

Date: 27 July 2016



Town Hall, Penrith, Cumbria CA11 7QF  
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Email: [cttee.admin@eden.gov.uk](mailto:cttee.admin@eden.gov.uk)

**Please note time of meeting**

Dear Sir/Madam

**Planning Committee Agenda - 4 August 2016**

Notice is hereby given that a meeting of the Planning Committee will be held at 11.00 am on Thursday, 4 August 2016 at the Council Chamber, Town Hall, Penrith.

**1 Apologies for Absence**

**2 Declarations of Interest**

To receive any declarations of the existence and nature of any private interests, both disclosable pecuniary and any other registrable interests, in any matter to be considered or being considered.

**3 Planning Issues (Pages 3 - 44)**

To consider the following applications which have been the subject of a site visit:

| Application Number | Application Details  |
|--------------------|--|
| 15/0799            | Proposed residential development for 98 dwelling houses and associated infrastructure including landscaping, open spaces, access, highways and drainage at land adjacent to Salkeld Road, Fairhill, Penrith for Mr A McNally, Story Homes. |
| 15/1168            | Erection of 5 No Two Bedroom Bungalows and 2 No Two Storey Terrace Houses at Brent Road, Penrith for Eden Housing Association  |

**4 Any Other Items which the Chairman decides are urgent**

**5 Date of Next Meeting**

The date of the next scheduled meeting is 18 August 2016.

Yours faithfully



Matthew Neal  
Director of Governance

Democratic Services Contact: *Lauren Rushen*

**Please Note: Access to the internet in the Council Chamber and Committee room is available via the guest wi-fi – no password is required**

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### **Background Papers**

Item 3 Application files, letters of consultation, objection and support, internal memoranda and officers' notes.

### **For Attention**

All members of the Planning Committee, ie

**Chairman** – Councillor J G Thompson (Conservative Group)

**Vice Chairman** – Councillor J Owen MBE (Conservative Group)

### **Councillors**

A Armstrong, Conservative Group  
I Chambers, Conservative Group  
Miss M Clark, Independent Group  
D Holden, Liberal Democrat Group  
J C Lynch, Conservative Group

W Patterson, Independent Group  
R Sealby, Conservative Group  
J Tompkins, Liberal Democrat Group  
H Sawrey-Cookson, Independent Group

### **Standing Deputies**

M Eyles, Liberal Democrat Group  
Ms P Godwin, Independent Group  
A Hogg, Conservative Group

R Howse, Liberal Democrat Group  
Mrs S Orchard, Conservative Group  
M Smith, Independent Group

**For information – All remaining members of the Council**

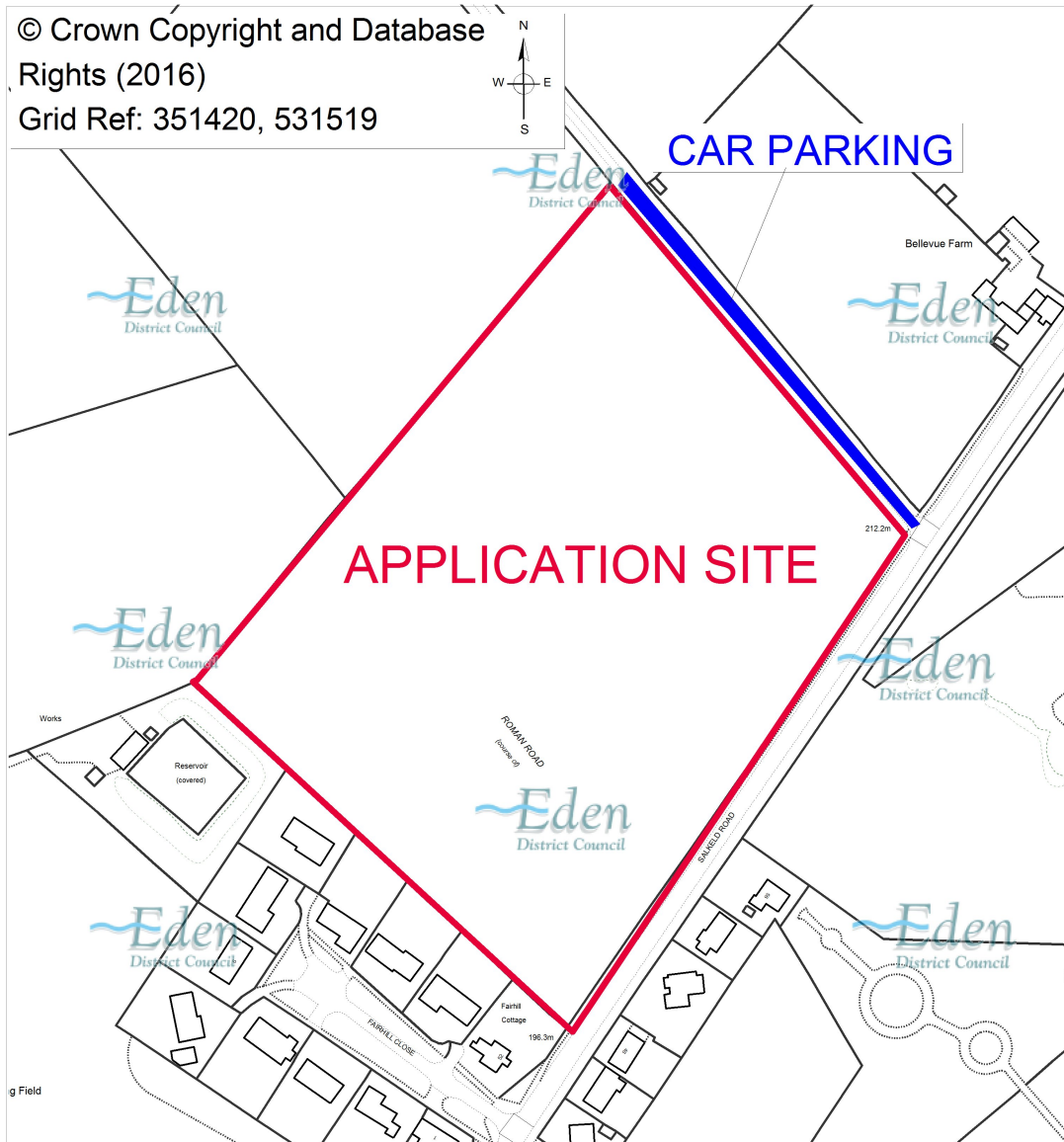
## **Itinerary**

- **9.30am** – Meet at application site 15/0799 – Fairhill (see attached plan showing location of site and parking)
- **10.30am** – Meet at application site 15/1168 – Brent Road (see attached plan showing location of site and parking)

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Title:

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Grid Ref: 351420, 531519

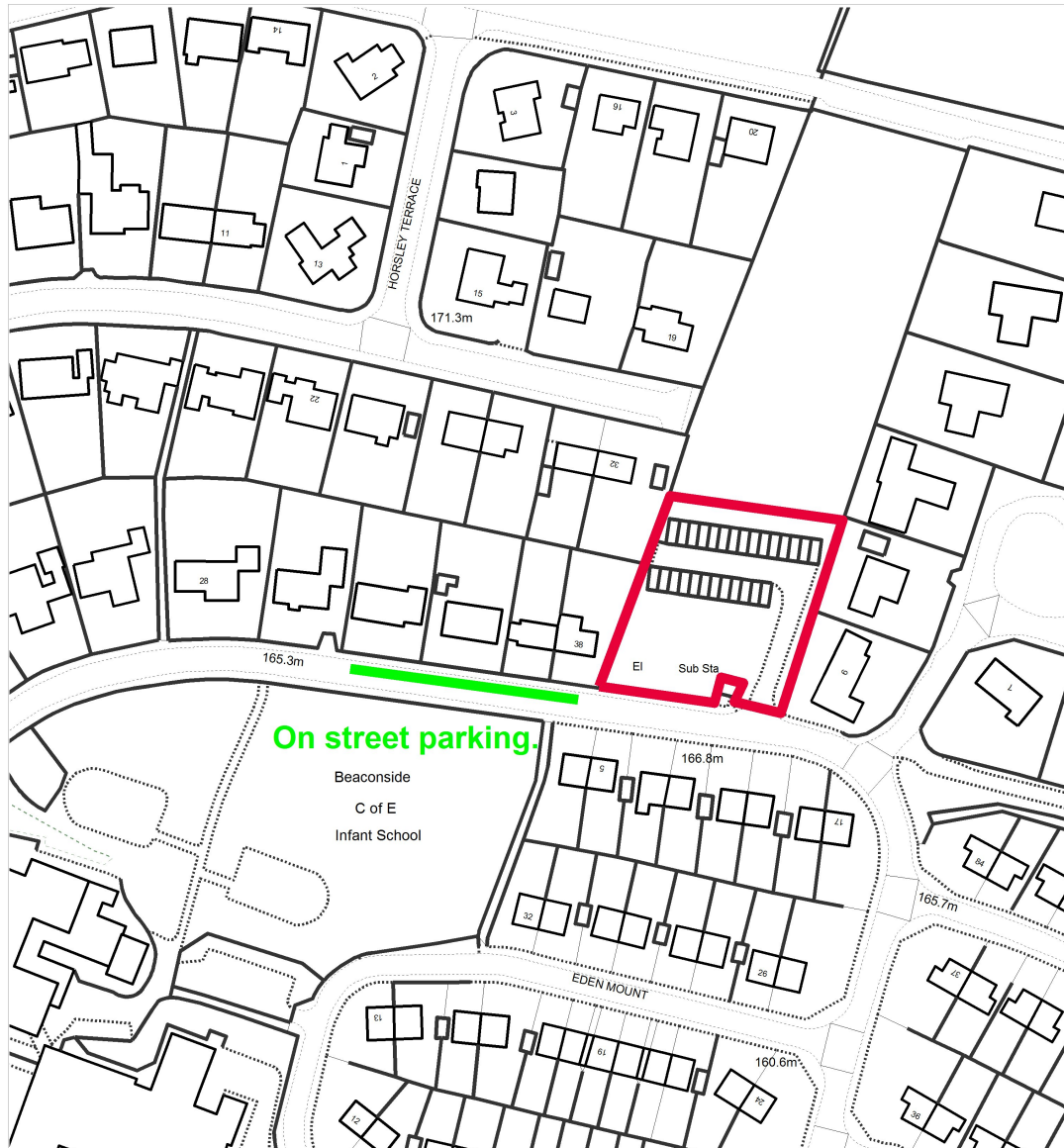


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Drawn By: Natasha Ryniejski  
Scale: 1:200  
Date: 26th July 2016  
Parish: Penrith  
Centered On:  
SITE CENTRED

