamination and the measures to be taken to avoid the risk to the future occupants when the site is developed. None of the dwellings shall be occupied until the measures approved in the scheme have been implemented and a Validation report and statement has been submitted and agreed in writing by the local planning authority.

Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are adequately controlled, together with those to controlled waters and ecological systems and to ensure that site workers are not exposed to the unacceptable risk from contamination during construction.

Housing Strategy and Delivery

The South Lakeland Strategy Housing Market Assessment 2014 identifies a need in the Kendal Area for 164 affordable homes per year for the next 56 years (820 in total). Kendal is also expected to meet some of the needs of the Kendal Rural area (186 affordable homes per year for the next 5 years – 930 in total).

Furthermore there is a total of 1191 households on the Council’s Housing Register who have a stated preference for Kendal. Proposed 36 affordable housing (34.3% of total) will contribute towards meeting those needs. However an additional 1 affordable home is needed to comply with 35% with Policy CS6.3

The tenure split of 50% rented and 50% sale is acceptable with the precise mix agreed at Reserve Matters stage.

Arboricultural Officer

I have been asked to provide my comments upon the outline planning application for 105 dwellings on land at Kendal Parks, Kendal.

The submitted tree survey and tree constraints plan provides an accurate representation of the trees on and adjacent to the site. The outline layout provides provision for the retention of the TPO protected tree, and the remains of a hedgerow in the northern section of the site. There is significant tree planting indicated to the
southern section of the site which will assist in softening the appearance of the development in the local landscape.

This outline proposed layout is reasonable in the respect of considering existing trees and proposed additional tree planting. A Reserved Matters application must include a Tree Protection Plan, Arboricultural Impact Assessment and Tree Protection Method Statement in accordance with BS5837 2012. A full landscaping plan should also be submitted to include the location, species, size, planting specification and protection measures for the additional trees to be planted along with timing of the planting in relation to the development of the site. This information will allow an informed decision to be made upon the application.

Further to my earlier response to this application, it has been brought to my attention that the highways layout for the site will require the removal of 12 trees along Kendal Parks Road to achieve the required visibility splays and road width for the development. Whilst individually the trees are not particularly significant, as a group of trees they do provide a contribution to the amenity of the area. Any development which requires these trees to be removed should have provision for suitable replacement trees to be planted in the vicinity of those removed. Replacement species should be native broadleaved trees of standard or heavy standard form, and planted in locations which will allow the new trees to develop to maturity.

ENVIRONMENT AGENCY:

The site is located in Flood Zone 1 and the watercourse is designated ordinary. However the hydrologic catchment draining to Natland Mill Beck may actually be larger than is apparent as a result of the additional railway catchment drainage to the watercourse.

No objection to the proposals subject to condition requiring submission and approval and implementation of sustainable surface water drainage systems, including how they will be maintained and managed. The site should be drained on a separate system with foul drainage to the public sewer and only clean uncontaminated surface water should be connected to the surface water system.

NATURAL ENGLAND:

Internationally and nationally protected sites

The site is within close proximity to a European designated site – the River Kent Special Area of Conservation (SAC) and the River Kent and Tributaries Site of Special Scientific Interest (SSSI). In considering the impacts of the SAC, a Habitats Regulations Assessment (HRA) is required.

No objection

In advising the authority on the requirement relating to the HRA Natural England offers the following advice:-

- The proposal is not necessary for the management of the European site.
- That the proposal unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment.
When recording your HRA we recommend you refer to the following information:-

- A suitable drainage system and maintenance regime is implemented.
- The relevant consents are obtained for the construction of the bridge/s over Natland Mill Beck.
- Recommendations made in the submitted Preliminary Ecological Appraisal to protect Natland Mill Beck are implemented.

Natural England is satisfied that the proposed development will not damage or destroy the interest features for which the SSSI has been notified. The SSSI does not represent a constraint in determining the application.

Natural England has not assessed the impacts on protected species.

**UNITED UTILITIES:**

The site should be drained on a separate system with foul drainage to the public sewer and surface water drained in the most sustainable way. The development should consider drainage options in the following way in order of priority:-

- Adequate soak away or some adequate infiltration system.
- Drainage to a water course.
- Where the first 2 options are not reasonably practical, to a sewer.

To reduce the volume of surface water draining from the site we would promote the use of permeable paving on all driveways and other hard-standing areas including footpaths and parking areas.

United Utilities have no objection to the proposed development subject to conditions requiring submission and approval and implementation of foul and surface water drainage systems, including how they will be maintained and managed.

**ELECTRICITY NORTH WEST:**

The development could have an impact upon our infrastructure.

The development is shown to be adjacent to affect Electricity North West operational land or electricity distribution assets. Great care should be taken to protect both electrical apparatus and any personnel working in its vicinity.

There is an Extra High Voltage network (33kV overhead line) on the development site.

The applicant should be advised that, should there be a requirement to divert the apparatus because of the proposed works the costs would usually be borne by the applicant.
NEIGHBOURS / OTHERS:

5 individual letters of objection have been received and a letter from Kendal Parks and Oxenholme Residents Association. The concerns of all objections raised are summarised as follows:-

Principle and scale of development
Too many houses.
Not enough detail of dwellings and their location.
Scale of development would impact on countryside seen from surrounding areas.
Would reduce gap between Kendal and Oxenholme.

