

BOROUGH OF BARROW-IN-FURNESS

PLANNING COMMITTEE

Meeting: Tuesday, 14th June, 2022
at 2.30 pm. (Banqueting Hall)

Site Visits

2021/0646 - Proposed Housing Site at Duke Street, Askam
2022/0291 - Furness Abbey, Abbey Approach, Barrow-in-Furness
2022/0040 - Land at Rampside, Barrow-in-Furness

Depart Town Hall Courtyard at 12.30 pm.

A G E N D A

PART ONE

1. Apologies for Absence/Attendance of Substitute Members.

2. Urgent Items

To deal with any items which the Chair considers to be of an urgent nature.

3. Delegations

To receive notice from Members who may wish to move any delegated matter non-delegated and which will be decided by a majority of Members present and voting at the meeting.

4. Admission of Public and Press

To consider whether the public and press should be excluded from the meeting during consideration of any of the items on the agenda.

5. Declarations of Interest

To receive declarations by Members and/or co-optees of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the revised Code of Conduct, they are required to declare any disclosable pecuniary interests or other registrable interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Members may however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared in the Register, as well as any other registrable or other interests.

6. Minutes 5 - 14

To confirm the Minutes of the meeting held on 24th May, 2022.

7. Public Participation

Any member of the public who wishes to ask a question, make representations or present a deputation or petition at this meeting should apply to do so by no later than 12 noon, three working days before the date of the Planning Committee meeting. Information on how to make the application can be obtained by viewing the Council's website www.barrowbc.gov.uk or by contacting the Planning Business Support Team at consultplanning@barrowbc.gov.uk or by telephone on 01229 876405.

(1) Planning Applications – for which requests to speak have been made; and

(2) Agenda Items – for which requests to speak have been made.

8. Delegated Approvals - For Information (Booklet attached) 15 - 26

To note the delegated approvals.

FOR DECISION

- (D) 9. Planning Applications (Booklet(s) attached). 27 - 148

To determine the following planning applications:-

Land at Rampside, Barrow-in-Furness - Change of Use of paddock to a glamping facility and the siting of 6 shepherd hut style glamping units with associated decking areas and provision of vehicular access track.

Opera Bingo, 3 Holker Street, Barrow-in-Furness - Erection of flat roofed rear extension to accommodate proposed function room to serve existing bingo hall.

New Inn, Biggar Village, Barrow-in-Furness - Listed Building Consent for alterations associated with extending habitable accommodation into the adjacent barn currently used for domestic storage/garaging and including external alterations to the front and rear elevations with rearrangement of internal room layouts. Changes to window and external door locations and removal of modern dormers with addition of rooflights.

Proposed Housing Site at Duke Street Askam - Proposed development of vacant land (Land Allocations Ref REC02 Duke Street, Askam) comprising 3 bedroom market housing - up to 8 units (outline with all matters reserved).

(D) 10. Deferred Application (Booklet Attached) 149 - 174

To determine the following planning application which had been deferred from the meeting on 24th May, 2022:-

Furness Abbey, Abbey Approach, Barrow-in-Furness - Installation of a statue in memory of Sir John Laing.

(D) 11. Affordable Housing and Developer Contributions SPD 175 - 238

To note the preparation of the Affordable Housing and Developer Contributions Supplementary Planning Document (SPD) for Barrow and provide feedback prior to adoption

NOTE (D) – Delegated
(R) – For Referral to Council

INVITATIONS TO SPEAK TO THE COMMITTEE (2.30 pm.)

Membership of Committee

Councillors M. A. Thomson (Chair)
C. Thomson (Vice-Chair)
Assouad
D. Edwards
H. Edwards
Gawne
Hall
Husband
McEwan
Mooney
Nott
Tyson

For queries regarding this agenda, please contact:

Sandra Kemsley
Democratic Services Officer
01229 876336
spkemsley@barrowbc.gov.uk

Published: Monday, 6 June 2022

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PLANNING COMMITTEE

Meeting: Tuesday 24th May, 2022
at 2.30 pm. (Banqueting Hall)

PRESENT:- Councillors M. A. Thomson (Chairman), C. Thomson (Vice-Chairman), Assouad, D. Edwards, H. Edwards, Gawne, Hall, Husband, McEwan, Mooney and Nott .

Officers Present:- Jason Hipkiss, (Head of Development Management) and Sandra Kemsley (Democratic Services Officer).

1 – Apologies for Absence

Apologies for absence had been submitted from Councillor Tyson.

2 – Declarations of Interest

Councillors Gawne and McEwan declared an interest in any matter relating to Cumbria County Council as they were Members of that Council.

3 – Minutes

The Minutes of the meeting held on 12th April, 2022 were taken as read and confirmed.

4 – Public Participation

Mr D. Laing (Applicant) had attended the meeting and addressed the Committee in relation to the Planning Application for Furness Abbey, Approach, Barrow-in-Furness (Minute No. 10 refers).

No deputations or petitions had been received in respect of the meeting.

5 – Terms of Reference

RESOLVED:- To note the revised Terms of Reference for the Planning Committee.

6 – Appointments on Outside Bodies, Panels, Working Groups etc.

The Committee were reminded that at the Annual Council meeting on 18th May, 2022 the allocation of seats in respect of Forums, Panels, Working Groups etc. had been agreed.

Members had been requested to appoint Members to the Planning Panel in accordance with the notional seat allocations for 2022/2023 which had been agreed as follows:-

Five Seats (3 Labour: 1 Conservative: 1 Furness Independent Councillor)

RESOLVED:- To agree to appoint Councillors M. A. Thomson (Chairman), Councillor C. Thomson (Vice-Chairman) and Councillors H. Edwards, Gawne and Husband.

Town and Country Planning Acts

7 – Delegated Decisions

The Director of People and Place submitted for information details of planning applications in this report which had been determined under delegated authority (Minute No. 254, Planning Committee, 3rd September, 2002, confirmed by Council 24th September, 2002). The decisions are reported for your information. The plans recommended for approval under the Town and Country Planning Acts will be subject to the standard conditions referred to in Minute No. 208 (April 1971) of the Plans Sub-Committee, Barrow-in-Furness, County Borough Council, in addition to any conditions indicated hereunder. Applications with a (P) beside the applicant's name denotes those applications that were reported to the Planning Panel.

RESOLVED:- (i) To note the decisions made under the Town and Country Planning Act 1990 (as amended) as follows:-

- 2021/0772** Construction of two storey front extension creating additional storage areas at Charnleys Home and Garden, Ulverston Road, Dalton-in-Furness.
- 2022/0016** Advertisement consent to display a totem sign for the Barrow Gateway Project at Barrow Railway Station, Station Approach, Barrow-in-Furness.
- 2022/0017** Advertisement consent to display a totem sign for the Barrow Gateway Project at Dalton Road, Barrow-in-Furness.
- 2022/0064** Erection of a detached garage to rear of property to replace existing garage at 157 Salthouse Road, Barrow-in-Furness.
- 2022/0176** Extension to existing agricultural building to form accommodation for dairy cows and machinery storage at Robbs Water Farm, Park Road, Barrow-in-Furness.
- 2022/0178** Erection of a single storey garden study building in rear garden at 27 North Scale, Barrow-in-Furness.
- 2022/0189** Erection of replacement single storey flat roofed rear extension to form utility room and erection of replacement rear yard boundary wall at 20 Lincoln Street, Barrow-in-Furness.
- 2022/0191** Construction of first floor side extension over existing garage to form additional en-suite bedroom and front porch at 95 Yarlside Road, Barrow-in-Furness.

- 2022/0203** Proposed rear ground floor flat roof bedroom/gymnasium/hallway extension with lantern feature and omission of roof enlargement previously postponed – resubmission of 2021/0639 at 85 Glenridding Drive, Barrow-in-Furness.
- 2022/0031** Change of use: two red (Listed) telephone kiosks from “Sui Generis – Telephone Kiosks to “Use Class F1(b) to Display of Works of Art” at Telephone Kiosks Next to Public library, Abbey Road, Barrow-in-Furness.
- 2022/0101** Erection of single storey side extension at 10 Tees Gardens, Barrow-in-Furness.
- 2022/0197** Demolition of existing rear conservatory. New rear single storey flat roofed extension for use as a kitchen/diner and extension to existing bathroom and bedroom (Resubmission of 2021/0385) at 3 Central Drive, Barrow-in-Furness.
- 2022/0198** Proposed loft conversion and rear dormer extension at 6 Leece Drive, Dalton-in-Furness.
- 2022/0199** Extension to front bedroom to provide a separate living area (disabled adaptation) at 8 Borrowdale Gardens, Barrow-in-Furness.
- 2022/0208** Block up existing garage door, replace with window, and creation of new entrance door to side elevation at 24 Estuary Park, Askam-in-Furness.
- 2022/0216** Construction of single storey infill extension to boiler room to create store at Abbey Meadow Nursing Home, Duchy Court, Barrow-in-Furness.
- 2022/0224** Front wrap around pitched roof extension for use as a wc at 4 Shelley Drive, Barrow-in-Furness.
- 2022/0206** Application for approval of details reserved by Condition No. 11 (Remediation Verification Reports) and 17 (testing of imported/re used soils) of planning permission 2019/0772 (Application for a Minor Material Amendment following the grant of planning permission 2019/0216 (Erection of 61 houses) to allow layout of the north site to be amended to include 22 no. houses in lieu of 25. Part discharge of condition, plots 3-14 at Solway Drive, South Site, Barrow-in-Furness.
- 2022/0218** Demolition of existing garage and construction of single storey front/side pitched roof extension forming extended kitchen, utility, store and covered porch at 77 Hill Road, Barrow-in-Furness.
- 2021/0997** Demolition of existing dormer bungalow and construction of a 3 bedroomed house at The Cedars, Abbey Road, Dalton-in-Furness.