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**Title**      **Brent Road, Penrith**



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**DRAWN BY:** L Burton  
**SCALE:** 1:1250  
**DATE:** 25th July 2016  
**PARISH:** Penrith  
**GRID REF:** NY 352315, 530606  
**SITE CENTRED**

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**Date of Committee:** 4 August 2016

**Planning Application No:** 15/0799 **Date Received:** 28 September 2015

**OS Grid Ref:** 351420 531519 **Expiry Date:** 30 June 2016

**Parish:** Penrith **Ward:** Penrith North

**Application Type:** Full Planning Permission

**Proposal:** Proposed residential development for 98 dwelling houses and associated infrastructure including landscaping, open spaces, access, highways and drainage

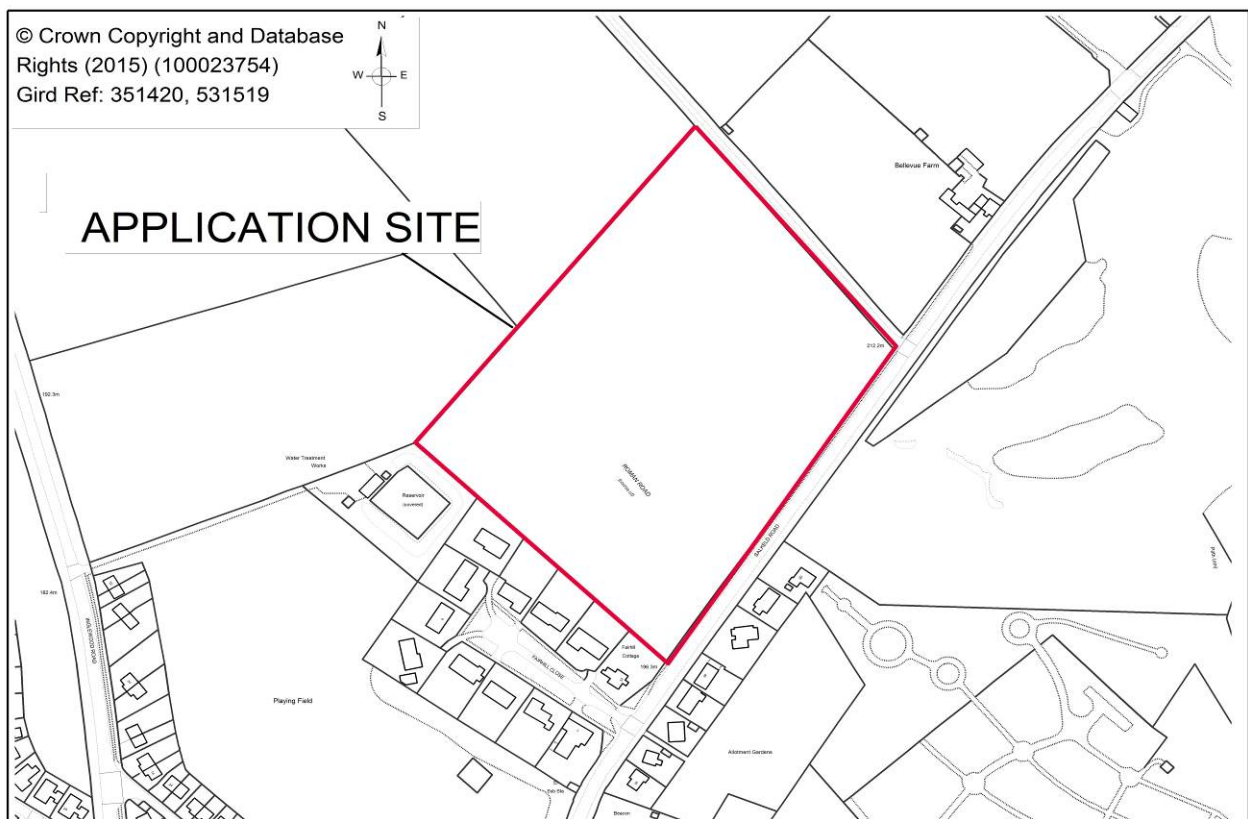
**Location:** Land adjacent to Salkeld Road, Fairhill, Penrith

**Applicant:** Mr A McNally, Story Homes

**Agent:** Story Homes

**Case Officer:** Mr K Hutchinson

**Reason for Referral:** An objector has requested a hearing, the local member has requested that it be considered by the committee and the recommendation is contrary to the view of the Penrith Town Council



## 1. Recommendation

That subject to confirmation from Environmental Health officers that there is no objection in respect of noise and air quality, it is recommended that delegated power be given to the Head of Planning Services to grant planning permission subject to a Section 106 Agreement being first entered into to the absolute satisfaction of the Director of Governance and the Head of Planning Services requiring:

- the provision of 24% (23 No) affordable Houses
- £28,179 towards A6 cycling connectivity (references S5 and S1)
- £117,610 towards sustainable connectivity (references S8, S19 and S 22)
- £77,922 towards Salkeld Road/A6 junction modifications (H 4)
- £10,664 is required towards a traffic management scheme in New Streets, Carlton Hill Road and Beacon Edge (references H18 -H 22)
- £39,489 towards a Beacon Edge cycle route (reference S6 in the Penrith Transport Improvements Study)
- £6600 for the administration and monitoring of the travel plan
- £383,341 Education contribution for the 23 primary aged children to mitigate the effect of this development

and the Council's reasonable costs being paid in relation to that Section 106 Agreement and subject to the following conditions:

- 1) The development permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To comply with the requirements of the Town & Country Planning Act 1990.

- 2) The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment. The drawings approved comprise:

- site location plan 402 - STO - 050 (A1)
- site location plan 402 - STO - SD - 00. 01 (A3)
- detailed site layout 402 - STO - 100 Revision I (incorporating amended line work detail to Green Lane footpath and main spine road) is
- detailed site layout 402 - STO - 101 revision A (incorporating amended line work detail to Green Lane footpath and main spine road)
- general arrangements plan SL121. 90. 9. GA revision C
- wider concept masterplan 402 - STO - 503 (revision B)
- proposed elevation treatments 402 - STO - 102

- proposed boundary treatments 402 - STO - 103
- proposed 3-D pictorial views 402 - STO - 701
- proposed street scenes 402 - STO - 700 revision A
- proposed site access arrangement plan JN0837 - drawing - 0005
- flood risk assessment and surface water strategy for 069/FRA1B
- mitigation strategy for drainage within SPZ14069 - C - D9 - 01
- drainage strategy and exceedance route plan 4069 - FREA05
- phase 1 - preliminary Geo environmental appraisal 4069 - G - R001A
- site investigation - Geo environmental appraisal 4069 - G - R002
- arboriculture impact assessment and Method statement August 2015
- tree constraints plan 10819. T01 revision P01
- tree constraints plan AIA plan 10819. T02 revision P01
- tree removal plan 10819. T03 revision P01
- tree protection plan 10819. T04 revision P01
- landscape masterplan 10819\_L005 revisionA
- archaeology DBI and geophysical survey CP535/07 December 07
- existing and proposed site levels 402 - STO - 104
- proposed site sections 402 - STO - 702
- residential travel plan

#### landscaping details

- landscape planting plan 1 10819\_L001 revision P2
- landscape planting plan 2 10819\_L002 revision P2
- landscape planting plan 3 10819\_L003 revision P2
- landscape details 10819\_L004
- landscape masterplan 10819\_L005 revision B
- arboricultural report AIA and AMS date stamped 1<sup>st</sup> of September 2015.

#### boundary treatments

- boundary details fencing BD - 03 revision a
- boundary details brickwall BD - 15
- boundary details estate railings BD - 30

- boundary details low Stonewall BD - 37
- boundary details high Stonewall BD - 50

#### house types

- fairways development plot schedule
- the Acer ACE - PLP 1, PL E1/2
- the Rowan ROW - PL P 1, PLP 5, PLE1/2, PL E1/7, PLE5/2
- the Westminster WES - PLP 1 (a), PL E1/12 (a), PLE1/14, PL E1/15
- the Wellington WEL - PLP 1, PL E1/1
- the Boston BOS - PLP 1 (B), PL E1/1 (B)
- the Harrow version 2 HAR - PLP2, PLE2/7
- the Mayfair M AY - PLP 1 (B), PL E1/1 (a), PLE1/9
- the Taunton TAU - PLP 1 (B), PL E1/2 (B), PL E1/11 (B), PL E1/13 (a)
- the Sandringham SAN - PLP 1, SAN - PLE1/1, PL E1/3
- the Balmoral BAL - PL P1 (A), PL E1/2, PLE1/8, PL E1/12
- the Banbury BAN - PLP 1, PL E1/3
- the Chester CHE - PLP 2 (a), PLE2/3 (a)
- the Stafford STA - PLP 1, PL E1/3 (a)
- the Durham version 2 DUR - PLP 1, PLE1/3 (a), PLE14 (a)
- the Warwick WAR - PLP 1 - 1, PLP2, PLE1/16, PLE26
- the Hastings HAS - PLP 1, PL E1/1, PL E1/2, PL E1/4, PL E1/10, PL E1/22
- the Arundel ARU - PLP 1 (a), PLP4 (B), PL E1/6 (a), PL E4/13 (A), PL E4/14
- the Hawthorn HAW - SCH (B), PLP 2-1, PLP 3, PL E2/3, PL E3/2, PL E3/3 (a), PL E3/5
- single detached garage SG 1 - EPS1 (a)
- double detached garage DG 1 - EPS 1

**Reason:** To specify the permission and for the avoidance of doubt.

3) That foul and surface water shall be drained on separate systems.

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

4) Prior to the commencement of development, details of the foul and surface water drainage schemes (inclusive of how the scheme is shall be maintained and managed after completion) shall be submitted to and approved in writing by the local planning authority. Unless other wise as agreed in writing:

- the surface water drainage system shall discharge to the surface water sewerage system on Salkeld Road and the rate of discharge shall be restricted to a maximum pass forward flow of 6L/s in accordance with the details in the submitted flood risk assessment and surface water management strategy dated 28 August 2015 prepared by ID civils design Ltd reference 4069/FRA1 B; and
- surface water storage shall be provided for the 1 in 100 year rainfall event including a 30% allowance for climate change in a below ground tank structure in accordance with the email dated 19 November 2015 from D Linklater of ID Civils limited to United Utilities and Eden District Council.