Landscape Character
Loss of rural amenity.
Use of Bluebell Wood for cycles and pedestrians.

Ecology
Too many houses would impact on sensitive ecology.

Infrastructure
Overstretching health and educational facilities.
No planning consent issued until CIL implemented so developers pay for infrastructure.

Flooding and drainage
Impact on drains and sewers.
Greater risk of flooding.

Traffic
Impact of road traffic from development and inadequacy of existing road network to cope with extra traffic.
Impact at nearby junctions with traffic lights.
Flow of traffic at junction of Kendal Parks Road and Hayclose Road. Dangerous junction.
Need ring road through site.
Buses need ring road for access.
Roads too narrow in area for extra traffic unsafe.
Poor walking routes to schools.

Residential Amenity
Properties too close to existing properties particularly given difference in levels.
Loss of privacy / overshadowing need 50m buffer zone.
Loss of privacy and absence of screen planting.
Noise and disturbance from railway need noise report.
Noise from development would affect existing residents.
Consultation
Too short a period for consultation.
Consultation by SLDC over development of site, not been done properly.
Story Homes consultation was out of order.

POLICY ISSUES
South Lakeland Core Strategy:
Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 14 of the National Planning Policy Framework sets out a presumption in favour of sustainable development. This means approving development proposals that accord with the Development Plan without delay. Planning should be plan-led with the Development Plan forming the primary policy document where consistent with the provision of the NPPF.

CS1.1 Sustainable Development Principles provides criteria for new development.

CS1.2 The Development Strategy states that approximately 55% of new development in the district will be in the Principle Service Centres of Kendal and Ulverston, comprising 35% in Kendal. The Land Allocation DPD allocates sites for development fulfilling the requirement for a five year land supply and the aims of this policy.

Policy CS2 Kendal Strategy states that provision will be made for 3,080 new residential dwellings between 2003 and 2025. 35% of new housing should be affordable, up to 60% of which should be delivered as social rented based on local need. The policy seeks to:-

- implement the development and mitigation strategy proposed in the Kendal Transport Plan;
- improve accessibility to and within the town centre;
- improve local green infrastructure;
- ensure greenfield development is sympathetic to the landscape character of Kendal, the historic character and setting and address archaeological impacts;
- ensure new development safeguards and enhances the natural environment and local biodiversity (SSSIs and SACs within the area including the River Kent and its tributaries); and
- minimises air pollution and flooding.

CS6.1 Meeting the housing requirement states that new residential developments will be identified in the Allocations of Land DPD.

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.

CS6.3 Provision of Affordable Housing states that schemes in Kendal must include a minimum of 35% affordable dwellings. The Council will ensure that any planning permission is subject to appropriate conditions and / or planning obligations to secure the provision of affordable housing in perpetuity.
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. The policy provides a target density of at least 30 dwellings per hectare. Higher densities will be sought on appropriate sites, particularly those in or adjoining Kendal. Exceptionally, a lower density will be supported where there is a proven need and environmental constraints mean it is not suitable for a high density development.

Policy CS7.3 Education and Skills states that where appropriate, development proposals should make a contribution to education and training needs.

Policy CS8.1 Green Infrastructure Policy states that the Core Strategy will seek to:-

- Ensure green infrastructure is incorporated into new developments, particularly where it can be used to mitigate the negative impacts of the development.

- Protect and enhance important open spaces within settlements to contribute towards an improved network of green corridors of value for wildlife, recreation and the amenity needs of the community.

- Protect species and habitats and create new habitats and wildlife corridors where biodiversity conservation and enhancement is affected by development. Ensure the protection and enhancement of watercourses and wetlands which are important contributors to the network of blue and green corridors for wildlife, recreation and the amenity needs of the community.

Policy CS8.2 Protection and Enhancement of Landscape and Settlement Character states that development proposals should be informed by and be sympathetic to the distinctive character landscapes identified in the Cumbria Landscape Character Guidance and Toolkit. Proposals should demonstrate that their location, scale, design and materials will protect and conserve the special qualities and local distinctiveness of the area.

Policies CS8.3a and CS8.3b Open Space, Sport and Recreation provide accessibility standards for the provision of facilities. Where development is located outside the accessibility standards, appropriate provision will be required on site. This will be based upon the number of people who will be living in the area.

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. It also states that development proposals that would have a direct or indirect adverse effect on nationally, sub-regional, regional and local designated sites will not be permitted unless they cannot be located on alternative sites that would cause less or no harm; the benefits of the development clearly outweigh the impacts on the features of the site and the wider network of rural habitats; and prevention, mitigation and compensation measures are provided.

Policy CS8.6 Historic Environment supports safeguarding and where possible enhancing historic environment assets such as listed building.

Policy CS8.7 Sustainable Construction, Energy Efficiency and Renewable Energy states that new development will be required to meet the Code for Sustainable Homes as required by Building Regulations.

Policy CS8.8 Development and Flood Risk seeks to ensure most new development is located in Flood Risk Zone 1. New development will only be permitted where it can be demonstrated that it would not have a significant impact on the capacity of an
area to store flood water, measures required to manage any flood risk can be implemented, surface water is managed in a sustainable way and provision is made for long term maintenance of flood protection / mitigation measures.

*Policy CS9.1 Social and Community Infrastructure* seeks to improve the health and wellbeing of residents. This will be achieved through ensuring appropriate social and community infrastructure (including health and cultural facilities) are in place from the onset.