- 2022/0318** Single storey side extension to extend the current kitchen and bathroom at 27 Shearwater Crescent, Barrow-in-Furness.
- 2021/0981** Application for approval of details reserved by Condition No. 6 (surface water drainage details) of planning permission 2021/0430 (Construction of a detached 1.5 storey dwelling with detached garage and associated landscaping) at Armadale, Ireleth Road, Ireleth, Askam-in-Furness.
- 2022/0097** Rear single storey detached garden room at 4 Vespers Grove, Barrow-in-Furness.
- 2022/0195** Notice of intention to (works to trees within Conservation Area) – removal of 3 Leylandii trees from front garden at 48 North Scale, Barrow-in-Furness.
- 2022/0139** Single storey rear extension forming extended kitchen and dining area at 5 Windsor Street, Barrow-in-Furness.
- 2022/0156** Garage conversion forming bedroom, rear extension forming store and partial loft conversion forming wardrobe at 17 Park Drive, Barrow-in-Furness.
- 2022/0151** Application for approval of Condition No. 5 (removal of non-native hedgerow and replacement with native species) of planning permission 2021/0717 – Formation of a manege for non-commercial use only on Land adjacent to 43 Newton Cross Road, Newton-in-Furness.
- 2022/0169** Application for approval of details reserved by Condition No. 7 (verification report), No. 9 (testing of imported soil report) and No. 10 (sustainable drainage and maintenance plan) for planning permission 2017/0499 (Construction of 12 houses including landscaping and access) at Schneider Road, Barrow-in-Furness.
- 2022/0260** Application for approval of details reserved by Condition No. 17 (Monitoring and Management of Refugia/butterfly scrapes, hibernacula), No. 21 (Reptile Mitigation and Management Plan) and partial details for No. 22 (post remediation reptile monitoring) of planning permission B06/2021/0854 (Full application for remediation of brownfield land for future re-development, demolition of existing structures, mitigation of flood risk and implementation of ecological monitoring, mitigation and enhancement (application includes Environmental Statement) at Marina Village, Salthouse Road, Barrow-in-Furness.

- 2022/0075** Single storey rear and side extension forming shower room, utility and extended kitchen, sitting room and dining room, with external raised decking area at 52 Hawcoat Lane, Barrow-in-Furness.
- 2022/0171** Part Change of Use to Garage to provide Utility Room and Store at 114 Glenridding Drive, Barrow-in-Furness.
- 2022/0170** Application for approval of details reserved by Condition No. 8 (closure of highway access on Cambridge Street) for planning permission B07/2017/0029 (Conversion of former Washington hotel to a House of Multiple Occupation with 22 units and 9 self-contained apartments with associated parking) at Washington Hotel, Roose, Road, Barrow-in-Furness.
- 2022/0153** Demolition of store and garage and construction of 2 storey rear extension with first floor bedroom and ground floor kitchen extension and rear single storey extension to form dining room at 13 Highlands Avenue, Barrow-in-Furness.
- 2022/0160** Single storey side extension for downstairs bedroom with en-suite at 9 Himalaya Avenue, Barrow-in-Furness.
- 2022/0158** Notice of intention to fell tree (within a Conservation Area) at 25 Empress Drive, Barrow-in-Furness.
- 2022/0174** Demolish a small single-storey porch at the rear of the property and replace with a laundry room for the use of the site management in support of the room letting business, and for provision of a disabled accessible WC facility for guests and visitors at 10 Abbey Road, Barrow-in-Furness.
- 2022/0177** Erection of a single storey rear extension to existing kitchen at 7 Athens Drive, Barrow-in-Furness.

Prior Approval was not required for the following application:-

- 2022/0248** Application for prior notification of agricultural development for an agricultural storage building; proposed lean-to attached to the east of existing building at Hags Ghyll, Green Area, Dalton-in-Furness.

The following application was a County Matter:-

- 2021/9005** Extension to previously approved (6/2018/9005) for erection of building to cover existing Biomass drying floors and vehicle parking and creation of workshop and associated ground works (part retrospective) (County Matter) at Sinkfall Farm Waste Transfer Station, Rakesmoor Lane, Barrow-in-Furness.

The following applications had been refused:-

- 2022/0133** Erection of the approved house type but constructed with its eaves 1m trailer than approved giving a height of 5.7m to the eaves and attached garage (retrospective) at 8 Rock Lea Close, Barrow-in-Furness.
- 2022/0103** Application for a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) – A single storey side extension forming ground floor store/utility and erection of a front porch at 66 Rakesmoor Lane, Barrow-in-Furness.

(ii) To note the decisions made under the Building Act 1984/The Building Regulations 2010 as submitted by the Principal Building Control Surveyor.

Town and Country Planning Acts

The Head of Development Management reported on the following planning applications:-

8 – 2-10 Mill Bank, Barrow-in-Furness

From Barrow Borough Council in respect of the erection of a front porch to entrances, comprising grp flat roof and timber screen a 2-10 Mill Bank, Barrow-in-Furness as shown on planning application number 2022/0227.

It was moved by Councillor McEwan and seconded by Councillor Husband, and

RESOLVED:- It was unanimously agreed that planning permission be granted to the Standard Duration Limit and the following conditions:-

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

Compliance with Approved Plans

2. The development shall be carried out and completed in all respects in accordance with the application dated 21/03/22 and the hereby approved documents defined by this permission as listed below, except where varied by conditions attached to this consent:

623-01

623-02 Rev A

Reason

To ensure that the development is carried out only as indicated on the drawings approved by the Planning Authority.

9 – 7 Bow Windows Avenue, Barrow-in-Furness

From Mr and Mrs Jones in respect of the demolition of the existing outbuilding and erection of a detached home office at 7 Bow Windows Avenue, Barrow-in-Furness as shown on planning application number 2021/0531.

Representations received and the results of consultations were reported.

It was moved by Councillor McEwan and seconded by Councillor Husband, and

RESOLVED:- It was agreed that planning permission be granted subject to the Standard Duration Limit and the following conditions:-

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

Compliance with Approved Plans

2. The development hereby permitted shall be carried out in all respects in accordance with the application dated as valid on 15.7.2021 and the hereby approved documents defined by this permission as listed below, except where varied by a condition attached to this consent:

Application form dated 14.7.21

Proposed floor plans, elevations and sound proofing details drawing 1127/P/03 Rev E (amended plan received on 9.5.22)

Proposed location and site plan 1127/P/01 Rev C (amended plan received on 4.5.22).

Reason

To ensure that the development is carried out only as indicated on the drawings approved by the Planning Authority in the interests of the setting of the heritage assets and the visual amenity of the area.

Pre-commencement Conditions

3. No development above ground level shall take place until samples of the external materials of construction for the cladding and roof have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the roof shall be in a locally quarried natural slate laid in diminishing courses. The development shall be carried out in accordance with the approved details and thereafter retained unless the Planning Authority gives prior written consent to any variation.

Reason

To ensure a satisfactory appearance to the development, and to minimise its impact upon the surrounding area and the setting of the adjacent heritage assets.

Before Occupation

4. Before the use hereby permitted is commenced, self-closing doors shall be installed and sound proofing provided in full in accordance with the details shown on drawing 1127/P/03 Rev E. These elements shall be permanently retained unless the Planning Authority gives prior written consent to any variation.

Reason

In order to minimise the potential for noise pollution and mitigate any adverse impact on adjacent residents.

Operational Conditions

5. The outbuilding hereby approved must be used for purposes incidental to the enjoyment of the dwelling and for the occupants of No 7 Bow Windows only and no trade or business must be carried out in, or from the premises, and it shall not be rented or sub-let for business or storage purposes.

Reason

In order to protect the residential amenities of the area.

6. The outbuilding hereby approved shall not be used for independent residential accommodation or as a holiday let.

Reason

In order to safeguard the amenity of adjacent residents and to enable the Local Planning Authority to assess the implications of such a potential future use on the character of the area.