The foul and surface water drainage schemes shall provide details of measures required to mitigate any risks to groundwater and public water supply from the development. The mitigation measures shall include the highest specification design for the new foul and surface water drainage system. These measures shall include:

- trench excavations beneath roadways for both foul and surface water drainage will be lined with a 1 metre thick engineered clay liner beneath the pipework, including regularly spaced clay Stanks;
- trenches beneath gardens and plots for foul and surface water drainage serving 2 or more plots will be lined with a nought .5 m thick engineered clay liner beneath pipework and wrapped in an impermeable HDPE liner; the surface water attenuation tanks will be in a tank form to the approval of United Utilities with excavations lined with a 1 metre thick engineered clay liner beneath the tanks;
- written evidence from the applicant to confirm that the imported clay material with which it is proposed to line the trenches will be impermeable. This shall include permeability test reports from a supplier demonstrating that the material has a permeability this of less than  $1 \times 10^{-9}$  when completed;
- trapped gully pots should be installed to control pollutants entering the surface water drainage system. The submitted details for maintenance shall include a maintenance regime for the trapped gully pots; and
- the foul sewer is serving plots 21 - 30 inclusive (as defined on the proposed detailed site layout, drawing number reference 402 - STO 100 revision I, dated 07.09.2015) shall be located to the rear of the proposed properties so as to maximise the stand-off distance from the public water supply boreholes. This principle is illustrated on drawing number 4069 - C - D9 - 01 revision 0 dated 19. Sera 6. 14 titled 'mitigation strategy for drainage within SPZ1' included within appendix J of the submitted flood risk assessment and surface water management strategy.

The development shall be completed, maintained and managed in accordance with the approved details.

**Reason:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. The site lies within a groundwater source protection zone 1 for a nearby public water supply obstruction and as such the site is considered to be particularly sensitive to the input of pollutants at the surface. In

accordance with the environment agency position statement in groundwater protection: principles and practice (GP3), the environment agency and United Utilities require the highest specification pipework and design for the sewage system at this site. This condition is imposed in light of policies within the NPPF and NPPG.

- 5) No development shall commence until a construction phase environmental management plan (CEMP), for the construction phase of the proposed development, is submitted to and approved by the local planning authority in writing. The developer will need to refer to all relevant pollution prevention guidelines. The statement shall outline the potential impacts from all construction activities on groundwater and identify mitigation measures to protect and prevent pollution of these waters. In particular, it will need to be ensured that any facilities for the storage of oils, fuels and chemicals is appropriately bundled and contained to prevent the discharge of contaminated fluids to the ground. The site compound shall be located as far as possible from the public water supply boreholes. The development shall be undertaken in accordance with the approved CEMP.

**Reason:** To promote sustainable development and to manage the risk of pollution. The site lies within a groundwater source protection zone 1 for a nearby public water supply obstruction and as such the site is considered to be particularly sensitive to the input of pollutants at the surface.

- 6) The construction of the foul and surface water drainage systems shall be subject to a watching brief appointed by the developer. The watching brief appointment shall be agreed with the local planning authority in liaison with United Utilities Water Ltd prior to their appointment and the results provided to the local planning authority and United Utilities in writing. No occupation of the dwellings shall take place until a written validation report has been submitted to and agreed with the local planning authority demonstrating completion of the installation of the liner system and confirmation and assurance that mitigation measures have been constructed/implemented as per the agreed design.

**Reason:** The site lies within a groundwater source protection zone 1 for a nearby public water supply obstruction and as such site is considered to be particularly sensitive to the input of pollutants surface.

- 7) No dwellings shall be occupied until a management plan for the public open space is submitted to and agreed in writing by the local planning authority in liaison with United Utilities Water Ltd. The management plan shall ensure that the management of the land closest to the public water supply boreholes is managed to reduce the possibility of pollutants entering the groundwater. This should include restrictions on the use of herbicides and pesticides. The public open space shall be managed in accordance with the agreed management plan for the lifetime of the development.

**Reason:** To minimise the risk of pollution to the nearby public water supply obstruction.

- 8) No work shall commence in respect of any excavation for a foundation of a dwelling hereby permitted, until the 30 mile an hour speed limit on Salkeld Road has been introduced and become operational. This 30 mile an hour speed limit shall be introduced on Salkeld Road in locations appropriate to the proposed visibility splays and the development proposed to the north of Green Lane. In addition, prior to the occupation of any dwelling, the developer shall

submit details for the agreement in writing of the local planning authority of a suitable gateway feature to be installed to promote the extension of the 30 mile an hour speed limit on Salkeld Road (C3002) and the agreed design of the gateway feature shall be installed in full prior to the occupation of any dwelling.

**Reason:** In the interests of highway safety and to support local transport plan policies: LD7 and LT8.

- 9) Prior to the occupation of any dwelling, the footways from the junction of Salkeld Road (C3002) and Salkeld Road/Beacon Edge (C3029) to the Green Lane junction shall be improved to form and enable a 1.8 m wide footway along its length, and to be constructed to a form and design to be agreed in writing by the local planning authority.

**Reason:** In the interests of highway safety, accessibility by sustainable transport modes and to minimise potential hazards and to support local transport plan policies: LD 5, LD 6, LD 7 and LD 8.

- 10) The carriageway, footways, footpaths, cycleways etcetera shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect, further details, including longitudinal/cross sections, shall be submitted to the local planning authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria design guide. Any works so approved shall be constructed in full before the occupation of the ninetieth dwelling hereby permitted.

**Reason:** To ensure a minimum standard of construction in the interests of highway safety and to support local transport plan policies: LD 5, LD 7 and LD 8.

- 11) Within 10 days of the commencement of development, visibility splays providing clear visibility as shown on the submitted plans (JN 0837 - 007/008/009/0010) have been provided at the junction of the access roads with the county highway. Notwithstanding the provisions of the Town and Country Planning (Gen Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order) relating to permitted development, no structure, vehicle or objects of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to be grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

**Reason:** In the interests of highway safety and to support local transport plan policies: LD 7 and LD 8.

- 12) No dwellings shall be occupied until the estate road, including footways and cycleways to serve such dwellings have been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.

**Reason:** In the interests of highway safety and to support local transport plan policies:

LD 5, LD 7 and LD 8.

- 13) The whole of each access area, bounded by the carriageway edge, entrance gates and the splays, shall be constructed and drained to the specification of the local planning authority in consultation with the highway authority.

**Reason:** In the interests of road safety and to support local transport plan policies: LD 5, LD 7 and LD 8.

- 14) That prior to the completion or occupation (whichever comes 1<sup>st</sup>) of plots 26 or 27 the adoptable road shown as 'Roman Link' on the detailed site layout plan number 402 – STO – 100 – H, shall be completed and constructed, together with all associated mains services, up to the application site boundary.

**Reason:** to ensure that a motor vehicle access arrangement is provided to the adjoining land to the north-west and that the long-term development potential of this land is not prejudiced in order to secure a continuation of the council's 5 year housing land supply.

- 15) Prior to the commencement of development, a plan shall be submitted for the prior approval of the local planning authority preserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicle access thereto, shall be used for or be kept available for these purposes at all times until of the construction work.

**Reason:** The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users and to support local transport policies: LD8.

- 16) No development, shall take place 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 include:

- the means of access for demolition and construction traffic;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- measures to prevent silt and other contaminants entering surface water drains; and
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

Any changes to these components require the express written consent of the local planning authority. Thereafter the approved scheme shall be implemented as approved.

**Reason:** To protect the water environment from pollution.

- 17) The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by,



the local planning authority. The scheme shall be implemented as approved.

The scheme should be designed so that silt and other pollutants can be contained on site which the scheme should be designed so that it facilitates clean up.

**Reason:** To protect the water environment from pollution.

- 18) Prior to the commencement of development a Construction Management Plan detailing the expected number of vehicles (including LGV and HGVs), construction vehicle routing, signage, wheel wash facilities, times of operation shall be submitted and approved by the local planning authority. The Construction Management Plan shall be implemented during all construction periods unless otherwise agreed in writing with the local planning authority.

**Reason:** The carrying out of the development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users.

- 19) No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

This written scheme will include the following components:

- An archaeological evaluation;
- An archaeological recording programme the scope of which will be dependent upon the results of the evaluation;
- Where significant archaeological remains are revealed by the programme of archaeological work, a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the local planning authority, completion of an archive report and submission of the results for publication in a suitable journal.

**Reasons:** To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains.

- 20) The approved landscaping scheme shall be carried out within 6 months of the date of the first occupation of any building or completion of the development whichever is the sooner unless otherwise agreed in writing by the local planning authority; any trees or plants/grassed areas which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and quality, unless the local planning authority gives written consent to any variation.

**Reason:** To ensure the satisfactory appearance of the site in the interests of visual amenity.

- 21) The existing trees adjacent to and within the boundaries of the site shall not be lopped, felled or otherwise affected in any way (including raising or lowering soil levels under the crown spread of the trees) and no excavation shall be cut

under the crown spread of the trees without the prior written permission of the local planning authority unless otherwise confirmed within the arboricultural report AIA and AMS date stamped 1<sup>st</sup> of September 2015.

**Reason:** To safeguard the trees in the interest of visual character and appearance of the area.

- 22) Prior to the commencement of development the entire root system of trees to be retained adjacent to and within the boundaries of the site and as shown on the approved drawings, indicated by the spread of their branches, shall be protected by stout exclusion fencing until completion of the development as confirmed within the arboricultural report AIA and AMS date stamped 1<sup>st</sup> of September 2015.

**Reason:** To prevent damage to the trees in the interest of the visual character and appearance of the area.

- 23) The area beneath the spread of the branches of the trees to be retained adjacent to and within the boundaries of the site and shown on the approved drawings shall not be used for the storage of building materials, plant, machinery or other items, or for vehicular access or for the burning of materials of any kind.

**Reason:** To prevent damage to the trees in the interest of the visual character and appearance of the area.

- 24) Samples of the materials to be used for the external surfaces of the development shall be submitted to and approved in writing by the local planning authority before any part of the development is commenced and this condition shall apply notwithstanding any indications as to these matters which have been given in this application. Development shall be carried out in accordance with the approved details.