*Policy CS9.2 Developer Contributions* the Council will require new development to secure improvements which are necessary to make the development acceptable by planning condition or obligations. Planning obligations may also be required for maintenance payments, to meet the initial running costs of services and facilities. Infrastructure contributions could include improvements to highways, public transport and Travel Plans, health care and education facilities, recreations provision, biodiversity and enhancement of public realm.

*Policy CS10.1 Accessing Services* promotes the improvement of accessibility by improving bus and rail services, promoting a network of safe cycle and walking routes linking residential areas with employment areas, town and local centres, schools and recreational open space facilities.

*Policy CS10.2 Transport Impact of New Development* requires that development be designed to reduce the need to travel and to maximise the use of sustainable forms of transport. Development proposals should provide for safe and convenient access and foot, cycle, public and private transport, be served by safe access to the highway network without detriment to the amenity or character of the locality, the expected nature and volume of traffic generated by the proposal can be accommodated by the existing road network without detriment to the amenity or character of the surrounding area, local air quality or highway safety. Where a development would have significant transport implications, it should be accompanied by an air quality assessment, transport assessment and a travel plan.

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

The DPD was adopted on 17 December 2013 and therefore forms an integral part of the development plan. Policy LA 2.4 of the DPD allocates the site for residential development. The policy provides an indicative number of 200 houses for the whole site.

**Policy LA2.4 Kendal Parks**

**Purpose:** To ensure that the site delivers high quality sustainable development and that landscape, transport, drainage and biodiversity impacts are effectively mitigated.

A development brief will be prepared to guide the development of land at Kendal Parks.

As well as other core strategy policy requirements, development must make provision for the following:-

- a landscaped and permanently fenced buffer zone of 10 metres around Natland Mill Beck (part of River Kent Special Area of Conservation) with any development set back at least 15m from the beck and any necessary mitigation measures to address the impact on Great Crested Newts near the site and the retention of hedgerows;
• a landscape and green infrastructure framework including significant landscaping along the eastern boundary, adjoining the railway line, incorporating appropriate noise attenuation;
• submission and approval of a flood risk assessment and provision of surface water mitigation measures including on-site attenuation; and
• submission and approval of a transport assessment and travel plan. Provision of pedestrian and cycle links through the site to adjacent housing and to Kendal Parks Road.

Kendal Parks, Kendal – Draft Development Brief - Supplementary Planning Document:

The Council is currently undertaking final public consultation on the draft Development Brief for Kendal Parks SPD. This is a material planning consideration.

Fig 1.3 Land Use Proposals Map sets out the land uses at the Kendal Parks site with an indication of where the main vehicular route from Kendal Parks into the site could be located. The Indicative Land Use Proposals Map also identifies the location of developable housing character areas and green spaces / landscaped areas to inform specific design and layout principles.

Local Plan Policy:

Saved Policy C6 Sites of International Nature Conservation Importance and saved Policy C7 National Sites seek to ensure that development does not have a significant effect on the nature conservation interest of the site.

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.

National Planning Policy Framework (NPPF):

Promoting Sustainable Transport

Paragraph 32 - Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

Delivering a wide choice of high quality homes

Paragraph 50 – Where there is an identified affordable housing need, policies should be set for meeting this need on site. Such policies should be sufficiently flexible to take account of changing market conditions over time.

Promoting healthy communities

Paragraph 73 - Access to high quality open spaces, sport and recreation can make an important contribution to the health and wellbeing of communities.

Meeting the challenge of climate change and flooding

When determining applications local planning authorities should ensure that flood risk is not increased elsewhere.

Conserving and enhancing the natural environment
Paragraph 109 - The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and minimise the impacts on biodiversity and providing net gains where possible.

Conserving and enhancing the historic environment

Paragraph 128 states that where a development has the potential to include heritage assets with archaeological interest developers should submit appropriate desk-based assessment and where necessary a field evaluation. Paragraph 129 requires that LPA’s consider that impact of a proposal on a heritage asset and avoid or minimise conflict between conservation and the proposal. Paragraphs 131 – 134 provide criteria for assessing the impact of development upon heritage assets.

Planning Conditions and obligations

Para 204 - Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Council Plan 2014 - 2019:

The broad aims of the five year Council Plan are to:-

- Enable and deliver opportunities for economic growth.
- Provide homes to meet need.
- Improve residents’ health and well being.
- Protect the environment.

Localism Act:

The Localism Act 2011 is aimed at empowering local agencies and people to deliver and better the Government agenda. It is not directed to deliver less, but to deliver at levels to maximise or exceed Government’s strategic objectives. The NPPF and Development Plan policies are not altered by the Localism Act.

The Localism Act introduces local finance considerations as a planning consideration in so far as they are material to the application.

HUMAN RIGHTS ACT

This application has been determined to accord with the rights and limitations of the Act in relation to Article 6 (Right to a fair and public hearing), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).
ASSESSMENT

Principle of residential development

The application is in outline with layout, design, housing type, mix, landscaping and detailed drainage layout are all matters to be dealt with at a later stage (Reserved Matters). The access and the works within the highway necessary to facilitate the junction are matters included for consideration.