10 – Furness Abbey, Abbey Approach, Barrow-in-Furness

From Mr D. Laing, HM Lord Lieutenant of Northants in respect of the installation of a statue in memory of Sir John Laing at Furness Abbey, Abbey Approach, Barrow-in-Furness as shown on planning application number 2022/0291.

Representations received and the results of consultations were reported.

Mr Laing attended the meeting and addressed the Committee.

It was moved by Councillor M. A. Thomson and seconded by Councillor McEwan, and

RESOLVED:- It was unanimously agreed to defer consideration of this application to allow the Committee to undertake a site visit regarding the suitability of the statue within the context of the site.

11 – Land at Former Presbyterian Church, School Street, Barrow-in-Furness

From Miss K. Dobson, Mind-in-Furness in respect of the redevelopment of waste ground into a gated and secured Community Wellbeing Garden on Land at Former Presbyterian Church, School Street, Barrow-in-Furness as shown on planning application number 2022/0382.

The results of consultations were reported.

It was moved by Councillor McEwan and seconded by Councillor Husband, and

RESOLVED:- It was unanimously agreed that authority for determination of the application, subject to necessary conditions, be delegated to the Head of Development Management.

The meeting closed at 2.57 pm.

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PLANNING COMMITTEE

14/06/2022

Delegated Decisions made between

12/05/2022

and

31/05/2022

For Information

Ladies and Gentlemen,

Town & Country Planning Act 1990 (as amended)
Planning (Listed buildings and Conservation Areas) Act 1990 (as amended)
Town & Country Planning (Development Management Procedure) (England) Order
2015 (as amended)
Town and County Planning (Control of Advertisements) (England) Regulations 2007.

The Planning applications in this report have been determined by the Development Services Manager (Planning) under delegated authority (Minute No. 107, Executive Committee, 7th February 2018, confirmed by Council 1st March 2018 (Minute No. 63). The decisions are reported for your information.

Assistant Director of Regeneration and Built Environment

Working together to support sustainable development within the Borough of Barrow-in-Furness



DELEGATED DECISIONS

<p>Reference: B21/2022/0245</p> <p>Decision: APPCOND</p> <p>Decision Date: 17/05/2022</p>	<p>Location: 22 Caspian Road Askam-in-Furness Cumbria LA16 7HW</p> <p>Proposal: First floor bedroom & en suite extension above ground floor garage/utility room.</p>	<p>Ward: Dalton North Ward</p> <p>Parish: Askam and Ireleth Parish Council</p> <p>Case Officer: Adrian Adams</p>
<p>Reference: B28/2022/0308</p> <p>Decision: APPROVED</p> <p>Decision Date: 20/05/2022</p>	<p>Location: Car Park, The Nan Tait Centre, Abbey Road, Barrow-in-Furness, Cumbria</p> <p>Proposal: Notice of intention to carry out works to trees within conservation area - Silver Birch (1) - crown raise to provide 3 metre clearance to car park.</p>	<p>Ward: Hindpool Ward</p> <p>Parish: N/A</p> <p>Case Officer: Jennifer Dickinson</p>
<p>Reference: B18/2022/0239</p> <p>Decision: APPCOND</p> <p>Decision Date: 19/05/2022</p>	<p>Location: Stank Farm, Stank Lane, Stank, Cumbria, LA13 0LR</p> <p>Proposal: Erection of portal frame building to provide under cover storage for silage.</p>	<p>Ward: Roosecote Ward</p> <p>Parish: N/A</p> <p>Case Officer: Adrian Adams</p>
<p>Reference: B21/2022/0241</p> <p>Decision: APPCOND</p> <p>Decision Date: 23/05/2022</p>	<p>Location: 11A French Street Barrow-in-Furness Cumbria LA14 3PF</p> <p>Proposal: First floor rear balcony.</p>	<p>Ward: Walney North Ward</p> <p>Parish: N/A</p> <p>Case Officer: Adrian Adams</p>

DELEGATED DECISIONS

Working together to support sustainable development within the Borough of Barrow-in-Furness



<p>Reference: B21/2022/0242</p> <p>Decision: APPCOND</p> <p>Decision Date: 19/05/2022</p>	<p>Location: 16 Melampus Street Barrow-in-Furness Cumbria LA14 3QJ</p> <p>Proposal: Proposed rear kitchen extension (Re-Submission of B21/2021/0169)</p>	<p>Ward: Walney North Ward</p> <p>Parish: N/A</p> <p>Case Officer: Adrian Adams</p>
<p>Reference: B21/2022/0247</p> <p>Decision: APPCOND</p> <p>Decision Date: 12/05/2022</p>	<p>Location: 8 Sandalwood Close, Barrow-in-Furness, Cumbria LA13 0SD</p> <p>Proposal: Rear single storey flat roofed extension with 2 roof lanterns for use as kitchen/diner/sun room.</p>	<p>Ward: Roosecote Ward</p> <p>Parish: N/A</p> <p>Case Officer: Jennifer Dickinson</p>
<p>Reference: B28/2022/0396</p> <p>Decision: APPROVED</p> <p>Decision Date: 23/05/2022</p>	<p>Location: The Cedars Abbey Road Dalton-in-Furness Cumbria LA13 0PE</p> <p>Proposal: Application for approval of details reserved by Condition No. 4 (Landscaping Scheme) of planning permission B13/2021/0997 (Demolition of existing dormer bungalow and construction of a 3 bedroomed house)</p>	<p>Ward: Dalton South Ward</p> <p>Parish: Dalton Town with Newton Parish Council</p> <p>Case Officer: Barry Jesson</p>

DELEGATED DECISIONS

Working together to support sustainable development within the Borough of Barrow-in-Furness



<p>Reference Number: BV/2022/0191</p> <p>Application Type: Building Notice Vatable</p> <p>Received: 24/05/2022</p>	<p>Location: 95 Yarlside Road Barrow-in-Furness Cumbria LA13 0EY</p> <p>Proposal: Proposed first floor side extension and front porch extension.</p>	<p>Ward: Roosecote Ward</p> <p>Decision: Accepted</p> <p>Decision Date: 24/05/2022</p>
<p>Reference Number: FV/2022/0188</p> <p>Application Type: Full Plans Vatable</p> <p>Received: 08/03/2022</p>	<p>Location: St Perrans House North Row Barrow-in-Furness Cumbria LA13 0HE</p> <p>Proposal: Erection of a detached bungalow with associated works.</p>	<p>Ward: Roosecote Ward</p> <p>Decision: Appcond</p> <p>Decision Date: 16/05/2022</p>
<p>Reference Number: FV/2022/0250</p> <p>Application Type: Full Plans Vatable</p> <p>Received: 28/03/2022</p>	<p>Location: 32 Holbeck Park Avenue Barrow-in-Furness Cumbria LA13 0RG</p> <p>Proposal: Rear extension to current property.</p>	<p>Ward: Roosecote Ward</p> <p>Decision: Appcond</p> <p>Decision Date: 31/05/2022</p>
<p>Reference Number: FV/2022/0252</p> <p>Application Type: Full Plans Vatable</p> <p>Received: 29/03/2022</p>	<p>Location: 30 The Headlands Askam-in-Furness Cumbria LA16 7JB</p> <p>Proposal: Rear single storey extension forming a sunroom</p>	<p>Ward: Dalton North Ward</p> <p>Decision: Appcond</p> <p>Decision Date: 20/05/2022</p>

<p>Reference Number: FV/2022/0320</p> <p>Application Type: Full Plans Vatable</p> <p>Received: 21/04/2022</p>	<p>Location: 58 Furness Park Road Barrow-in-Furness Cumbria LA14 5PS</p> <p>Proposal: Back and side of property kitchen/diner extension</p>	<p>Ward: Hawcoat Ward</p> <p>Decision: Appcond</p> <p>Decision Date: 26/05/2022</p>
<p>Reference Number: FV/2022/0321</p> <p>Application Type: Full Plans Vatable</p> <p>Received: 21/04/2022</p>	<p>Location: 5 Afton Street Barrow-in-Furness Cumbria LA14 2QX</p> <p>Proposal: Demolition of existing out houses and erection of rear extension forming a utility room with W.C.</p>	<p>Ward: Barrow Island Ward</p> <p>Decision: Approved</p> <p>Decision Date: 24/05/2022</p>
<p>Reference Number: BV/2022/0399</p> <p>Application Type: Building Notice Vatable</p> <p>Received: 18/05/2022</p>	<p>Location: 29 Leece Lane Barrow-in-Furness Cumbria LA13 0JQ</p> <p>Proposal: Removal of supporting wall and installation of RSJ between lounge and dining room.</p>	<p>Ward: Roosecote Ward</p> <p>Decision: Accepted</p> <p>Decision Date: 18/05/2022</p>
<p>Reference Number: BV/2022/0400</p> <p>Application Type: Building Notice Vatable</p> <p>Received: 18/05/2022</p>	<p>Location: 56 Byron Street Barrow-in-Furness Cumbria LA14 5RL</p> <p>Proposal: Removal of chimney breasts, and fitting of 2 x RSJ's. Thermal upgrade to loft, front and rear elevations. New single storey extension, and associated drainage works.</p>	<p>Ward: Hindpool Ward</p> <p>Decision: Accepted</p> <p>Decision Date: 18/05/2022</p>