**Reason:** To ensure that the materials harmonise with the surroundings.

### **Informatives**

1. In addition to the above conditions we know the purchaser has offered to provide information packs at the point of sale informing property owners of the location of the site within a groundwater source protection zone which is used for public water supply purposes. It is important that residents understand that this is their drinking water. We encourage the applicant to do this if planning permission is granted. We will be happy to support this process and would welcome sight of a draft copy of the information packs.
2. We are also aware that this proposal is shown as phase 1 of a wider development in the submitted information and in the emerging local plan. We wish to continue with early engagement with the applicant and the local planning authority in respect of any further development may be brought forward in the area given the sensitivity of this location for public water supply purposes.
3. We encourage the construction of homes with water efficiency measures, especially in the water use standard previously required by level III of the code of sustainable homes. We also encourage the inclusion of water efficiency

|    |   |
|----|---|
|    | options which will help to reduce the flow of surface water from the site for example, rainwater harvesting systems and rainwater butts.  |
| 4. | Each individual unit will require a separate metered supply at the applicant's expense and all internal pipework must comply with the current water supply (water fittings) regulations 1999.   |
| 5. | Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oils, fuels or chemicals and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. |
| 6. | If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment.   |
| 7. | The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage.  |
| 8. | Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.  |

## **2. Proposal and Site Description**

### **2.1 Proposal**

- 2.1.1 The application seeks full planning permission for residential development of 98 dwellings together with associated infrastructure over a rectangular site extending to some 4.38 hectares. At the site visit meeting of 30 June 2016 Members resolved to undertake a site visit prior to determining this application. The site visit is to be held on 4 August 2016.
- 2.1.2 The residential proposal includes a single access position fronting onto Salkeld Road on the alignment of the Roman Road which crosses the site north west/south east and some 35 metres from the southern corner of the application site on Salkeld Road. The site layout takes the form of a series of relatively straight culs de sac, with the main access road, cutting straight through to the rear of the site, with the potential to access to the land beyond. The layout includes a feature road (Salkeld New Street), reflecting the Penrith New Streets, running up the gradient towards Green Lane, with two further culs de sac being taken off its length.
- 2.1.3 Pedestrian access is provided through the scheme with a feature walkway following the alignment of the former Roman Road from the site access. This feature walk way also provides access to a rectangular area of public open space overlaying a belowground attenuation system to the north western corner of the site, adjoining the adjacent reservoir and borehole operated by United Utilities and extends to some 35m by 65m. Pedestrian access is also provided in two positions along Green Lane, which includes an 8m planted buffer along its south western boundary. The mature hedgerow and mature tree on the north western boundary are to be maintained within the proposal to provide a containing feature to the development.

- 2.1.4 The scheme comprises some 18No house types providing for a broad style of development including 2No five bed house types, 9No four bed house types, 4No three bed house types and 3No two bed house types. Within the scheme there are 7No five bed units, 43No four bed units, 29No three bed units and 19No two bed units. Of the 98 dwelling houses, four are bungalows.
- 2.1.5 The form and design of the dwelling houses all traditionally based, with the main street frontage properties along Salkeld Road and the main internal roads and corners being detailed in a mix of sandstone and rendered walling, incorporating vertical sash and case type fenestration detailing, under slate roofs, with simpler detailing being used within the body of the scheme. The higher specification of materials and detailing is most apparent on the Salkeld Road frontage which provides the opportunity to showcase the vernacular style of the development.
- 2.1.6 The scheme as proposed provides for 24% affordable housing, which on site provides for 23 affordable dwellings.
- 2.1.7 Due to the sloping nature of the site, the scheme runs through a series of terraces rising up Salkeld New Street towards Green Lane bordering the north eastern site boundary and incorporates a series of small retaining wall features along the rising road.
- 2.1.8 A significant element of the proposal is that of the proposed below ground drainage of the site which overlays the sensitive area of aquifer feeding into the United Utilities bore hole. As a consequence it is necessary for the developer to line the Ground Water Source Protection Zone with an impermeable barrier to minimise leakage and the potential risk to the public water supply. In this instance it is intended that the impermeable barrier would take the form of a 1meter thick layer of engineered clay beneath pipework and a 0.5 metre thick layer of engineered clay beneath gardens and driveways. In addition, the proposal includes a significant below ground surface water attenuation arrangement, primarily below the proposed area of public open space and below the main access road following the alignment of the Roman Road. Foul and surface water emerge from the Roman Road area onto Salkeld Road.
- 2.1.9 The application is supported by a Design and Access Statement, Flood Risk Assessment and Surface Water Strategy, a Mitigation Strategy within the Source Protection Zone, Site Investigation report, Noise Assessment, Arboricultural Impact Assessment and Method Statement, Ecology Report, Landscape and Visual Appraisal, Affordable Housing Statement, draft heads of terms for a Section 106 Agreement and a Wider Concept masterplan including both the application site and the adjoining land to the north west.

### **Wider Concept Masterplan**

- 2.1.10 The application site together with additional land adjoining to the north-west has since the publication of the Strategic Masterplan for Penrith in 2011 identified a locational strategy for future development across Penrith. As a consequence, this together with additional adjoining land extending to the north-west has been identified in the emerging Eden Local Plan for residential development. The application site being allocated for development and the adjoin land to the north- west being allocated as a reserved site for future development.
- 2.1.11 It is as a consequence of these intended designations that the applicant has provided a wider concept masterplan to illustrate that in the event of the respective land holding to the north coming forward separately over the course of time, then this could be

achieved in a successful manner without prejudicing the potential long term development of the area. The Masterplan provides for a continuation of the access from Salkeld Road through and into the adjoining area and forming a link through and around onto Inglewood Road. The main through road is shown providing access to a central 'Local Centre' that forms the axis to the overall development. The Roman Road feature road of the current application is extended as a visual feature through the site to the north-west and can be seen as a linking feature to other green open space, particularly that of a green link further into the site between Inglewood Road and Green Lane.

- 2.1.12 Public open space is provided throughout the site and includes an appropriate allocation to the north of the UU reservoir. The benefit of this specific allocation is that it has the multiple benefit of providing a setting for the intended local centre, provides for open space within the scheme, builds on the adjoining open spaces being created by the current application site and the existing Fairhill recreation area and provides a passive use in the most sensitive area of the ground water source protection zone. The buffer strip along the boundary with Green Lane is extended along the full site boundary and the limits of the development is contained by woodland planting on the crest of the land form and natural boundary to the development to the north west limit of the site.

## **2.2 Site Description**

- 2.2.1 The rectangular site is presently open agricultural grazing land located on the northern limits of Penrith. The site has a 70m frontage onto Salkeld Road, set between the small residential estate of Fairhill Close and the entrance to Green Lane, a rural, largely single track metalled road to running through rural countryside. Green Lane is located to the south west of a small pocket of agricultural land and the Penrith Golf Course which extends either side of Salkeld Road.
- 2.2.2 The application site is on elevated land which rises on the northern side of Penrith, with land continuing to rise both to the north east and north west beyond the site boundaries. There is a marked slope across the site which rises in a north easterly direction from the southern corner on Salkeld Road adjacent to Fairhill Close but which also falls along the boundary with Fairhill Close from Salkeld Road down towards the UU reservoir.
- 2.2.3 The site boundary onto Salkeld Road is bound by a 1m stone wall, with a higher wall backing onto the rear of the residential properties to the south west at Fairhill Close. The boundary onto Green Lane is formed by a partly retaining low stone wall augmented with hedgerow and tree planting. The north western boundary is formed by a mature hedgerow including a fine individual tree sited on the northern side of the line of the Roman Road.

### 3. Statutory Consultees

| Consultee   | Response   |
|---|--|
| <p>Cumbria County Council</p> <p>Historic Environment Officer</p> <p>Highways</p> | <p>No objection subject to conditions requiring a programme of archaeological investigation and recording in advance of the development which should be commissioned and undertaken at the expense of the developer.</p> <p>No objection to the overall development subject to condition requiring the extension of the 30 mile an hour speed limit prior to the commencement of development and the installation of a Gateway feature at the limit of the 30 mile an hour speed limit on Salkeld Road (C3002). In addition, appropriate visibility splays are required at the entrance on Salkeld Road, the footpath on Salkeld Road is to be upgraded prior to occupation.</p> <p>In line with the requirements of the Infrastructure Delivery Plan (IDP) various improvements have been identified to the highways and transport networks which are necessary to address the cumulative impact of the development proposals within the forthcoming local plan. The development is therefore required to provide the following contributions:</p> <ul style="list-style-type: none"> <li>• £28,179 towards A6 cycling connectivity (references S5 and S1)</li> <li>• £117,610 towards sustainable connectivity (references S8, S19 and S 22)</li> <li>• £77,922 towards Salkeld Road/A6 junction modifications (H 4)</li> <li>• £10,664 is required towards a traffic management scheme in New Streets, Carlton Hill Road and Beacon Edge (references H18 -H 22)</li> <li>• £39,489 towards a Beacon Edge cycle route (reference S6 in the Penrith Transport Improvements Study.</li> </ul> <p>Travel plan: the submitted travel plan is considered acceptable particularly with regard to the proposed targets and monitoring arrangements. However, the travel plan recognises that the nearest bus stops with regular bus services are located approximately 750m from the centre of the site. The Department for Transport's publication 'inclusive mobility' recommends th shift at the maximum walk distance (400m) to a bus stop is reduced by 10m for every 1 metre rise and fall.</p> <p>It is noted that the site has been designated to accommodate a bus service. If further development occurs to the north-west, there is an opportunity for the site to benefit from improved</p> |

| Consultee                  | Response   |
|----------------------------|--|
|                            | <p>accessibility to bus services. In order to safeguard this potential bus route, the proposed highway should be taken up to the north-western boundary. And within the stage I Road Safety Audit this should be shown as an intended future bus route/link. However, it should be noted that should future development of the land to the west not occur no measures have been included within the travel plan to address substandard accessibility for residents to regular bus services.</p> <p>A travel plan is a 'living document' 'that needs to be updated, amended, approved and monitored throughout the life of the development'. There are administration costs involved in reviewing, implementing and managing the travel plan which are required to be borne by the developer and are based on average annual cost of development'. There are administration costs involved in reviewing, implementing and managing the travel plan which are required to be borne by the developer and are based on average annual cost of administration x number of years for the travel plan and equates to:</p> <ul style="list-style-type: none"> <li>• £6,600 which will be secured through a Section 106 Agreement.</li> </ul> |
| Education                  | <p>The development is in the catchment area of Beaconside CE primary school (1.10 miles) and the catchment of Ullswater Community College (1.60 miles), Queen Elizabeth Grammar School (1.51 miles) and is also in the Penrith area. Providing that upgrades are made to the footpath on so-called road to enable a safe walking route to school, no school transport contributions will be sought. However, if an upgrade to the footpath is not secured and the county council will seek a school transport contribution comprising of:</p> <ul style="list-style-type: none"> <li>• primary school transport: £266,000</li> <li>• secondary school transport £85,500</li> </ul> <p><b>Primary school:</b> The proposed development would have a pupil yield of 23 primary school places and 41 secondary school places. It is therefore considered that a contribution of 23x £16,667= £383,341 is required for the 23 primary aged children to mitigate the effect of this development.</p> <p><b>Secondary school:</b> it is considered that there is sufficient secondary school capacity to accommodate the 41 secondary school pupil yield arising from this canal development.</p>  |
| Lead Local Flood Authority | <p>Flood risk and surface water management: no objection subject to conditions:</p> <ul style="list-style-type: none"> <li>• requiring the submission and agreement to a detailed surface water drainage scheme prior to the</li> </ul>  |