The 5ha site is the northern half of a larger area of 10.1ha land allocated for housing development by Policies LA1.3 and LA2.4 of the South Lakeland Local Plan Land Allocations DPD. Policy LA2.4 provides the parameters for development and specifies that the site will be subject to a Development Brief. The principle of development on the site and its acceptability in sustainable terms is therefore already established within the South Lakeland Local Plan. However, the allocation of this site is dependent upon the preparation of a Development Brief to guide the development of the overall site and this work is still currently in process.

This application seeks to clarify the maximum numbers of dwellings which may be built upon the site, the infrastructure requirements, the level of affordable housing. The main issues therefore relate to:

- The principle of development and whether the site can accommodate 105 dwellings whilst complying with the key requirements of Policy LA 2.4 and the Draft Development Brief.
- Density and the consequent impact upon the landscape.
- Affordable housing provision.
- Highways including the proposed access point, the traffic generation and wider traffic impacts.
- Potential Education Contributions.

Other issues for consideration include drainage, air quality, contaminated land, ecology, archaeology, noise, the County Council’s request for an adult social care contribution and the provision of play space.

Key requirements of Policy LA 2.4 and the Draft Development Brief

The applicants Initial Concept – Block Plan generally demonstrates that the site can be developed for 105 houses in a manner which addresses the key issues required in LA 2.4. This shows a landscaped and permanently fenced buffer zone of 10 metres around Natland Mill Beck with housing development set back at least 15m from the beck; provides for a landscape and green infrastructure framework including significant landscaping along the eastern boundary, adjoining the railway line, incorporates sustainable surface water mitigation measures including on-site attenuation; provides a holistic transport assessment and travel plan with pedestrian and cycle links through the site to adjacent housing and to Kendal Parks Road.

The applicants Concept Plan moreover follows the Draft Development Brief in showing the location of developable housing character areas and green open spaces / landscaped areas and follows similar design and layout principles. It does this in a way that would not compromise residential amenity by generally allowing for adequate spatial separation distances between existing and proposed dwellings.
Density, impact on the landscape and setting

105 dwellings are proposed which equates to 26 dwellings per hectare on the developable part of the allocated site. This is below the average density of 30 dwellings per hectare sought by Policy CS6.6 for sustainable sites adjoining Kendal. However the application proposals provide over 1.1 ha of open space across the site with significant areas of landscaping within the developable housing area. Policy CS6.6 allows exceptionally a lower density where there is a proven need and environmental constraints mean it is not suitable for a high density development. Moreover the 5ha site is the northern half of a larger area of 10.1ha land allocated for 200 houses. The figure of 105 for this site is therefore acceptable. Officers are satisfied that the development is capable of providing for a range and mix of dwelling types appropriate for the site.

The applicant has submitted a Landscape and Visual Impact Assessment. Given the location and character of this part of Kendal it is considered that the overall effect of developing the site in accordance with the principles of the development brief would involve some change to the existing landscape but would be acceptable and not constitute a significant environmental impact.

The Landscape Strategy proposes the following main elements:

- retention of existing areas of woodland / hedgerow within and on the edges of the application site;
- new areas of street and avenue tree planting along the main access roads and garden frontages;
- new structure planting within the site and to the eastern boundary with the railway of appropriate species to provide buffer and green infrastructure linkages between existing and new open space; and
- creation of new areas of public open space and enhancement of existing to provide and retain open areas around development.

The applicants have submitted a Landscape Adjacencies / Green Network plan which shows how the key areas of the Landscape / Green Infrastructure Framework have been incorporated into the outline application proposals. The applicant’s Initial Concept – Block Plan demonstrates that a “Green Spine” runs the length of the site, providing key connections to the wider areas of open space located outside of the application site boundary and through to the wider Kendal Parks site allocation.

Affordable housing provision

The South Lakeland Strategy Housing Market Assessment 2014 identifies a need in the Kendal Area for 164 affordable homes per year for the next 56 years (820 in total). Kendal is also expected to meet some of the needs of the Kendal Rural area (186 affordable homes per year for the next 5 years – 930 in total).

Furthermore there is a total of 1191 households on the Council’s Housing Register who have a stated preference for Kendal.

The applicant has confirmed that the development would provide 35% of the new houses as affordable homes. Half of these would be provided as affordable rent and half discounted sale. Clauses within the S106 will require the submission of the detailed scheme, including numbers, dwelling types and tenures and the Reserved Matters stage, ensure the timely provision and retention at all times thereafter. The
proposal therefore meets the requirements of Polices CS2 and CS6.3 of the Core Strategy.

Highways

A Transport Assessment has been submitted with the application. The assessment covers the access to pedestrian routes, public transport, traffic generation and the impact on the immediate and wider highway network and safety.

The proposed access point

The application proposes an access via an extension of Kendal Parks Road, which currently stops at the site boundary. The road will extend through the site and will stop at the southern edge of the site, allowing the developers of the wider Kendal Parks site allocation to the south of the application site to continue its progress. The access road will be 5.5m in width with a 1.8m footway on one side and a 2.5m combined pedestrian / cycleway on the other side. Within the southern section of the application site, the access road splits into two with the eastern route including a combined pedestrian / cycle route. Both routes would allow further highway extension into the wider site allocation area to the south. Although there is potential for a vehicle access to be taken off Hayclose Crescent, the “Transport Assessment” assumes that the whole development would be accessed from the Story Homes access into Kendal Parks Road.