<p>Reference Number: BV/2022/0422</p> <p>Application Type: Building Notice Vatable</p> <p>Received: 24/05/2022</p>	<p>Location: 291 Rawlinson Street Barrow-in-Furness Cumbria LA14 1BS</p> <p>Proposal: Creation of new bathroom and creation of new ensuite.</p>	<p>Ward: Hindpool Ward</p> <p>Decision: Accepted</p> <p>Decision Date: 24/05/2022</p>
<p>Reference Number: BV/2022/0424</p> <p>Application Type: Building Notice Vatable</p> <p>Received: 26/05/2022</p>	<p>Location: 7A Ruskin Avenue Dalton-in-Furness Cumbria LA15 8PD</p> <p>Proposal: Thermal up-grade walls to former out house and install warm roof</p>	<p>Ward: Dalton South Ward</p> <p>Decision: Accepted</p> <p>Decision Date: 26/05/2022</p>
<p>Reference Number: BV/2022/0437</p> <p>Application Type: Building Notice Vatable</p> <p>Received: 31/05/2022</p>	<p>Location: 209 Roose Road Barrow-in-Furness Cumbria LA13 0EL</p> <p>Proposal: Small single storey extension to widen kitchen area</p>	<p>Ward: Risedale Ward</p> <p>Decision: Withdrawn</p> <p>Decision Date: 31/05/2022</p>
<p>Reference Number: BV/2022/0067</p> <p>Application Type: Building Notice Vatable</p> <p>Received: 27/01/2022</p>	<p>Location: 56 Byron Street Barrow-in-Furness Cumbria LA14 5RL</p> <p>Proposal: Remove chimney breasts with associated steelwork. Extend kitchen to accommodate larger kitchen, downstairs toilet and external storage.</p>	<p>Ward: Hindpool Ward</p> <p>Decision: Withdrawn</p> <p>Decision Date: 18/05/2022</p>

Working together to support sustainable development within the Borough of Barrow-in-Furness



<p>Reference Number: FV/2022/0220</p> <p>Application Type: Full Plans Vatable</p> <p>Received: 17/03/2022</p>	<p>Location: 1 Croft Park Grove Barrow-in-Furness Cumbria LA13 9NJ</p> <p>Proposal: Construction of single storey flat-roofed garden room extension to rear. Demolition of existing store and construction of detached single garage to rear of property.</p>	<p>Ward: Newbarns Ward</p> <p>Decision: Appcond</p> <p>Decision Date: 17/05/2022</p>
<p>Reference Number: FV/2022/0229</p> <p>Application Type: Full Plans Vatable</p> <p>Received: 21/03/2022</p>	<p>Location: 24 Athens Drive Barrow-in-Furness Cumbria LA13 9ND</p> <p>Proposal: Extensions and internal building works as detailed in submitted drawings.</p>	<p>Ward: Newbarns Ward</p> <p>Decision: Appcond</p> <p>Decision Date: 12/05/2022</p>
<p>Reference Number: FV/2022/0277</p> <p>Application Type: Full Plans Vatable</p> <p>Received: 06/04/2022</p>	<p>Location: 163 Ainslie Street Barrow-in-Furness Cumbria LA14 5BB</p> <p>Proposal: Single storey rear extension.</p>	<p>Ward: Ormsgill Ward</p> <p>Decision: Appcond</p> <p>Decision Date: 16/05/2022</p>
<p>Reference Number: FV/2022/0278</p> <p>Application Type: Full Plans Vatable</p> <p>Received: 06/04/2022</p>	<p>Location: 54 Beach Crescent Barrow-in-Furness Cumbria LA14 3YA</p> <p>Proposal: Dormer added to loft</p>	<p>Ward: Walney South Ward</p> <p>Decision: Appcond</p> <p>Decision Date: 20/05/2022</p>

<p>Reference Number: FV/2022/0296</p> <p>Application Type: Full Plans Vatable</p> <p>Received: 14/04/2022</p>	<p>Location: East Sands Alexander Place Askam-in-Furness Cumbria LA16 7BT</p> <p>Proposal: Demolition of existing garage, porch and outbuildings; construction of 1.5 storey front/side/rear pitched roof extension; construction of single storey rear flat roof extension.</p>	<p>Ward: Dalton North Ward</p> <p>Decision: Appcond</p> <p>Decision Date: 24/05/2022</p>
<p>Reference Number: FV/2022/0304</p> <p>Application Type: Full Plans Vatable</p> <p>Received: 21/04/2022</p>	<p>Location: 22 Roanhead Lane Barrow-in-Furness Cumbria LA14 4HZ</p> <p>Proposal: Single storey rear extension</p>	<p>Ward: Hawcoat Ward</p> <p>Decision: Appcond</p> <p>Decision Date: 26/05/2022</p>
<p>Reference Number: FV/2022/0221</p> <p>Application Type: Full Plans Vatable</p> <p>Received: 17/03/2022</p>	<p>Location: Wynholme Saves Lane Ireleth Askam-in-Furness Cumbria LA16 7DZ</p> <p>Proposal: Two storey rear extension.</p>	<p>Ward: Dalton North Ward</p> <p>Decision: Appcond</p> <p>Decision Date: 12/05/2022</p>
<p>Reference Number: FV/2022/0262</p> <p>Application Type: Full Plans Vatable</p> <p>Received: 04/04/2022</p>	<p>Location: Chetwynde School Rating Lane Barrow-in-Furness Cumbria LA13 0NY</p> <p>Proposal: Roof Remedial Works to failed roof covering and structure. Alterations to existing roof / timber cassette structure and replacement roof covering.</p>	<p>Ward: Newbarns Ward</p> <p>Decision: Appcond</p> <p>Decision Date: 24/05/2022</p>

Building Control

Working together to support sustainable development within the Borough of Barrow-in-Furness



<p>Reference Number: FV/2022/0101</p> <p>Application Type: Full Plans Vatable</p> <p>Received: 04/04/2022</p>	<p>Location: 10 Tees Gardens Barrow-in-Furness Cumbria LA14 3LY</p> <p>Proposal: Small single story extension to be built to replace current outbuildings/shed. New extension will be a utility room to the front & a bedroom & small bathroom to the rear. Inside the house part of a wall to be taken down & steel support put in to create an open plan kitchen diner</p>	<p>Ward: Walney North Ward</p> <p>Decision: Appcond</p> <p>Decision Date: 20/05/2022</p>
<p>Reference Number: FV/2022/0285</p> <p>Application Type: Full Plans Vatable</p> <p>Received: 07/04/2022</p>	<p>Location: 32 Norland Avenue Barrow-in-Furness Cumbria LA14 4EL</p> <p>Proposal: Single storey rear extension and partial garage conversion.</p>	<p>Ward: Hawcoat Ward</p> <p>Decision: Appcond</p> <p>Decision Date: 16/05/2022</p>
<p>Reference Number: BV/2022/0408</p> <p>Application Type: Building Notice Vatable</p> <p>Received: 20/05/2022</p>	<p>Location: 107 South Row Barrow-in-Furness Cumbria LA13 0HJ</p> <p>Proposal: Addition of a pitched roof dormer to the property.</p>	<p>Ward: Roosecote Ward</p> <p>Decision: Accepted</p> <p>Decision Date: 20/05/2022</p>
<p>Reference Number: BV/2022/0430</p> <p>Application Type: Building Notice Vatable</p> <p>Received: 30/05/2022</p>	<p>Location: 119 Rampside Barrow-in-Furness Cumbria LA13 0PX</p> <p>Proposal: Convert conservatory to compliant kitchen extension, including openings and alterations to window / door openings.</p>	<p>Ward: Roosecote Ward</p> <p>Decision: Accepted</p> <p>Decision Date: 30/05/2022</p>