| Consultee                          | Response  |
|------------------------------------|---|
|                                    | commencement of work on site.   |
| Eden DC Affordable Housing Officer | <p>Under policy CS10: affordable housing, the council aspires to a target of 30% affordable housing for schemes above a threshold of 4 units. In the light of the new advice from Planning Practice Guidance this threshold has been raised to schemes above a threshold of 11 units. The site has been the subject of significant abnormal costs revolving around the sloping nature of the site, the need to provide an engineered solution to protect the Penrith aquifer from contamination by lining the drainage system within a clay barrier and to incorporate the variety of financial contributions.</p> <p>The applicant has provided a financial viability appraisal which has been accepted by the council's consultants NPS which provides for 24% affordable housing which equates to 23 affordable housing units within the scheme.</p> |
| Environment Agency                 | No objection subject to conditions.   |
| United Utilities                   | <ul style="list-style-type: none"> <li>Site is located within designated Groundwater Source Protection Zone 1 (SPZ) within 50 m of two UU bore holes and an existing water treatment works providing a public water supply and is a key infrastructure resource, feeding 7,000 properties. The site overlays part of the Penrith sandstone aquifer, which requires minimal treatment prior to supply and must be safeguarded.</li> <li>UU encourage LPAs to avoid locating potentially polluting activities in the most sensitive locations which is our preference. Residential development can be allowed in SPZs.</li> </ul> <p>No objection subject to conditions.</p>  |
| Environmental Health               | <p>Contamination: There is no evident historic land uses either on the site or in close proximity that are likely to impact on this development: no objection.</p> <p>Noise: no response to date and it is hoped to be able to report verbally on this issue at the meeting.</p> <p>Air quality: no response to date and it is hoped to be able to report verbally on this issue at the meeting.</p>  |



## 4. Town Council Response

| Town Council         | Please Tick as Appropriate |         |             |                   |
|----------------------|----------------------------|---------|-------------|-------------------|
|                      | Object                     | Support | No Response | No View Expressed |
| Penrith Town Council | x                          |         |             |                   |

4.1 That the Council **objects** to this planning application on the grounds of highway issues:

- I. **Traffic generation**
- II. **Highway safety**
- III. **Vehicular access**

The increased traffic journeys and position of the development site entrance and exit would amplify existing traffic safety considerations on Salkeld Road and Salkeld/Beacon Edge junction.

Road safety and traffic calming measures need to be considered by Cumbria County Council to mitigate against both increased foot flow and vehicle traffic from this development and the proposed future developments by Persimmon and in Lazonby which will further exacerbate the problem.

Prior to the instalment of an illuminated speed sign, a traffic speed assessment was carried out at Salkeld Road that provided evidence of vehicles travelling at high speed along Salkeld Road. Since the signage installation no further surveys have taken place to assess if the signage had mitigated against the problem. However there appears to be an acknowledgement that excessive vehicle speed is a concern to the developers who have proposed a "gateway" to address speeding but to date there appears to be no details forthcoming.

Existing households which are sited opposite the entrance to the development have to reverse from the main road onto their drives. The junction into the development is a hazard to pedestrian and vehicle safety. The entrance should be moved uphill where there are no access points to properties on the opposite side of the road.

## 5. Representations

5.1 the applicant undertook a public consultation and exhibition at Penrith Methodist Chapel on 1 April 2015. Following receipt of the application letters of consultation were sent to nearby neighbours and a site notice was posted on 21 April 2015.

|                                       |    |                                      |   |
|---------------------------------------|----|--------------------------------------|---|
| <b>No of Neighbours Consulted</b>     | 23 | <b>No of letters of support</b>      | 0 |
| <b>No of Representations Received</b> | 5  | <b>No of neutral representations</b> | 1 |
| <b>No of objection letters</b>        | 5  |                                      |   |

5.2 Letters of objection raised the following concerns which are material considerations to the application:

- The proposal will involve a large volume of traffic taking access onto Salkeld Road which will have an adverse impact on road safety. Salkeld Road is a busy road with vehicles traveling at speed, often over the speed limit, which has been an ongoing problem for some years for existing residents. Salkeld Road traffic

should be calmed to ensure that speeds are significantly reduced. Forward site distances on Salkeld Road are restricted.

- The gateway feature should be located next the golf club.
- The proposal will increase traffic using the Salkeld Road Beacon Edge junction with an adverse impact on road safety for both vehicles and pedestrians in an area that is a focus for pedestrians including children using Fairhill Park.
- The existing dwellings on Salkeld Road already have difficulty moving onto and off the public road. Any additional traffic caused by this proposal would make these manoeuvres more dangerous. This is particularly the case directly opposite the proposed new access to the site where there will be 700 daily vehicle movements to and from the site. Accordingly, the access should be relocated further to the north.
- There is no pedestrian access on the south-eastern side of Salkeld Road and there is pedestrian access into the town centre.
- This together with a second substantial housing scheme (Raiselands 14/0405) will have a significant impact on traffic volume along Beacon Edge and down into the town centre. Beacon Edge and the adjacent roads are unsuitable to accommodate further development.
- The site/area is not served a good public transport service.
- There is congestion on the public road access onto the A6.
- The scheme should include properties that provide for 'hope working'. The overall range of house types is limited and a better mix should be achieved.
- Scheme does not include oil interceptors which could result in pollution to the Penrith aquifer.
- Health and education facilities are already overstretched and the current proposal(s) can only put more pressure on these facilities
- Recreational facilities for children at the Salkeld Road Playing field are inadequate.
- The scheme does not include oil interceptors.

### **5.3 Penrith Civic Society**

- Our only comment relates to road safety, all access to individual houses should be from within the development with a single vehicular access from Salkeld Road.
- Part of the development extends outside the 30mph speed zone and whilst this zone could no doubt be extended, we are concerned that traffic speeds on this section of the road can be quite high, particularly on the inward downhill route. We feel that parking on Salkeld Road by visitors, delivery and refuse vehicles could increase the danger.

## **6. Relevant Planning History**

There is no relevant planning history.

## **7. Policy Context**

### **7.1 Development Plan**

#### **Eden Core Strategy:**

CS1 Sustainable Development Principles

CS2 Locational Strategy

CS5 Transport and Accessibility

CS6 Developer Contributions

CS7 Principles for Housing

CS8 Making Efficient Use of Land

CS10 Affordable Housing

CS18 Design of new development

### **7.2 Other Material Considerations**

#### **National Planning Policy Framework:**

Policy No 1 Building a strong competitive economy

Policy No 4 Promoting sustainable transport

Policy No 6 Delivering a wide choice of high quality homes

Policy No 7 Requiring good design

Policy No 8 Promoting healthy communities

Policy No 11 Conserving and enhancing the natural environment

7.3 The policies detailed above are the most relevant policies relating to this application.

## **8. Planning Assessment**

### **8.1 Key/Main Planning Issues**

- Principle
- Landscape and Visual Impact
- Design
- Infrastructure
- Affordable Housing Contribution

### **8.2 Principle**

8.2.1 For this area Eden's current Development Plan is the 2010 Core Strategy and selected saved policies from the 1996 Local Plan. The main policy that would normally be applied in this case is Policy CS2: Locational Strategy which states that new

development, including new housing will be focussed in the main town, including 60% of new housing at Penrith. The Core Strategy also identifies new development to the north of Penrith but leaves it to a subsequent development plan document to allocate an exact location.

- 8.2.2 The 2011 Penrith Masterplan and the 2015 'Preferred Options' draft Local Plan, both identify the land as suitable for development. However, in the case of the Penrith Masterplan, this is not a formal or adopted planning document, and in the case of the draft Local Plan which is currently being considered at a public enquiry, it is not at a sufficiently advanced stage where we can attach any weight to it in decision making. Therefore the policy under which the principle of this scheme should be assessed therefore remains Policy CS2 of the Core Strategy, which indicates that such applications should be supported in principle.
- 8.2.3 The main material consideration in terms of policy remains the National Planning Policy Framework (NPPF). Paragraph 49 states that in the absence of a five year supply of deliverable housing sites policies on housing supply cannot be considered up to date.
- Eden can currently demonstrate a 3.33 year supply of deliverable housing land, meaning that the 'significant adverse impacts' test outlined above is triggered.
  - The site is also identified as developable in the October 2015 Land Availability Assessment. The Assessment states that the site is considered to be a logical and sustainable urban extension to Penrith.
- 8.2.4 The NPPF is clear at paragraph 14 confirms that *'for decision taking this means:*
- *Approving development proposals that accord with the development plan without delay; and*
  - *Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless;*
    - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this framework taken as a whole; or*
    - *Specific policies in this framework indicate development should be restricted.'*
- 8.2.5 It is therefore considered that this site provides for a strategically important and logical site which can help the Council in restoring and maintaining a five year supply of deliverable housing land within the key Service Centre of Penrith. The site is also proposed for allocation in the Council's new draft Local Plan which although having little weight is a clear indicator of the intentions of the Council which is crucial to the future delivery of this plan. Consent for the site (along with other sites) would also help the Council in restoring and maintaining a five year supply of deliverable housing land.

### **8.3 Landscape and Visual Impact**

- 8.3.1 In respect of the potential visual impact of the proposal is relatively well contained on the northern limit of Penrith, which although sloping is within a general plateau area and is contained between Fairhill Close and Green Lane, below the golf course. The site although visible along its frontage with Salkeld Road has only limited visibility to the south and east and with only long range views from the M6 to the south of Penrith. The site is visible on the approach to Penrith along Inglewood Road from the

established gypsy site which sits on a crest in the land form. Views on this approach see the site set against a rising backdrop of the golf course and the woodland planting rising to the Penrith Beacon.

- 8.3.2 The applicant's design and access statement addresses the qualities of the area and indicates how the landscape design has been developed to enhance the existing features and character and seeks to minimise the adverse landscape and visual impacts within the scheme. The scheme promotes an easily legible way marking through the site for both pedestrians, bicycles and motor vehicles revolving around the use of the 'Roman Road' access arrangement, and a 'new streets' feature road running up the hill towards Green Lane and the landscaped buffer along the northern boundary which both contains a site and adds to the amenity value of Green Lane itself.