Traffic generation/wider traffic impacts

In terms of traffic activity (trip generation) it is evident that there will be an increase in traffic movements in the morning and in the evening during the commuter peak hour from the development proposal. To assess the trip generation of the development an analysis of data using the latest TRICS database was undertaken.

The applicants and the County Council are in discussions about the precise methodology of the TRICS analysis.

The signalised junctions at the Kendal Parks Road / Oxenholme Road and Oxenholme Road / Burton Road junctions have been assessed. The volumes of traffic generated by the proposed development and wider site allocation development are not considered significant with less than a 3% increase in traffic expected on Oxenholme Road and less than 1% expected on Burton Road and at the Burton Road / Romney Road roundabout. The “Transport Assessment” confirms that the junctions will still be working within capacity and would work in 2022 without and with the development proposals. The County Council Highways are still auditing this information.

Highways Conclusion

The County Council Highways and the applicants transport consultant are still in discussions about the traffic data submitted in the Transport Assessment.

The applicant’s Transport Assessment considers that the traffic generated by the outline application proposals of up to 105 dwellings can be accommodated on the local highway network and would not have a significant impact on the network. They believe that the application proposals have demonstrated that sufficient opportunities for sustainable transport modes have been taken up; safe and suitable access to the site can be achieved for all people (including the wider Kendal Parks site allocation);
and that improvements can be undertaken within the transport network that cost effectively limit any potential significant impacts of the development.

This has yet to be fully validated by the County Council Highways

**Education**

The proposed development at Kendal Parks for 105 dwellings is estimated to yield 21 primary aged children and 15 secondary aged children, using a theoretical population led model. The development lies within the catchment area of Heron Hill Primary School, and Kirkbie Kendal Secondary.

The expected number of pupils from the Kendal Parks application are capable of being accommodated within Castle Park Primary School, even when taking into consideration 5 other developments within Kendal with planning permission and the 1 development which is subject to a current planning application. It is considered that there is also sufficient capacity within the secondary school at Kirkbie Kendal Secondary to cope with this development.

There is therefore no requirement for an education contribution for this development

**Drainage**

A Flood Risk Assessment (FRA) which includes a drainage strategy has been submitted with the application. The site is within a Flood Zone 1 which is the least susceptible area to flooding and where new development is encouraged. The Environment Agency notes that the hydrologic catchment draining to Natland Mill Beck may actually be larger than is apparent as a result of the additional railway catchment drainage to the watercourse.

The FRA identifies that the site is at risk of localised flooding from groundwater. It is therefore important to ensure that the surface water from this development is controlled and does not increase flood risk elsewhere. The applicant’s drainage consultants have recognised that further site investigation should be undertaken during winter months following prolonged heavy rainfall to verify the expected high groundwater levels and that the site is unsuitable for soakaway structures. The drainage strategy recognise than an infiltration disposal is not feasible and recommends the use of soakaways / attenuation crates plus an attenuation system for roof drainage and adoptable highway. A control chamber is proposed with silt chamber before discharge into the beck. The site layout and drainage systems will be designed to ensure that there is no increased risk of flooding on or off site as a result of extreme rainfall, lack of maintenance, blockages or other causes. The measures that will be implemented may comprise additional surface storage on the access road and car parking areas, a series of contingency and safety features for the surface water drainage system and the careful design of building layouts and details. In addition to the above measures, a SUDs Operations & Maintenance Plan will be made available to the site owners detailing future maintenance requirements of all sustainable drainage systems.

The Lead Flood Risk Authority are pleased to see that a sustainable approach is being taken with a site that closely borders Natland Beck. This approach is in line with the requirements outlined in the Environment Agency’s response and Policy CS8.8 of the Core Strategy. United Utilities have confirmed that the connection of foul waste into the sewer would be acceptable. A detailed scheme will be required
by condition as part of the Reserved Matters scheme and a long term maintenance regime within the S106.

**Air Quality**

The air quality assessment for the proposed development of 105 dwellings assesses the impact of the whole allocation of 200 houses in this location and takes into account some residential development already committed in Kendal. The Environmental Health Officer asks that mitigation is proposed for any predicted increase in air pollution, even if negligible, in order to result in an air quality neutral development.

The implementation of a Travel Plan with clear targets, planting of tree species which remove air pollutants and introduction of electric vehicle charging points within some properties does represent appropriate mitigation techniques. These measures can be controlled by condition in accordance with Policy CS2 of the Core Strategy.

**Contaminated Land**

The e3p Phase I Geo-environmental Site Assessment has been undertaken by the applicant’s consultants and identified a low potential risk of contamination, however a parcel of infilled land does exist towards the centre of the proposed development site. Therefore the Environmental Health Officer accepts the applicant’s recommendations that a detailed Phase II intrusive Geo-environmental Ground Investigation should be undertaken in order to “… confirm the low risk to human health and controlled waters determined within the initial conceptual site model”. This will be dealt with by condition.

**Ecology and Habitat Regulations Assessment**

A Preliminary Ecological Appraisal, a White-clawed Crayfish Survey and an Arboricultural Report have been submitted with the application. The majority of the site comprises large pasture fields that have been heavily grazed, scattered trees with tall rough grass and brambles. Natland Beck runs through the centre of the application site and is part of the River Kent and tributaries SSSI and River Kent SAC. The River Kent SSSI and SAC is located approximately 1.2km west of the site boundary.