<p>Reference Number: BV/2022/0064</p> <p>Application Type: Building Notice Vatable</p> <p>Received: 16/05/2022</p>	<p>Location: 157 Salthouse Road Barrow-in-Furness Cumbria LA13 9TT</p> <p>Proposal: Garage extension.</p>	<p>Ward: Risedale Ward</p> <p>Decision: Accepted</p> <p>Decision Date: 16/05/2022</p>
<p>Reference Number: BV/2022/0431</p> <p>Application Type: Building Notice Vatable</p> <p>Received: 30/05/2022</p>	<p>Location: 46 Earle Street Barrow-in-Furness Cumbria LA14 2PZ</p> <p>Proposal: Ground floor change of use from takeaway to flat.</p>	<p>Ward: Barrow Island Ward</p> <p>Decision: Accepted</p> <p>Decision Date: 30/05/2022</p>
<p>Reference Number: BV/2022/0389</p> <p>Application Type: Building Notice Vatable</p> <p>Received: 16/05/2022</p>	<p>Location: 6 Rampside Barrow-in-Furness Cumbria LA13 0PY</p> <p>Proposal: Small extension to house utility room</p>	<p>Ward: Roosecote Ward</p> <p>Decision: Accepted</p> <p>Decision Date: 16/05/2022</p>
<p>Reference Number: BW/2022/0388</p> <p>Application Type: Building Notice Windows</p> <p>Received: 16/05/2022</p>	<p>Location: 49 Chapel Street Dalton-in-Furness Cumbria LA15 8DA</p> <p>Proposal: Renew thermal element on living room floor and carry out all remedial structural repairs.</p>	<p>Ward: Dalton North Ward</p> <p>Decision: Accepted</p> <p>Decision Date: 16/05/2022</p>

Working together to support sustainable development within the Borough of Barrow-in-Furness



<p>Reference Number: BV/2022/0420</p> <p>Application Type: Building Notice Vatable</p> <p>Received: 24/05/2022</p>	<p>Location: 17 St Lukes Avenue Barrow-in-Furness Cumbria LA13 9TS</p> <p>Proposal: Loft conversion</p>	<p>Ward: Risedale Ward</p> <p>Decision: Accepted</p> <p>Decision Date: 24/05/2022</p>
<p>Reference Number: BV/2022/0421</p> <p>Application Type: Building Notice Vatable</p> <p>Received: 24/05/2022</p>	<p>Location: 21 Myrtle Terrace Dalton-in-Furness Cumbria LA15 8BU</p> <p>Proposal: Fitting of new RSJ to support chimney removal, formation of new structural opening between dining room and lounge. Formation of new structural opening & fitting of rear external door, new downstairs WC, new en-suite, turning round of existing stairs and associated trimming works, thermal upgrade to loft & external elevations.</p>	<p>Ward: Dalton North Ward</p> <p>Decision: Accepted</p> <p>Decision Date: 24/05/2022</p>
<p>Reference Number: BV/2022/0419</p> <p>Application Type: Building Notice Vatable</p> <p>Received: 24/05/2022</p>	<p>Location: 32 Myrtle Terrace Dalton-in-Furness Cumbria LA15 8BP</p> <p>Proposal: Make current kitchen window larger window is 1.8m x 1.4m, new size 2.7m x 1.4m, new lintel to be installed 3m long</p>	<p>Ward: Dalton North Ward</p> <p>Decision: Accepted</p> <p>Decision Date: 24/05/2022</p>

Building Control

Working together to support sustainable development within the Borough of Barrow-in-Furness



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DEVELOPMENT SERVICES

PLANNING COMMITTEE

FOR DECISION

14th June 2022

Ladies and Gentlemen,

The applications within this report have been submitted for determination under the Town and Country Planning Acts and associated legislation.

All applications within this report are “Delegated” to this Committee but can be moved “Non-Delegated” by a Member of the Committee under the terms adopted for the Scheme of Delegation approved by Council, 16th May, 1994. Any such motion needs to be accepted by a majority of Members of the Committee present (Council, 8th August, 1995). All applications left as Delegated will be decided by the Committee and will not be subject to confirmation by Council.

The application plan numbers also refer to files for the purposes of background papers.

PUBLIC PARTICIPATION

Any member of the public who wishes to ask a question, make representations or present a deputation or petition at this meeting should apply to do so by no later than 12 noon, three working days before the date of the Planning Committee meeting. Information on how to make the application can be obtained by viewing the Council’s website www.barrowbc.gov.uk or by contacting the Planning Business Support Team at consultplanning@barrowbc.gov.uk or by telephone on 01229 876405..

Jason Hipkiss

Head of Development Management

B20/2022/0040
Planning Committee
14th June 2022



Application Number : B20/2022/0040	Date Valid :17/03/2022
Address : Land at Rampside, Barrow-in-Furness, Cumbria	Case Officer : Maureen Smith
Proposal : Change of Use of use of paddock to a glamping facility and the siting of 6 shepherd hut style glamping units with associated decking areas and provision of vehicular access track.	
Ward : Roosecote Ward	Parish : N/A
Applicant : Mr A Davies	Agent : Mr Andrew Osborne, Osborne Architectural Design
Statutory Date : 12/05/2022	Recommendation : Planning Permission be Refused
Barrow Planning Hub	

Relevant Policies and Guidance

Full details of the policies listed below are included in the appendix

Local Plan Policies

1. Barrow Borough Local Plan 2016-2031 - Policy C2 - Development and the Coast
2. Barrow Borough Local Plan 2016-2031 - Policy C3a - Water management
3. Barrow Borough Local Plan 2016-2031 - Policy C3b - Groundwater Protection
4. Barrow Borough Local Plan 2016-2031 - Policy C5 - Promoting Renewable Energy
5. Barrow Borough Local Plan 2016-2031 - Policy C7 - Light Pollution
6. Barrow Borough Local Plan 2016-2031 - Policy DS1 - Council's commitment to sustainable development
7. Barrow Borough Local Plan 2016-2031 - Policy DS2 - Sustainable Development Criteria
8. Barrow Borough Local Plan 2016-2031 - Policy DS5 - Design
9. Barrow Borough Local Plan 2016-2031 - Policy DS6 - Landscaping
10. Barrow Borough Local Plan 2016-2031 - Policy EC11 - Self-catering Holiday Accommodation
11. Barrow Borough Local Plan 2016-2031 - Policy EC8 - Economic Diversification – Tourism
12. Barrow Borough Local Plan 2016-2031 - Policy EC9 - Caravan and Camping Sites
13. Barrow Borough Local Plan 2016-2031 - Policy GI4 - Green Spaces
14. Barrow Borough Local Plan 2016-2031 - Policy HE3 - Listed Buildings
15. Barrow Borough Local Plan 2016-2031 - Policy I4 - Sustainable Travel Choices

- 16. Barrow Borough Local Plan 2016-2031 - Policy I6 - Parking
- 17. Barrow Borough Local Plan 2016-2031 - Policy N1 - Protecting and enhancing landscape character
- 18. Barrow Borough Local Plan 2016-2031 - Policy N3 - Protecting biodiversity and geodiversity

Summary of Main Issues

The proposal relates to a green field which forms a buffer between the coastal edge and residential development. Key considerations relate to the impact on the coastal landscape and upon residential amenity. There are a number of listed buildings in the vicinity and impact on their setting must also be considered in line with statutory requirements. Highways and traffic matters, design and impact on visual amenity are also relevant material considerations.

Non Material Considerations

Impact on property prices, the perceived right to a view

Response to Publicity and Consultations

Neighbours Consulted

Street Name	Properties
Rampside	Hall Garth, Gate House, 103, 105, 30, Bow House, Bow Windows Farm House, Calm Seas, Clarkes Arms, Overton House, Pebble Stones, Rampside Hall, The Nook, Waver Farm,

Responses	Support	Object	Neutral
55	0	46	9

The application has been advertised by site notice.

At the time of writing the committee report 55 individual representations had been received raising all or some of the issues summarised below:

Traffic and highways

- poor access
- area already congested and issues with parked cars
- no footpath adjacent site

- poor access for emergency vehicles
- development would be reliant on cars since bus service very limited and does not operate on weekends
- potential increased of on-street parking on Rampside Road and Bow Windows Avenue
- disruption from construction vehicles
- permeable surfacing doesn't extend to parking areas
- 7mile round trip to shops

Impact on residential amenity

- potential for noise and disturbance, particularly late at night
- works to lower wall will impact on privacy
- negative impact on residential amenity
- encourages outdoor living with limited supervision
- increased litter and vermin

Impact on visual amenity

- design alien to setting of village and listed buildings
- loss of important green space in village
- negative impact on peaceful setting and coast
- detrimental impact of reduction in height of front boundary wall
- negative impact on landscape and coastal setting
- concerned about design of units and fencing
- units would be forward of building line
- style and materials not in keeping with locality
- number, size and height of units would have negative impact on coast and Morecambe Bay
- conflict with Local Plan re development and the coast

Ecology/Biodiversity

- loss of important green space
- Negative impact on protected coast and areas such as SSSI
- Negative impact on wildlife and coastal path
- conflicts with Cumbria Landscape character guidance
- impact of light pollution on coastline, species and dark skies
- impact on shore birds

Impact on Heritage assets

- number of listed buildings in vicinity. Development would adversely impact on their setting
- conflict with Local Plan policy re heritage
- works to front wall negatively impacts on setting of listed buildings

Other

- loss of community space previously used for events
- poor carbon footprint (no solar panels and car reliant)
- fear of crime and anti-social behaviour
- fire risk
- flood risk
- drainage concerns
- no disabled facilities
- outside development cordon
- increased air pollution
- not sustainable development-no village infrastructure to support
- could lead to pressure for residential development

Organisations Consulted

Consultee

Barrow Borough Council (Building Control)
 Barrow Borough Council (Planning Policy)
 Barrow Borough Council (Public Protection Services Contamination)
 Barrow Borough Council (Public Protection Services Licensing)
 Barrow Borough Council (Public Protection Services)
 Cumbria County Council (Emergency Planning)
 Cumbria County Council (Highways)
 Cumbria Wildlife Trust
 Environment Agency (Contamination, Flood and Pollution)
 Natural England
 United Utilities (Asset Protection)

List of Organisation Responses

Barrow Borough Council (Public Protection Services Contamination) 22/03/2022

"Thank you for the above consultation. While I have no objections to the proposal in principle, i would seek clarification on a point whereby the submitted statement states that the attracted users will cause nuisance. Is this a typo?"