## **8.4 Design**

- 8.4.1 The form and design of the layout provides for a distinctive arrangement taking design clues from Penrith New Streets, with its main street rising up through the centre of the scheme towards Green Lane from a central 'square'. An equally significant feature is that of the main vehicular and pedestrian access from Salkeld Road following that of the alignment of the former Roman Road and which passes through the central square and extends to the end of the site, with the potential for further extension into land beyond.
- 8.4.2 The scheme provides for an attractive and comfortable suburban frontage on to Salkeld Road, whilst at the same time retains the majority of the existing stone walling extending up towards the golf course. The dwellings being set to the rear of the wall and accessed by three openings providing for a shared access arrangement, over and the improved pedestrian footpath up to Green Lane.
- 8.4.3 The scheme includes a variety of house types based on a Penrith vernacular providing for a traditional development form. The proposal includes a palette of traditional materials comprising stone and render under slate and tiled roofs, incorporating detailed treatments to enhance the primary frontages, which is reflected in alternative approaches within the body of the development. The form and design of the layout reflects a similar approach to that undertaken at the persimmon site at Carlton Meadows, where the use of signature buildings, prominent corners and landscape features serves to provide a high quality environment.
- 8.4.4 The layout is enhanced by strong open space and planted areas comprising, a 10m planted buffer along its boundary with Green Lane, the creation of an open access from Salkeld Road which builds on the feature of the alignment of the former Roman Road. An area of public open space is provided on the western corner of the site bounding onto the UU Reservoir. The area of public open space has the dual function of also involving a use which will have potentially minimal impact on the most sensitive area of the borehole extraction area and has the benefit of overlying a significant below ground you SUDS attenuation system.
- 8.4.5 The applicant has provided a Wider Concept Masterplan identifying how the site could in the future be extended into the area of land to the north which has been allocated as a reserved site for future development in the emerging Eden Local Plan. The Masterplan provides for a continuation of the access from Salkeld Road through and into the adjoining area and forming a link through and onto Inglewood Road. The main through road is shown providing access to a central 'Local Centre' that form the axis to the overall development. The Roman Road feature road of the current application is extended as a visual feature through the site to the north-west and can be seen as a

linking feature to other green open space, particularly that of a green link further into the site between Inglewood Road and Green lane. Public open space is provided throughout the site and includes an appropriate allocation to the north of the UU reservoir. The benefit of this specific allocation is that it has the multiple benefit of providing a setting for a possible 'local centre', provides for open space within the scheme, builds on the adjoining open spaces being created by the current application site and the existing Fairhill recreation area and provides a passive use in the most sensitive area of the Ground Water Source Protection Zone. In addition, the buffer strip along the boundary with Green Lane is extended along the full site boundary and the limits of the development is contained by woodland planting on the crest of the land form and natural boundary to the development to the north west limit of the site.

## **8.5 Infrastructure**

- 8.5.1 Foul drainage will drain to the public sewer to the recent upgraded Penrith Sewage Treatment Works and to which there is no objection from United Utilities.
- 8.5.2 The main concern for the developer is that of dealing with surface water drainage on a site which overlays the sensitive area of aquifer feeding into the United Utilities bore hole. As a consequence it is necessary for the developer to line the Ground Water Source Protection Zone with an impermeable barrier to minimise leakage and the potential risk to the public water supply. In this instance it is intended that the impermeable barrier would take the form of a 1 metre thick layer of engineered clay beneath pipework and a 0.5 metre thick layer of engineered clay beneath gardens and driveways. This is a significant engineering operation to enable the scheme to progress and which has been developed in liaison with United Utilities and the County Council and to which they are agreeable subject to conditions sufficient to safeguard the line the Ground Water Source Protection Zone.
- 8.5.3 Surface water within the scheme is taken to a series of below ground chambers in the lowest part of the site in the area of open space adjacent to the UU Reservoir and in the public road following the alignment of the former Roman Road, which act as an attenuation chamber, with a controlled discharge in to the SW sewer on Salkeld Road. This system is acceptable to United Utilities.
- 8.5.4 The proposal to take a single access from Salkeld Road has been the subject of sustained objection from adjacent residents. This has been the subject of consultation with the County Council as Highway Authority who confirm that the access is acceptable subject to conditions relating to conditions requiring the extension of the 30 mile an hour speed limit prior to the commencement of development and the installation of a Gateway feature at the limit of the 30 mile an hour speed limit on Salkeld Road (C3002). In addition, appropriate visibility splays are required at the entrance on Salkeld Road, the footpath on Salkeld Road is to be upgraded prior to occupation.
- 8.5.5 In line with the requirements of the Infrastructure Delivery Plan (IDP) various improvements have been identified to the highways and transport networks which are necessary to address the cumulative impact of the development proposals within the forthcoming local plan. The development is therefore required to provide the following contributions:
  - £28,179 towards A6 cycling connectivity (references S5 and S1)
  - £117,610 towards sustainable connectivity (references S8, S19 and S 22)

- £77,922 towards Salkeld Road/A6 junction modifications (H 4)
- £10,664 is required towards a traffic management scheme in New Streets, Carlton Hill Road and Beacon Edge (references H18 -H 22)
- £39,489 towards a Beacon Edge cycle route (reference S6 in the Penrith Transport Improvements Study)

8.5.6 In respect of the submitted travel plan this is considered acceptable particularly with regard to the proposed targets and monitoring arrangements. However, the travel plan recognises that the nearest bus stops with regular bus services are located approximately 750m from the centre of the site. The Department for Transport's publication 'inclusive mobility' recommends that the maximum walk distance (400m) to a bus stop is reduced by 10m for every 1 metre rise and fall. However, it is noted that the site has been designated to accommodate a bus service. If further development occurs to the north-west, there is an opportunity for the site to benefit from improved accessibility to bus services. In order to safeguard this potential bus route, the proposed highway should be taken up to the north-western boundary and within the stage I Road Safety Audit this should be shown as an intended future bus route/link. However, it should be noted that should future development of the land to the west not occur no measures have been included within the travel plan to address substandard accessibility for residents to regular bus services.

8.5.7 As the travel plan is a 'living document' "that needs to be updated, amended, approved and monitored throughout the life of the development", there are administration costs involved in reviewing, implementing and managing the travel plan which are required to be borne by the developer and are based on average annual cost of administration x number of years for the travel plan and equates to: £6,600 which will be secured through a Section 106 Agreement.

8.5.8 In addition to the above Eden in collaboration with the County Council have commissioned the Penrith Transportation Plan to support the emerging Local Plan in delivering strategic sites for employment land and housing (some 1,800 new homes) in Penrith. The Penrith Transportation Plan considered the impact on the highways and transport network, where the impacts will occur and how they can be mitigated. The study considered sustainable travel options to support choice and encourage a shift in the reliance of private transport and indicate measures that can be implemented in a phased approach to help facilitate the growth ambitions of Penrith. In respect of the current proposal the Transport Plan requires the developer to provide the following contributions:

- £28,179 towards A6 cycling connectivity (references S5 and S1)
- £117,610 towards sustainable connectivity (references S8, S19 and S 22)
- £77,922 towards Salkeld Road/A6 junction modifications (H 4)
- £10,664 is required towards a traffic management scheme in New Streets, Carlton Hill Road and Beacon Edge (references H18 -H 22)
- £39,489 towards a Beacon Edge cycle route (reference S6 in the Penrith Transport Improvements Study)

8.5.9 It was initially envisaged as Penrith developed there would be a need for a second, one form entry primary school in addition to the site currently proposed at Carlton Heights as part of the persimmon urban extension. In view of the particular requirements of

such provision the only appropriate site available on the northern side of Penrith was envisaged to be in the adjoining land to the current application site to the north of Fairhill. However, due to the changes in current demographic projections this is no longer a requirement for the education authority.

- 8.5.10 The County Education Authority have confirmed that there are not sufficient primary school places to accommodate the proposed development which would have a pupil yield of 23 at a cost of £16,667 per pupil. They therefore require a financial contribution of £383,341 to be provided by the developer. They consider that there is sufficient secondary school capacity to accommodate the 41 secondary school pupil yield arising from this development and therefore require no contribution in this respect.

## **8.6 Affordable Housing Contribution**

- 8.6.1 Under policy CS10: affordable housing, the council aspires to a target of 30% affordable housing for schemes above a threshold of 4 units. In the light of the new advice from Planning Practice Guidance this threshold has been raised to schemes above a threshold of 11 units.
- 8.6.2 The site has been the subject of significant abnormal costs revolving around the sloping nature of the site, the need to provide an engineered solution to protect the Penrith aquifer from contamination by lining the drainage system within a clay barrier and to incorporate the variety of financial contributions. The applicant has provided a financial viability appraisal which has been accepted by the council's consultants NPS which provides for 24% affordable housing which equates to 23 affordable housing units within the scheme, comprising 10 x affordable rent RSL (Registered Social Landlord) and 13 x discounted sale at 70% OMV (Open Market Value).

## **9. New Homes Bonus**

- 9.1 The prospect of receiving a Bonus is, in principle, capable of being taken into account as a 'material consideration' in determining a planning application. Whether potential Bonus payments are in fact a material consideration in relation to a particular application will depend on whether those payments would be used in a way which is connected to the application and to the use and development of land. For example, potential Bonus payments could be a material consideration if they were to be used to mitigate impacts resulting from development. But if the use to which the payments are to be put is unclear or is for purposes unrelated to the development concerned a decision maker would not be entitled to take them into account when making a decision on a planning application. In this particular case, there are no plans to use the New Homes Bonus arising from this application in connection with this development.

## **10. Implications**

### **10.1 Legal Implications**

- 10.1.1 The matters above have been considered but no issues are judged to arise.

### **10.2 Equality and Diversity**

- 10.2.1 The Council must have regard to the elimination of unlawful discrimination and harassment, and the promotion of equality under the Equality Act 2010.

### **10.3 Environment**



10.3.1 The Council must have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act 2006.

## **10.4 Crime and Disorder**

10.4.1 Under the Crime and Disorder Act 1998, the Council must have regard to the need to reduce crime and disorder in exercising any of its functions.

## **10.5 Children**

10.5.1 Under the Children Act 2004, the Council has a duty to safeguard and promote the welfare of children in the exercise of any of its functions.

## **10.6 Human Rights**

10.6.1 In determining applications, the Council must ensure that all parties get a fair hearing in compliance with the provisions of Article 6 under the European Convention on Human Rights, as now embodied in UK law in the Human Rights Act 1998.