The Initial Concept Block Plan demonstrates the provision of a landscaped and permanently fenced buffer zone of 10m around Natland Mill Beck with any development set back at least 15m from the Beck and any necessary mitigation measures to address the impact on Great Crested Newts near the site. It also shows a buffer to Natland Mill Beck, ensuring that development is set back at least 15m in accordance with Natural England’s / the Development Brief’s advice.

As part of the development proposals it is necessary for a bridge to be constructed to cross the beck along the western boundary of the site. This bridge needs to be designed to avoid or minimise works affecting the river banks and channel bed. The applicants have recognised that a wide spanning bridge or similar would be the optimum design as this would minimise the chance of altering the dynamics and flow regime within the beck and hence minimise the disturbance to the ecosystem.

The submitted “White-clawed Crayfish Survey” has assessed the presence of White Clawed Crayfish in the stated length of Natland Beck; assessed the abundance of
White Clawed Crayfish; and made recommendations to preserve the status of White Clawed Crayfish and their habitats at the site both during construction and when completed. The section of Natland Beck surveyed has a large population of White Clawed Crayfish. The Survey provides detailed mitigation measures including the provision of a buffer strip either side of the beck to protect the river bank habitat and vegetation; and a temporary bridge placed between the two fields over the beck to prevent siltation, damage to the river bank and bed for the duration of the development works. Post construction, it is recommended that no pollution from the site, including surface water run-off, enters Natland Beck to ensure that the water quality remains good and does not have a detrimental effect on the crayfish population.

Natural England is satisfied that the proposed development will not damage or destroy the interest features for which the SSSI has been notified subject to appropriate conditions in respect of drainage to the watercourse, appropriate bridge design and the full mitigation measures in the submitted Preliminary Ecological Appraisal to protect Natland Mill Beck being implemented. An appropriate Habitat Regulation Assessment has been undertaken which considers that, given the mitigation available to protect water quality and habitat there are not likely to be any significant effects on 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.

**Noise**

The Windermere Branch Railway line forms and is raised above the eastern boundary of the site. The applicant’s have submitted an updated acoustic report which assess the impact of the rail movements and associated noise on the proposed housing. The report has identified unacceptable noise levels that may impact upon the future residents, however mitigation is also recommended in the form of acoustic barriers, suitable glazing units and / or mechanical ventilation in addition to a landscape buffer required by the brief.

In order to ensure the noise aspect is adequately mitigated a more detailed report is required which identifies the individual plots to be protected and the measures incorporated to protect both indoor and external noise exposure for each property. This can be dealt with by condition.

**Archaeology**

The results of the archaeological and geophysical desk-based assessment indicate that assets consistent with the form of prehistoric settlement, burial and agricultural activity survive on the site.

Subject to appropriate measures, secured by condition, to preserve or record the heritage assets, the proposal will accord with the requirements within the NPPF and saved Policy C19 of the Local Plan.

**Adult Social Care**

The County Council has requested inclusion within the Section 106 Agreement of a clause which would require a developer to contribute approximately £288 for each dwelling which did not provide a straight and sufficiently wide staircase and a sufficiently large entry level WC facility to easily incorporate a shower.
Lifetimes Homes Criteria 10 requires an entry level WC measuring approximately 3.5 square metres which allows space for a shower. Criteria 12a requires staircase with a clear width of 900 mm. It does not however require the staircase to be straight.

Policy CS6.2 of the Core Strategy provides the policy basis for considering the County Council’s request. The policy states, “The Council will seek housing to be built to Lifetimes Homes standards in accordance with its requirement at a national level through building regulations”. The building regulation requirements are within Part M and while they require a WC at entry or primary level this does not need to be of sufficient size for a shower nor do they require wide or straight staircases. Moreover the Government’s Housing Standards Review is aimed at removing internal housing standards from planning policy and into the building regulations regime.

Notwithstanding the County Council’s contention that the approach taken in this case to seeking a contribution is necessary to make the development acceptable in planning terms given the limitations within Policy CS6.2, there is limited planning policy background to support the County Council’s request. It is therefore considered that the contribution cannot be justified or required. The Council will however seek increased standards at the reserved matters application stage. This will however be achieved through negotiation rather than an enforced requirement unless additional development management policies supporting the requirement for Lifetime Homes are available at the time.

Open Space and Play Space

The application proposals provide over 1.1 ha of informal open space across the site with significant areas of landscaping within the developable housing area. The applicant accepts that provision of a play space is best undertaken via a contribution to upgrading the play space off site within the Kendal Parks open space. This contribution is to be part of the S106 agreement and will meet the requirements of Policy CS8.3a and b.

S106 Obligations

As Members are aware the legal tests for when a Section 106 Agreement can be used are set out in the Community Infrastructure Regulations 2010. The tests are:-

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The following S106 obligations are proposed

Affordable Housing. Provision of 35% affordable housing in line with South Lakeland District Council Core Strategy Policy CS6.3. The affordable housing is provided by way of 50% affordable rent and 50% intermediate housing units;

On-Site Open Space Provision - Policy compliant provision, maintenance and management of on-site open space including landscaped buffer adjoining railway and green spines through the site and on-Site Landscaping and Buffer Zone around Natland Mill Beck. Provision of a fenced buffer zone of 10 metres around Natland Mill Beck.
Off-Site Play Area - Policy compliant commuted sum for the provision of an off-site play area. The commuted sum is calculated at £100 per bedspace.