Barrow Borough Council (Public Protection Services Licensing) 29/03/2022

"This glamping site will require a licence from us. Please get the applicant to contact me".

Cumbria County Council (Emergency Planning) 23/03/2022

"Thank you for the opportunity to comment on the above planning application. This response from Cumbria County Council Resilience Unit relates to emergency planning arrangements in the unlikely event of an incident occurring at Spirit Energy Limited.

The Spirit Energy Site is currently covered by the provisions of the Control of Major Accident Hazards Regulations 2015.

There are no objections to the proposed works.

However, it should be noted that the location of the property is situated within an area outside the site in which special arrangements are made for residents/business premises, this area is referred to as the Public Information Zone. As a direct result particular attention is paid to ensure that people are aware of appropriate action to take in the event of an incident at Spirit Energy.

In view of the fact that this application, if granted, could increase the number of persons in the area (including trades people) I would be grateful if you could advise the applicant to liaise with this office via emergency.planning@cumbria.gov.uk to allow for further discussion to ensure that applicant and their trades people/contractors (plus future visitors) are aware of the appropriate information and actions to take should there be an incident at the Spirit Energy site."

Cumbria County Council (Highways & LLFA) 12/04/2022

"Thank you for your consultation on 22 March 2022 regarding the above Planning Application. Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below.

I can confirm that we have no objections to the proposal, subject to the following recommended conditions being included in any Notice of Consent which may be issued:

- *The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is occupied/brought into use.*

Reason: In the interests of highway safety.

To support Local Transport Plan Policies: LD5, LD7, LD8

- *Before the (development is) (dwellings are) occupied the existing access to the highway (eg as marked in Drawing No. 225.02 on the accompanying plan) shall be permanently closed and the highway crossing and boundary shall be reinstated in accordance with details which have been submitted to and approved by the Local Planning Authority.*

Reason: To minimise highway danger and the avoidance of doubt. To support Local Transport Plan Policies: LD5, LD7, LD8

- *Access gates, if provided, shall be hung to open inwards only away from the highway.*

Reason: In the interests of highway safety.

To support Local Transport Plan Policies: LD7, LD8

- *The whole of the 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.

To support Local Transport Plan Policies: LD5, LD7, LD8

It is also noted that there should be a 5m gap between the highway and the access to vehicles entering and exiting the site can pull out onto the highway safely without encroachment.

Any works within or near the Highway must be authorised by Cumbria County Council and no works shall be permitted or carried out on any part of the Highway including Verges, until you are in receipt of an appropriate permit (I.E Section 184 Agreement) allowing such works. Enquires should be made to Cumbria County Councils Street Work's team - streetworks.central@cumbria.gov.uk

Fees: <https://www.cumbria.gov.uk/roads-transport/fees.asp>

Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.

Lead Local Flood Authority Response:

The applicant proposes to use soakways as a source of discharging surface water from the highway, it should be noted that the surface water discharge rate should not be greater than the existing, and if installing a soakaway we would advise it is not positioned within 5m highway or property.

The site is also close to Flood Zone 3, the applicant should consult with the Environment Agency with regards to carrying out a Flood Risk Assessment."

Natural England 14/04/2022

"Thank you for consulting Natural England on this proposal.

As the proposed development site is adjacent to the Morecambe Bay Special Area of Conservation (SAC), Ramsar, and SSSI, and the Morecambe Bay and Duddon Estuary Special Protection Area (SPA) a Habitats Regulations Assessment (HRA) is required. The HRA should assess potential impacts on these sites, particularly increased recreational disturbance to SPA and Ramsar bird species, and outline any mitigation measures required. This could include the provision of visitor information packs. Impacts of noise and light disturbance overnight should also be considered in the HRA.

A Construction Environmental Management Plan will need to be secured through Condition but the main considerations will also need to be included in the HRA.

Natural England also advise that Cumbria Wildlife Trust is consulted due to the proximity of Foulney Nature Reserve."

Officers Report

1. Site and Locality

1.1 The proposal relates to an enclosed flat grass paddock opposite the Clarkes Hotel in Rampside. The site is located on the southern side of Rampside Road and forms a buffer between the coastal plain and residential development on the other side of the road to the north. It is enclosed by a 0.9m high stone wall with an inner post and wire fence and is roughly rectangular in form with a frontage width of approximately 99m running in an east to west axis parallel to the road. The site depth is slightly splayed measuring approximately 27.6m deep to the western side and 17.8m to the east; the site area is 0.23 ha. There are 2 existing gated openings to the site frontage.

1.2 The site is situated in a coastal location and the vicinity is predominantly residential in character to the north, made up of ribbon development along Rampside Road with more modern development beyond to the north west. In terms of constraints, there are a number of listed buildings in close proximity including Rampside Hall (a Grade I listed building dating from the late 17th century) approx 38m to the north east; the navigation beacon known as No 4 Leading Light (Grade II) which lies approx 48m to the south east; the Bow Windows Farm complex of listed buildings (Grade II) approx 10m to the north west of the site and 30 Rampside (Grade II) which is around 70m due west of the site. Due south of the site are designated sites including Morecambe Bay SSSI, which is also a Special Area of Conservation, Special Protection Area (birds) and Ramsar site. In addition, Foulney Island Nature Reserve (Cumbria Wildlife Trust) is around 800m from the site. The main habitat on the site is one of coastal grassland.

2. Proposal Details

2.1 The application relates to the change of use of a paddock to a glamping facility and the siting of 6 shepherd hut style glamping units with associated decking areas and provision of vehicular access track.

2.2 The submitted documents show that each hut will measure approximately 4.9m by 2.2m with an overall height of 3.2m. External materials are shown as profiled metal cladding to walls and roofs, steel chassis and wheels, hardwood windows and doors and composite decking. Each hut will have electric and a water supply and will provide sleeping space for 2 people; the internal arrangement shows a small sleeping area with a sink and a toilet and shower. A low level deck is proposed for each unit with the suggestion that a hot tub or barbecue equipment could be provided via the hotel, which will manage the units. A dedicated car parking space is shown for each unit with a permeable surfaced internal access drive.

2.3 An amended access is proposed for the site utilising the existing one towards the centre of the site. The opening is to have recessed gates with keyed access controlled by the hotel to manage guests on arrival and departure. The proposed site entrance falls within a 30mph speed limit area and amended visibility splays are proposed to give 43m in each direction; this requires the existing front boundary wall to be reduced to 0.6m high.

2.4 Waste and recycling bins are proposed in a screened disposal area with collection arrangements via the existing hotel arrangements. Areas of new planting are proposed between the huts.

3. Relevant History

3.1 B28/2010/9005 Rampside Pumping Station Rampside Barrow-in-Furness Cumbria Construction of a Control Kiosk and Temporary Construction Compound as part of a sewer improvement scheme (County Matter). APPLETT 11/08/2010

4. Officer Assessment

National Guidance

4.1 The NPPF seeks to encourage sustainable development. Paragraph 8 of the Framework recognises that achieving sustainable development means that the planning system has three overarching objectives, economic, social and environmental which are interdependent and need to be pursued in mutually supportive ways.

4.2 Paragraph 12 reinforces the statutory status of the development plan as the starting point for decision-making and paragraph 47 acknowledges that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

4.3 Chapter 6 relates to building a strong, competitive economy and paragraph 81 advises planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

4.4 Paragraph 84 advises planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings and sustainable rural tourism and leisure developments which respect the character of the countryside.

4.5 Paragraph 85 advises that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

4.6 In terms of transport, the Framework seeks to promote sustainable transport, cycling and walking but recognises in Paragraph 111 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 112 advises that applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport.