## **11. Conclusion**

11.1 Subject to a satisfactory response from environmental health, it is considered that the proposal is in accordance with the policy for the Council subject to the applicant first entering into a S106 Agreement to secure and the provision of the required 24% of affordable housing and the necessary financial contributions for education and off site highways works in support of the Penrith Transportation Study. The proposal accords with the development plans in that it:

- Represents an appropriate development extension appropriate to the Key Service Centre of Penrith which seeks to address the current shortfall in the five year housing land supply.
- The scale and nature of the development takes into account the capacity of the essential infrastructure necessary to serve the development proposed.
- The potential scale, layout form and character of the development is appropriate for a residential development on the urban fringe of Penrith, providing a high quality, development consistent with Core Strategy policy.
- The proposal provides for the necessary financial contributions towards education together with the provision of 24% affordable housing (reduced from 30% and based on financial viability) as required by Core Strategy, and off site highway contributions, necessary to service the site.

Matthew Neal  
Director of Governance

|   |  |
|---|--|
| Checked by or on behalf of the Monitoring Officer |  |
|---|--|

**Background Papers:** Planning File

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**Date of Committee:** 04 August 2016

**Planning Application No:** 15/1168 **Date Received:** 22 December 2015

**OS Grid Ref:** 352318 530610 **Expiry Date:** 16 February 2016

**Parish:** Penrith **Ward:** Penrith East

**Application Type:** Full

**Proposal:** Erection of 5 No Two Bedroom Bungalows and 2 No Two Storey Terrace Houses

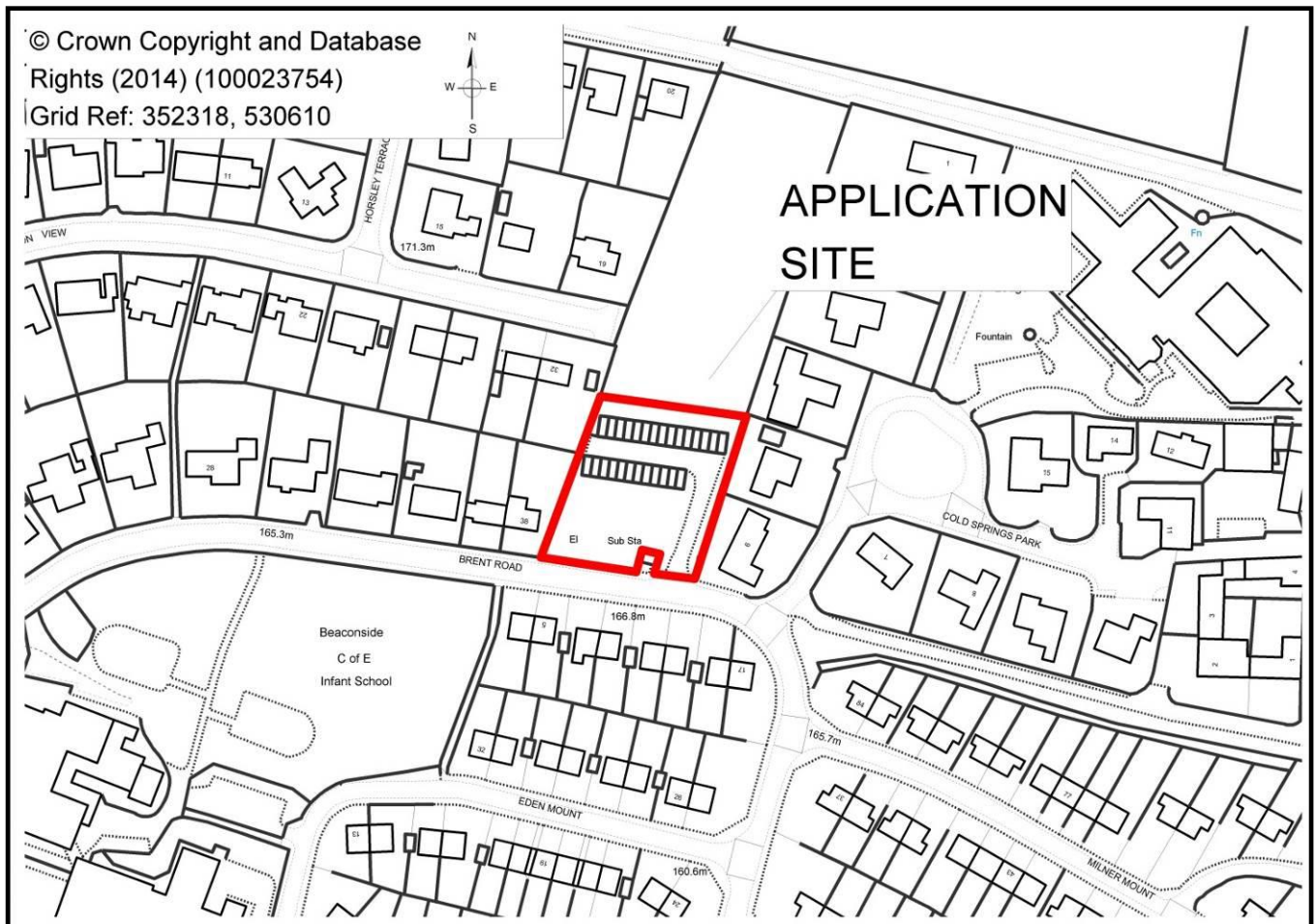
**Location:** Brent Road, Penrith

**Applicant:** Eden Housing Association

**Agent:** Mr Matthew Lawley of Day Cummins Ltd

**Case Officer:** Mr Daniel Addis

**Reason for Referral:** An Elected Member has requested that the application be heard by the Planning Committee and the recommendation to approve is contrary to the view of the Parish Council.



## 1. Recommendation

It is recommended that full planning permission be granted subject to the following conditions:

### **Time Limit for Commencement**

1. The development permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** In order to comply with the provisions of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### **Approved Plans**

2. The development hereby granted shall be carried out in accordance with the drawings hereby approved:

- i) As Proposed Site Plan 4026 04 H received 06 June 2016
- ii) As Proposed House Types 4026 05 A received 06 June 2016

**Reason:** To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.

### **Before the Development is Commenced**

3. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the surface water public sewer, the pass forward flow rate to the public surface water sewer must be restricted to max 5 l/s for any storm event.

**Reason:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

4. Prior to the commencement of the development a management plan for the trees along the boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include protection measures for the protection of relevant trees during the construction phase and the longer term management of the retained trees. The development shall be carried out in accordance with the approved plan.

**Reason:** To protect the trees and to promote the active management of the adjoining trees to the benefit of the amenity of the area and the occupants of the proposed houses.

### **Pre-Occupancy or Other Stage Conditions**

5. Prior to the construction of any of the dwellings hereby approved details of

proposed crossings of the highway verge and/or footway shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and maintained as such.

**Reason:** To ensure a suitable standard of crossing for pedestrian safety.

6. Prior to the construction of any of the houses hereby approved a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include planting throughout the site and particularly between units two/three and six/seven. The agreed scheme shall be implemented prior to the occupation of any of the houses hereby approved. Any trees or other plants which die or are removed within the first five years following the implementation of the scheme shall be replaced during the next planting season.

**Reason:** To ensure that the scheme is landscaped in the interest of the visual character and appearance of the area and to protect the privacy between units two/three and six/seven which falls 3m short of the 21m separation distances as set out in the Housing SPD.

7. Prior to the construction of any of the houses hereby approved a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the occupation of any of the houses hereby approved.

**Reason:** To protect the visual appearance of the area and the living conditions of neighbouring occupiers.

### **Ongoing Conditions**

8. No surface water will be allowed to discharge from the development site onto the public highway.

**Reason:** In the interest of highway safety.

9. No dwelling shall be occupied until a means of vehicular access has been constructed to serve it in accordance with the approved plans.

**Reason:** To secure a suitable standard of vehicular access in the interest of highway safety.

10. The proposed pedestrian footpath along the eastern boundary of the site shall be constructed in accordance with the approved plans and made capable of use prior to the occupation of any of the houses hereby approved and shall be maintained as a useable footpath thereafter.

**Reason:** To ensure that the existing footpath is retained capable of use.

## **2. Proposal and Site Description**

### **2.1 Proposal**

- 2.1.1 The application seeks planning permission for the erection of 5 No two bedroom bungalows and 2 No two storey houses. The two storey houses and one of the

bungalows will form a terrace which addresses the public road to the south of the site with the remaining four detached bungalows located to the north (rear) of the site.

- 2.1.2 The terrace of three dwellings which faces the street features a two storey element to the west which then drops down to single storey. The two storey element features a gable style roof projection and a shared overhanging porch. The single storey element features a projecting porch. Materials include tiled roofs, render walls and horizontal timber effect panelling to the first floor elevation, part of the gable and part of the porch.
- 2.1.3 The remaining four single storey units consist of two semi-detached properties which address the shared access road. As with the single storey element which addresses the public road the units are simply designed with projecting front porches and the same materials.
- 2.1.4 Vehicular access to the roadside houses will be taken directly from the public highway. These houses include parking for one car. Vehicular access to the rear properties will use the existing access onto the public road and then a shared access road. Each of these houses will include parking for one car.
- 2.1.5 The proposed housing whilst being considered as 'open market housing' in planning terms will be used as 'affordable housing' by Eden Housing Association.

## 2.2 Site Description

- 2.2.1 The application site is appears as an underused area of land located in a predominately residential area of Penrith. When viewed from the public road to the south the site includes a roadside stretch of grass and an electricity sub-station, then a copse of predominately coniferous trees, then an area of garage/lock-ups after which the site rises up and away into a woodland.
- 2.2.2 The application proposes the removal of the small copse of trees by the roadside.
- 2.2.3 There is an informal footpath which runs along the east of the site, along the access road and then around the garages and then up and into the woodland. The application includes a footpath in the same location to formalise this informal path.