Travel Plan - Implementation of a Travel Plan Statement in accordance with the approved phasing scheme.

Surface Water Drainage System - Submission of a scheme for the disposal of surface water (including surface water, land drainage and highway drainage) including timetable for implementation for the site. Implementation, management and maintenance of the approved surface water drainage scheme.

CONCLUSION

The site is allocated for development by Policies LA1.3 and LA2.4 of the South Lakeland Land Allocations Development Plan Document (DPD). Residential development of this site on the edge of the Key Service Centre of Kendal therefore accords with the aims of the NPPF and the Core Strategy to deliver homes in sustainable locations.

The applicants Initial Concept – Block Plan generally demonstrates that the site can be developed for 105 houses in a manner which addresses the key issues required in LA 2.4 Kendal Parks. This shows a landscaped and permanently fenced buffer zone of 10 metres around Natland Mill Beck with housing development set back at least 15m from the beck; provides for a landscape and green infrastructure framework including significant landscaping along the eastern boundary, adjoining the railway line, incorporates sustainable surface water mitigation measures including on-site attenuation; provides a holistic transport assessment and travel plan with pedestrian and cycle links through the site to adjacent housing and to Kendal Parks Road.

Officers are satisfied that the development is capable of providing for a range and mix of dwelling types appropriate for the site including the required 35% affordable provision.

Subject to confirmation by the County Council Highways it is considered that the traffic generated by the outline application proposals of up to 105 dwellings can be accommodated on the local highway network and would not have a significant impact on the network.

The technical issues such as drainage, archaeology, contaminated land, air quality, noise attenuation and particularly the protection of ecology within the site can all be addressed through the use of safeguarding conditions. The quality of the layout and design will be important to ensure that the proposal provides an attractive entrance to Kendal and to ensure that adequate spatial separation distances are provided between existing and proposed dwellings. This detailing will be ensured at the Reserved Matters stage.

The proposal therefore accords with the strategic aims of the NPPF and the Core Strategy to deliver housing and the specific polices within the Land Allocations Development Plan Document (DPD) relating to Kendal Parks. Detailed considerations relating to highways, education provision, ecology and drainage are acceptable and the outline application is therefore recommended for approval.
RECOMMENDATION

That delegated authority be issued to GRANT planning permission subject to detailed confirmation by the County Council highways and subject to the completion of a S106 Agreement with regard to the provision of affordable housing, the provision of a commuted sum for play space provision, long term maintenance of the surface water drainage scheme and open space / landscaping (to include landscaped buffer adjoining railway and green spines through the site and on-site landscaping and a fenced 10m buffer zone around Natland Mill Beck) and the following conditions:

Condition (1) The development to which this permission relates must be begun not later than whichever is the later of the following dates:

   a) FIVE YEARS from the date of this permission;

   b) The expiration of TWO YEARS from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matters to be approved.

Application for the approval of the reserved matters must be made not later than THREE years from the date of this permission.

Reason To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

Condition (2) Details of the access, appearance, landscaping, layout and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason To ensure a satisfactory standard of development.

Condition (3) No development, other than works to implement the access, shall begin until the access and associated alterations to the layout within Kendal Park Road have been implemented in accordance with the Proposed Access Layout drawing number 2014/1435/002 Rev @@@?

Reason To ensure safe provision of the access for construction traffic and subsequent residential traffic in accordance with Policy CS10.2 of the South Lakeland Core Strategy.

Condition (4) No development shall begin, for each phase of development, until a scheme for the design, construction (including longitudinal and cross sections), drainage, illumination and implementation phasing of the carriageways, footways, footpaths and all off site highway works, including bus stops shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to a standard suitable for adoption and shall be implemented and completed in accordance with the approved...
scheme and agreed phasing timetable.

**Reason**

To ensure a minimum standard of construction in the interests of highway safety in accordance with Policy CS10.2 of the South Lakeland Core Strategy.

**Condition** (5)

No development shall begin until a scheme for the detailed design of the vehicular carriageway link between the application site and the southern half of the Kendal Park Allocated Housing Site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the first occupation of any dwelling or to a phased timetable agreed in writing with the local planning authority.

**Reason**

To ensure the comprehensive delivery of the Kendal Park Allocated Housing site in accordance with Policy CS6.1 of the South Lakeland Core Strategy and Policies LA1.3 and LA2.4 of the South Lakeland Local Plan Land Allocations DPD.

**Condition** (6)

No development of the site north of Natland Mill Beck shall begin until a scheme for the design of the bridge over Natland Mill Beck, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to include the recommendations of the Mitigation and Enhancement strategy described in Section 5 Assessment of Impacts and Mitigation of the Preliminary Ecological Appraisal prepared by Urban Green. The scheme shall be designed to a standard suitable for adoption and shall be implemented in accordance with the Mitigation Measures and completed in accordance with the approved scheme and agreed phasing timetable.

**Reason**

To ensure a minimum standard of construction in the interests of highway safety in accordance with Policy CS10.2 and to ensure that the bridge is designed to minimize works affecting the river banks and channel bed to avoid harm to the SAC/SSSI in accordance with Policy CS8.4 of the South Lakeland Core Strategy.