4.7 The latest version of the Framework has a strong emphasis on good design; Chapter 12 relates to achieving well designed places and Paragraph 126 advises the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 advises planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

4.8 Chapter 15 relates to conserving and enhancing the natural environment and Paragraph 174 advises planning decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

4.9 Paragraph 182 advises that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

4.10 Chapter 16 relates to conserving and enhancing the historic environment and paragraph 195 relates to the heritage assets and their setting, advising local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. Paragraphs 200-202 assess harm to significance in terms of substantial harm (rare) and less than substantial harm and Paragraph 202 advises where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Other relevant legislation

4.11 In addition to the planning framework which is primarily set out in the [Town and Country Planning Act 1990](#), the [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#) provides specific protection for buildings and areas of special architectural or historic interest. Any decisions where listed buildings and their settings are a factor must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 (in particular section 66) as well as applying the relevant policies in the development plan and the National Planning Policy Framework. Section 66 of the Act introduces a general duty as respects listed buildings in exercise of planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have "**special regard**" (my emphasis) to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Following the *Barnwell Manor* case the Courts determined that this special regard requirement amounted to "substantial importance and weight". The Court of Appeal's decision makes it clear that the statutory duty applies to all listed buildings, including when the harm is judged to be less than substantial. The Court of Appeal judgment found that Parliament's intention in enacting the statutory duty was that decision-makers should give "*considerable importance and weight*" to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise." The *Barnwell Manor* decision is an important one requiring the decision-maker to give particular weight to heritage considerations in the balancing exercise makes demonstrating acceptable development in close proximity to listed buildings more difficult.

Relevant Local Plan Policies

4.12 Policies DS1 and 2 relate to sustainable development. Policy DS1 seeks to protect, conserve and enhance the built, natural and historic environment; the proposal would potentially conflict with this aim. Policy DS2 relates to sustainable development. It states that *“where possible all proposals should meet all of the following criteria taking into account the scale of development and magnitude of impact and any associated mitigation.”* Criterion (d) states that proposals should ensure that the environmental effects of *“noise, smell, dust, light, vibration, fumes or other forms of pollution or nuisance arising from the proposed development including from associated traffic are within acceptable levels.”* Criterion (g) states *“Contributing to the enhancement of the character, appearance and historic interest of related landscapes, settlements, street scenes, buildings, open spaces, trees and other environmental assets”*; Criterion (e) states that proposals should respect *“the residential amenity of existing and committed dwellings, particularly privacy, security and natural light.”* and Criterion (l) states that *“Ensuring that any proposed development conserves and enhances the historic environment including heritage assets and their settings”*.

4.13 The proposed development is situated close to existing properties and, by nature of its "outdoor living" theme, will likely impact upon residential amenity, particularly in terms of noise and potential nuisance, which is likely to be exacerbated at later hours. Consequently the proposal would be contrary to Policy DS2, criteria (d) and (e). The proposals are unlikely to contribute to the appearance historic interest of the landscape, street scene and open space or to conserve and enhance the adjacent heritage assets and their setting and so would conflict with criteria (g) and (l).

4.14 The development is situated on green space. Policy GI4 states that Green Spaces make an important contribution to community life, streetscene character and biodiversity and will need to be retained. The policy refers specifically to Green Spaces within the urban area, although the proposed development site is a green space adjacent to the urban area. However, the Local Plan Proposals Map identifies Green Spaces both adjacent to and within the urban area.

4.15 To support policy GI4, paragraph 11.2.10 of the Local Plan states that *“access to open green space is important to local communities especially where it is an established or focal part of local street scene character, actively used for children for play, supports local wildlife or provides a physical and or visual connection with other green spaces.”* Paragraph 2.80 of the Draft Green Infrastructure SPD states that such spaces make a *“valuable contribution in terms of townscape character and in providing functional access to open space for informal and formal recreation.”* Even though the site is not identified as a Green Space on the Local Plan Proposals Map, it should be noted that *“Green Spaces”* referred to in Policy GI4 and the Draft Green Infrastructure Strategy do not refer solely to those identified on the Proposals Map. They are spaces *“that are important in providing amenity or recreational space for local communities”*, as stated in paragraph 11.2.9 of the Local Plan. It is apparent from residents that the site is an important green space within their community. The green space contributes positively to the streetscene character in this coastal location and the proposed development would be detrimental to this. The proposal would therefore be contrary to Policy GI4.

4.16 Policy C2 relates to development and the coast; the criteria are considered below:

Development in a coastal location will only be permitted where:

a) There will be no unacceptable harm to natural coastal processes, including increasing the risk of flooding, coastal erosion and instability;

The proposals are not considered to increase the risk of flooding, erosion or instability.

b) There will be no unacceptable harm to habitats, species, geodiversity, designated sites and the historic environment;

An ecological report accompanies the application which raises no objection subject to good practice measures. Natural England have suggested more information is required in terms of the habitat assessment process. The proposals have the potential to harm the setting of nearby designated heritage assets.

c) The capacity of the coast to form a natural sea defence or adjust to changes in conditions without risk to life or property will not be prejudiced;

No impact anticipated.

d) There will not be an increased need for additional sea walls or other civil engineering works (defence structures) for coastal protection purposes except where necessary to protect existing investment;

No additional infrastructure anticipated.

e) The open character of the undeveloped coast is maintained, with the existing landscape character of the site respected and reinforced;

The open character of the coast along the footprint of the site would be lost along with a percentage of the existing open landscape character.

f) Local fisheries will not be prejudiced;

N/a

g) There will be no unacceptable adverse effect on people's enjoyment of natural landscape character; and

The development would enable visitors to the site to enjoy the local natural landscape character although for adjacent residents there is likely to be an adverse impact.

h) There will be no adverse effect on recreational activities at the coast.

The coast is located to the south of the site and there is a well used footpath. There is potential that noise, disturbance and light pollution from the development could have an adverse impact on the quiet enjoyment of the coast and footpath.

Opportunities to improve access to the coast will be sought where possible and where the above criteria can be met.

The existing footpath access will not be impacted.

4.17 Policy C3a relates to water management and advocates SUDS. Drainage could be required by planning condition and rain water harvesting could be considered. A soakaway is proposed which meets the recommended drainage criteria. The site falls within a Groundwater Source Protection Zones (St Bees Sandstone Major Aquifer) and Policy C3b requires that proposals accord with Environment Agency guidance set out in its document titled 'Approach to Groundwater Protection: March 2017 Version 1.0', or any subsequent iteration of the guidance. A Risk Assessment and Construction Management condition can provide safeguards around pollution control.

4.18 Policy C5 seeks to promote energy efficiency through materials, design, layout and orientation. Whilst design improvements in relation to this could be negotiated or conditions imposed, this would only be required if the development was found to be acceptable in principle.

4.19 Policy C7 seeks to minimise light pollution. No external lighting details have been provided at this stage and whilst external lighting can be covered by planning condition, in reality it would be difficult to manage on site, such as the use of torches or glare from mobile devices. Should the proposal be acceptable, further details would need to be provided to ensure no significant impact on the adjacent protected sites or species. The site is within a CPRE recognised dark sky and intrinsically dark landscape where it would be desirable to minimise new light sources.

4.20 Policy DS5 echoes the Framework in seeking to encourage good design. It requires that new development must be of a high quality design, which will support the creation of attractive, vibrant places. The aim is that designs will be specific to the site and planning applications must demonstrate a clear process that analyses and responds to the characteristics of the site and its context, including surrounding uses, taking into account the Council's Green Infrastructure Strategy. The submitted proposals are for a generic glamping pod design with little justification in terms of context. The key relevant clauses in Policy DS5 are considered below:

4.21 Proposals must demonstrate clearly how they:

- a) Integrate with and where possible conserve and enhance the character of the adjoining natural environment, taking into account relevant Supplementary Planning Documents;

The glamping pods by virtue of their number, design, size, siting and setting have the potential to adversely impact on the adjoining natural environment.

- b) Conserve and enhance the historic environment, including heritage assets and their setting;

The existing meadow and sandstone wall contribute positively to the setting of the adjacent heritage assets. Heritage guidance advises that setting not only has the potential to contribute in visual and aesthetic terms but also in terms of sense and smell and how areas are experienced. The proposed development is likely to have a negative impact on the setting of the adjacent heritage assets and how they are experienced in terms of visual impact, noise, sense and smell.

h) Exhibit design quality using design cues and materials appropriate to the area, locally sourced wherever possible;

The glamping pods are of a fairly generic but not unattractive design and the colour choice could mitigate to some degree but would not eradicate harm. They could potentially be locally sourced.

i) Respect the distinctive character of the local landscape, protecting and incorporating key environmental assets of the area, including topography, landmarks, views, trees, hedgerows, habitats and skylines. Where no discernible or positive character exists, creating a meaningful hierarchy of space that combines to create a sense of place;

The pods and associated paraphernalia would change the appearance of the skyline and key coastal views from Morecambe Bay and would result in a marked change to the local landscape.

l) Ensure that development is both accessible and usable by different age groups and people with disabilities;

Whilst there are limited public transport facilities the site could be made accessible for different age groups and people with disabilities.

m) Integrate Sustainable Drainage Systems of an appropriate form and scale;

This could be covered by planning condition if the proposals are considered acceptable.

n) Mitigate against the impacts of climate change by the incorporation of energy and water efficiency measures (in accordance with the Building Regulations), the orientation of new buildings, and use of recyclable materials in construction; and

This could be covered by planning condition if the proposals are considered acceptable.