## 3. Consultees

### 3.1 Statutory Consultees

| Consultee                  | Response                           |
|----------------------------|------------------------------------|
| Local Highway Authority    | No objection subject to conditions |
| Lead Local Flood Authority | No comments                        |

### 3.2 Discretionary Consultees

| Consultee                   | Response                          |
|-----------------------------|-----------------------------------|
| Town Council                | No objection                      |
| United Utilities            | No objection subject to condition |
| Housing Development Officer | Fully supports the application    |
| Tree Officer                | No response at time of report     |

## 4. Parish Council/Meeting Response

|        | Please Tick as Appropriate |         |             |              |
|--------|----------------------------|---------|-------------|--------------|
| Parish | Object                     | Support | No Response | No Objection |

|                        |          |  |  |  |
|------------------------|----------|--|--|--|
| <b>Council/Meeting</b> |          |  |  |  |
| Penrith Town Council   | <b>X</b> |  |  |  |

## 5. Representations

- 5.1 Letters of consultation were sent to nearby neighbours and a site notice was posted on 11 January 2016.

|                                       |    |                                      |   |
|---------------------------------------|----|--------------------------------------|---|
| <b>No of Neighbours Consulted</b>     | 18 | <b>No of letters of support</b>      |   |
| <b>No of Representations Received</b> |    | <b>No of neutral representations</b> | 1 |
| <b>No of objection letters</b>        | 1  |                                      |   |

- 5.2 Letters of objection raised the following material considerations to the application:

- Building foundations affecting nearby tree roots
- Shading of the proposed houses by adjacent trees
- The tree noise in windy weather would be very loud for residents
- The wood is subject to flooding from 'Cold Springs'
- Contrary to policy ENV4
- The wood is an integral wildlife corridor from Carleton to Beacon Edge
- Overlooking of previously private areas
- Overshadowing of nearby properties
- Disturbance through noise and odour
- Overbearing - excessive scale which would have an oppressive impact
- The proposal is out of character with the area
- The development may affect road safety

- 5.3 In addition to the letters of objection summarised above a letter was received from Councillor Mike Eyles – the ward member for Penrith East in which the site is located.

- 5.3.1 Mr Eyles is concerned that the description of the application on the letter which notified interested parties of the amendment to the scheme referenced the original proposal i.e. for five houses rather than the amended proposal i.e. for 7 houses. A letter was subsequently issued apologising for this oversight.

- 5.3.2 Mr Eyles is also concerned that 21 days is an inadequate timeframe for people to comment on the amendments to the application however in response to this 21 days is the Council's standard consultation period and has always been deemed suitable (both by the Council and the Government) for a consultation period.

- 5.3.3 Mr Eyles advises that he has received three phone calls in which the callers expressed dismay at the proposed 2 storey houses and the loss of the trees. Mr Eyles has also received five emails (which he enclosed) and 1 letter (also enclosed) – all in objection to the application. The concerns of the objectors are set out below:

- Loss of trees
- Increased traffic
- Uncertainty about the footpath
- Lack of parking
- Loss of garages/parking

## **6. Relevant Planning History**

There is no relevant planning history.

## **7. Policy Context**

### **7.1 Development Plan**

#### **Core Strategy DPD Policy:**

- CS1 - Sustainable Development Principles
- CS2 - Locational Strategy
- CS4 - Flood Risk
- CS5 - Transport and Accessibility
- CS6 - Developer Contributions
- CS7 - Principles for Housing
- CS8 - Making Efficient Use of Land
- CS10 - Affordable Housing
- CS16 - Principles for the Natural Environment
- CS17 - Principles for the Built (Historic) Environment
- CS18 - Design of New Development

#### **Supplementary Planning Documents:**

- Housing (2010)

### **7.2 Other Material Considerations**

#### **National Planning Policy Framework:**

- Delivering a wide choice of high quality homes
- Requiring good design
- Promoting healthy communities
- Conserving and enhancing the natural environment

#### **National Planning Practice Guidance**

7.3 The policies detailed above are the most relevant policies relating to this application.

## **8. Planning Assessment**

### **8.1 Key/Main Planning Issues**

- Principle
- Design
- Residential Amenity
- Infrastructure
- Natural Environment

### **8.2 Principle**

8.2.1 This Council is unable to demonstrate a five year housing land supply and in accordance with the National Planning Policy Framework (the NPPF) paragraph 49 “relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”. In light of this the development plan policies which relate to the supply of housing are considered out-of-date and they are therefore afforded less weight in the



planning assessment. The NPPF requires in paragraph 14 that “where the development plan is out-of-date, planning permission should be granted unless....the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF.....or specific policies in the NPPF indicate development should be restricted”. It is considered that Penrith is a sustainable location for new housing which is supported by the NPPF.

8.2.2 The site is within the Key Service Centre of Penrith as defined within the adopted Core Strategy (CS) policy CS2. Development in the Key Service Centre of Penrith includes “sustained development appropriate to that of a large town” including the “provision of new housing”.

8.2.3 In accordance with the NPPF and the location strategy of the development plan, Penrith is considered to be a sustainable location for new housing (in principle).

### **8.3 Design**

8.3.1 The application proposed a high quality design with a mixture of two and single storey elements. The layout respects the character of the area with an element of the proposal addressing the street to the south of the site and then with further housing wrapping round the site to the north. This respects the character of the area which already features a number of terraces and cul-de-sacs in this suburban part of Penrith. The proposed materials including render and tile roofs are in keeping with the area.

8.3.2 The proposal has taken into account the adjoining woodland to the north of the site and whilst there may be some shading from these trees however this would be relatively minor and restricted to the rear gardens. The houses are located to the south of the trees and therefore the natural path of the sun east to west would still allow exposure to the sun with minimal overshadowing. Concern has been raised about the noise of the adjoining trees however this would be for short periods only and unlikely to result in noise that would exceed safe levels or that could be considered a statutory nuisance.

### **8.4 Residential Amenity**

8.4.1 The application is considered to be well laid out and this is particularly relevant when you consider the impact of the proposed units on adjoining properties. The two storey elements feature blank gable walls which prevents any overlooking to the private areas of adjoining properties to the west. There are a number of windows on the ground floor of the terrace however these will outlook onto the public road to the south or the properties private gardens to the rear. The single storey houses to the north have no gable windows with all windows looking south to the road or north to the garden and then woodland. It is considered that there is no issue of overlooking as a result of the proposal.

8.4.2 The gardens to the north of units four - seven range in depth from 5½m (unit seven) to 8½m (unit four). These gardens are acknowledged as not being particularly deep however there is no set policy on how far houses should be from boundaries. In this case it is considered that given the type of housing (2 bedroom bungalows) and the backdrop of further woodland (rather than further housing) these shallow gardens are considered acceptable. There are examples near to the site where existing houses have similarly shallow gardens.

8.4.3 Units two/three and six/seven are 18m apart window to window. This separation distance is slightly short of the recommended Housing SPD separation distance of 21m for principle windows to windows in another property. It is considered in this instance given that units three, six and seven are single storey, there is parking and a road

between the houses and with the benefit of additional planting (secured by condition) that this reduced separation distance is acceptable.

- 8.4.4 The majority of the housing is single storey with only one element (two dwellings) of two storey housing fronting the public road. The terrace style of these houses is in keeping with the adjoining semi-detached properties and the level of (acceptable) overshadowing, if any, would be the same. The proposal would not lead to any overshadowing/overbearing to adjoining properties which would be to an unacceptable degree.
- 8.4.5 There would be localised disruption during the construction phase of the development in terms of noise however this would be over a short duration and it is not considered necessary to restrict the hours of operation. Odour will not be an issue at any stage of the proposal.

## **8.5 Infrastructure**

- 8.5.1 Cumbria County Council has been commented on the application from a highway safety perspective and is happy subject to conditions that the application is acceptable.
- 8.5.2 United Utilities has commented on the application from a drainage perspective and it is happy that the proposal can connect to the public drainage network.

## **8.6 Natural Environment**

- 8.6.1 The most significant environmental impact of the proposal will be the removal of the small copse of trees between the public road and the garages. Originally this was proposed to be retained and the housing set behind it however this raised issues with the design including overshadowing, security, and impact on street scene. On balance it has been held that the harm caused by the removal of the trees would be offset by the benefits of having 7 new houses (affordable) in the District. It has also been agreed that significant replanting at the north of the adjoining woodland will be undertaken as a public gain. This is to be secured through the sale of the land (the Council being the landowner) rather than through the planning process. There would remain a significant level of woodland to the north of the site which would continue to act as a wildlife corridor as highlighted by an objector to the scheme.
- 8.6.2 An objector has highlighted that the removal of the trees will be contrary to Proposed Local Plan policy EN4: 'Green Infrastructure Networks'. This is an emerging policy which officers are attaching little weight to at this time given the early stages of examination. However, the policy does include a 'public benefit' balancing act which allows the loss of green infrastructure if it is off-set by the benefits of the scheme. This would be the case for this application as set out above. Additional planting elsewhere is also proposed.
- 8.6.3 Concern has been raised that the site is at risk of flooding. In response to this the site is not within a flood risk zone and the Council has not been presented with any evidence of historical flooding at the site. Cumbria County Council as Lead Local Flooding Authority has raised no objection to the proposal.

## **9. New Homes Bonus**

- 9.1 The prospect of receiving a Bonus is, in principle, capable of being taken into account as a 'material consideration' in determining a planning application. Whether potential Bonus payments are in fact a material consideration in relation to a particular application will depend on whether those payments would be used in a way which is connected to the application and to the use and development of land. For example, potential Bonus payments could be a material consideration if they were to be used to

mitigate impacts resulting from development. But if the use to which the payments are to be put is unclear or is for purposes unrelated to the development concerned a decision maker would not be entitled to take them into account when making a decision on a planning application. In this particular case, there are no plans to use the New Homes Bonus arising from this application in connection with this development.

## **10. Implications**

### **10.1 Legal Implications**

10.1.1 The following matters have been considered but no issues are judged to arise.

### **10.2 Equality and Diversity**

10.2.1 The Council must have regard to the elimination of unlawful discrimination and harassment, and the promotion of equality under the Equality Act 2010.

### **10.3 Environment**

10.3.1 The Council must have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act 2006.

### **10.4 Crime and Disorder**

10.4.1 Under the Crime and Disorder Act 1998, the Council must have regard to the need to reduce crime and disorder in exercising any of its functions.

### **10.5 Children**

10.5.1 Under the Children Act 2004, the Council has a duty to safeguard and promote the welfare of children in the exercise of any of its functions.

### **10.6 Human Rights**

10.6.1 In determining applications, the Council must ensure that all parties get a fair hearing in compliance with the provisions of Article 6 under the European Convention on Human Rights, as now embodied in UK law in the Human Rights Act 1998.

## **11. Conclusion**

11.1 It is considered that the proposal accords with the Development Plan for the following reasons which are not outweighed by material considerations:

- The application proposes seven new dwellings in the Key Service Centre of Penrith which is a sustainable location for new housing.
- The design of the housing is high quality and respects the character of the area.
- The proposal does not have any impact on residential amenity currently enjoyed by nearby dwellings.

Ruth Atkinson  
Communities Director

|   |   |
|---|---|
| Checked by or on behalf of the Monitoring Officer | ✓ |
|---|---|

**Background Papers:** Planning File

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