**Condition** (7)

No dwelling shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. Such a Travel Plan shall include proposals with the objective of reducing car usage (particularly single car occupancy journey as) and increasing the use of public transport, walking and cycling together with a timetable for the implementation of each such element and a scheme of monitoring. An annual report reviewing the effectiveness of the full Travel Plan and including any necessary amendments or measures shall be prepared and submitted to the Local Planning Authority for approval and monitoring. The measures identified in the Travel Plan shall be implemented in accordance with the approved phasing scheme.

**Reason**

To encourage the use of sustainable modes of transport in accordance with Policies CS1.1, CS2 and CS10.2 of the South Lakeland Core Strategy.
Condition (8) The Reserved Matters applications for the “appearance” of the dwellings shall make provision for a scheme to install electric vehicle charging points within the site. The approved scheme shall be implemented prior to the occupation of each of the dwellings where vehicle charging points are to be installed and thereafter retained.

Reason To reduce vehicle pollution and minimise the impact upon the Air Quality Management Area in accordance with Policies CS1.1 and CS2 of the South Lakeland Core Strategy.

Ecology

Condition (9) The development shall not proceed except in accordance with the Mitigation and Enhancement strategy described in Section 5 Assessment of Impacts and Mitigation and Section 6 Enhancement Measures of the Preliminary Ecological Appraisal prepared by Urban Green and deposited with the Local Planning Authority on 5 December 2014.

Reason For the avoidance of doubt and to prevent harm to protected species in accordance with Policy CS8.4 of the adopted South Lakeland Core Strategy.

Drainage

Condition (10) No development shall begin until a surface water drainage and foul water scheme for the site (including surface water, land drainage and highway drainage), including a timetable of implementation, has been submitted to and approved in writing by the Local Planning Authority. The foul and surface water shall be drained on separate systems and the surface water scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development as set out in section 6.0 – Conclusions and Recommendations of the Flood Risk Assessment and Outline Drainage Strategy referenced K31399/01/A/FRA/OS Rev A December 2014 and produced by R G Parkins & Partners Ltd. Foul water should be discharged into the foul manhole ref no SD52906805 at Kendal Parks Road. The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The allowable discharge will be split in proportion to the impermeable areas and will be set to the greater of Qbar or 5l/s. The system shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason To ensure appropriate disposal of surface and foul water and the long term operation and maintenance in accordance with Policy CS8.8 of the South Lakeland Core Strategy.
Contaminated Land

Condition (11) No development approved by this permission shall commence until a scheme to deal with potential site contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall follow the recommendations in the E3P Report: 10-322-r3: Phase I Geo-Environmental Site Assessment and include a site investigation, updated conceptual model and risk assessment (in accordance with Model Procedures for the Management of Land Contamination- CLR11) to identify the extent of any contamination and the measures to be taken to avoid the risk to the future occupants when the site is developed. None of the dwellings shall be occupied until the measures approved in the scheme have been implemented and a Validation report and statement has been submitted to and agreed in writing by the Local Planning Authority.

Reason To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are adequately controlled, together with those to controlled waters and ecological systems and to ensure that site workers are not exposed to the unacceptable risk from contamination during construction.

Construction Management

Condition (12) No development shall begin until a scheme to prevent pollution entering Natland Mill Beck during the construction phase has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before development begins and throughout the construction phases.

Reason To protect the River Kent and Tributaries SSSI and River Kent SAC in accordance with Policy CS8.4 of the South Lakeland Core Strategy.

Condition (13) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

i. The parking of vehicles of site operatives and visitors;

ii. Loading and unloading of plant and materials;

iii. Storage of plant and materials used in constructing the development;

iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

v. Wheel washing facilities;

vi. Measures to control the emission of dust and dirt during construction;
vii. A scheme for recycling/disposing of waste resulting from demolition and construction works; and

viii. Measures to control noise and vibration.

Reason To safeguard the amenity of neighbouring occupiers in accordance with The Planning System: General Principles.

Condition (14) Construction works, including site preparation, earthworks, start-up of machinery, deliveries and unloading of equipment and materials shall not take place outside the hours of 8.00am to 6.00pm Mondays to Fridays and 8.00am to 1.00pm on Saturdays and at no time on Sundays or Bank Holidays.

Reason To safeguard the amenity of neighbouring occupiers and highway safety.

Noise Attenuation

Condition (15) No development shall commence until the details of the noise attenuation measures to be installed in the noise sensitive units have been submitted to and approved in writing by the Local Planning Authority. None of the dwellings that are the subject of this condition shall be occupied until the approved noise attenuation measures have been installed.

Reason To ensure that the occupants of the noise sensitive properties do not suffer unacceptable levels of noise from the adjacent railway.

Archaeology

Condition (16) No development shall take place until the applicant or their agent(s) or successor(s) in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The written scheme of investigation shall include the following components:

a) an archaeological evaluation; and

b) archaeological recording programme the scope of which shall be dependent upon the results of the evaluation.

Where significant archaeological remains are revealed by the programme of archaeological work, a post-exavagation assessment and analysis, preparation of a site archive ready for deposit at an appropriate store, compilation of an archive report and a report of the results suitable for publication in a specialist journal shall be submitted to the Local Planning Authority.

Reason To ensure any remains on site are properly recorded in accordance with saved Policy C19 of the South Lakeland Local Plan.
NOTE (1) ON THE EFFECT OF PLANNING PERMISSION (Section 106):
This Decision Notice is to be read alongside the legal agreement made pursuant to Section 106 of the Town and Country Planning Act 1990, as amended.

P & P Statement
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.