4.22 Policy DS6 relates to landscaping and requires that landscaping should be viewed as an integral part of the design process. Some landscaping is included on the site plans and further details could be required by planning condition, should the scheme be acceptable.

4.23 Policy EC8 supports the creation, enhancement and expansion of tourist infrastructure in order to attract new visitor from outside the area. However, development is required to be of an appropriate scale and should not result in harm to environmental assets or disturbance to nearby residents.

4.24 Policy EC9 - relates to caravan and camping sites and is supportive subject to a series of criteria which are addressed below:

4.25 Touring caravan and camping sites and proposals for permanent caravan sites will be permitted provided that they meet all of the following criteria:

a) Suitable access is available from primary or district distributor roads;

A suitable access exists and the Highway Authority have raised no objections.

b) The proposal would not result in unacceptable nuisance to sensitive neighbouring uses in terms of noise or traffic;

There are residential properties in close proximity and the external decked areas of the glamping pods would face onto these. By its nature the proposal is likely to have a high level of outdoor use, more than a typical garden say, with the potential for some noise and disturbance, including some late night noise.

c) Sites are connected to the mains foul sewer where practicable. Where it is demonstrated that this is not practicable then an appropriate non-mains drainage treatment system must be provided;

There is a foul sewer nearby; drainage can be covered by planning condition.

d) The area is not at risk of flooding;

The site is just outside of Environment Agency flood zones and no objections have been raised by the LLFA.

e) Proposals for permanent caravan sites will be expected to include on-site facilities providing clean water, a sanitary disposal unit and adequate fire protection equipment;

Each unit would have clean water. Fire protection is covered by site licensing.

f) Any ancillary buildings, such as shower blocks, toilets or reception buildings are sensitively located within the site and are of an appropriate design, scale and materials; and

No ancillary buildings are proposed in this case and the site is to be managed through the nearby Clarke's Hotel. A screened bin store is proposed; further details could be required by planning condition.

g) The proposal complies with the relevant policies in the Development Plan.

Discussed elsewhere.

4.26 Policy EC11 relates to self-catering holiday accommodation, predominantly aimed at holiday cottages and conversions. Proposals are supported within the development cordons provided design, siting, layout and access are satisfactory. In the urban fringes and rural area a series of criteria apply to conversions to holiday accommodation.

4.27 Policy HE3 relates to listed buildings and echoes the NPPF and the requirements of the Act in seeking to protect their setting. Less than substantial harm is likely to result and this is not outweighed by any public benefit of the proposals.

4.28 Policy I4 encourages sustainable travel choices, although it is recognised that since the site is in a rural area the opportunities are limited and also that, other than specialist undertaking a coast to coast cycle say, it is impractical to try and take camping equipment by cycle or walking. In reality, the proposals are likely to be dominated by car users. The lack of a footpath adjacent to the site could potentially impact on pedestrian safety. If the proposals were considered acceptable an electric vehicle charging point could be required by condition.

4.29 Adequate on site car parking is proposed to satisfy Policy I6 and the Highway Authority have raised no objection.

4.30 Policy N1 relates to the protecting and enhancing landscape character. The Cumbria Landscape Character Guidance and Toolkit denotes the area as Coastal Margins-Coastal Urban Fringe. The proposals are likely to have a detrimental impact upon the character of the landscape and it is unlikely that this can be mitigated to an acceptable level. The policy requires high protection to be given to the undeveloped coast in order to maintain its openness, tranquillity, heritage and nature conservation value and the proposals conflict with this aim. Measures to enhance the character of the Borough's landscape will be supported, with particular importance given to a) improved access to the landscape for recreation and tourism, including managed access to the undeveloped coast and d) enhancement of the nature conservation value of the landscape. Whilst tourism is supported, this is only when it can be accommodated within the landscape or conforms with other policies in the Local Plan.

4.31 Policy N3 seeks to protect biodiversity and geodiversity; some suggestions for BNG are set out within the ecological report and these could be required by condition, should the proposals conform with other policies.

Supplementary Planning Documents

4.32 The Biodiversity and Development SPD and the Draft Green Infrastructure SPD are material considerations and are referenced above.

Impact on Visual amenity

4.33 The site is on the southern side of the road adjacent to the coastal plain and in a highly sensitive location. The current appearance is open and like all developments there would be a change in visual appearance. The impact of 6 glamping pods, associated decking and paraphernalia and car parking is likely to have a negative impact on visual amenity in this sensitive coastal landscape and could set a precedent for similar development elsewhere in the Borough. Whilst the Council is keen to encourage tourism and to help businesses diversify this needs to be in areas with capacity for change and where adverse impacts can be mitigated. Unfortunately, in such a sensitive setting the adverse impacts cannot be overcome by planning conditions or design amendments in this case.

Impact on residential amenity

4.34 The front bay window of the Bow Windows Farm complex would overlook the site at only 9.5m from it. The other 2 nearest properties are 2 detached dwellings which face over the eastern part of the site; both have front windows facing over the site at a distance of only approximately 12.5m. Given the likely natural exuberance of holiday makers on the site, sitting outside on the decking with barbecues and hot tubs, there is the potential for noise and disturbance and this is likely to be more than that experienced from residents enjoying their gardens and could include late night noise and disturbance. This could not be managed by planning condition and any complaints received would be after the event.

Impact on the coastline

4.35 This is described in the policy section above; the proposals are likely to have a detrimental impact on the coastal landscape and the quiet enjoyment of it.

Ecology and biodiversity matters

4.36 An ecological report has been submitted with the application. It recognises the sensitivity of the adjacent area and whilst noting the potential of the site to support some species habitat it does not consider the proposals to be a threat to these, subject to some good practice measures; some management and enhancement measures are recommended including retention of the edge wildlife areas, planting appropriate wildlife plugs, grow through heavy duty matting for the walkway and car parking areas rather than gravel or concrete and landscape management. BNG measures are suggested.

Habitat Regulations

4.37 Natural England have advised that as the proposed development site is adjacent to the Morecambe Bay Special Area of Conservation (SAC), Ramsar, and SSSI, and the Morecambe Bay and Duddon Estuary Special Protection Area (SPA) a Habitats Regulations Assessment (HRA) is required. A shadow HRA has not been submitted and there is insufficient information for the Council to assess potential impacts on these sites, particularly increased recreational disturbance to SPA and Ramsar bird species. No details of any mitigation measures have been submitted. NE advise that this could include the provision of visitor information packs. Impacts of noise and light disturbance overnight should also be considered in the HRA.

4.38 A Construction Environmental Management Plan would need to be secured through condition, if acceptable, but the main considerations will also need to be included in the HRA.

Traffic and Highways matters

4.39 A large number of objections have been received in relation to potential increase in traffic and on-street parking. 6 units are proposed with dedicated off- street car parking and modifications to improve visibility suggested; any impact on the highway network is not judged to be severe. The NPPF advises applications can only be refused on highway ground if there is an unacceptable impact on highway safety or impact is severe (Para 111) and the Highway Authority have assessed the proposals and raised no objections. For this reason I do not believe a reason for refusal on highway grounds could be justified.

4.40 In addition, many residents refer fondly to the previous use of the site for events such as the lifeboat annual gala, car boot sales, annual sports day, vintage bike and car shows and this could have potentially had greater traffic impact than the proposed use.

Impact on heritage assets and their setting

4.41 There are 4 sites with listed buildings in close proximity to the proposed development, including the Grade I listed Rampside Hall which has a high magnitude of significance in heritage terms. The application submission fails to assess impact on the setting of these heritage assets and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 introduces a statutory requirement that the Local Planning Authority gives special regard to the desirability of preserving the building **or its setting** (my emphasis). The Courts have determined that this is given considerable importance and weight in the planning balancing exercise and so harm to the setting of listed buildings can outweigh other planning benefits such as job creation or economic potential. Historic England guidance advises that the concept of setting is more experiential than just visual terms but relates to the senses, smells and sounds felt around a listed building; as such this application is likely to impact in a negative way on the setting of heritage assets and result in less than substantial harm in NPPF terms. Paragraph 202 of the Framework advises where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this case the benefits of the proposal are private rather than public and have no impact on securing the optimum viable use of any of the listed buildings; in fact, they could deter future occupants of the listed buildings.

Economic development and diversification

4.42 The proposed development would allow a local business to diversify, helping to secure its future within this rural area, with potential job creation. This is encouraged by paragraphs 81,84 and 85 of the Framework.

Provision of tourism facilities

4.43 Various policies seek to encourage health and well-being and access to open space and policies EC8, EC9 and EC11 seek to encourage tourism, camping and self catering holiday accommodation in the Borough, but subject to certain criteria so that it is the right type of development in the right place.

Representations received

4.44 A large number of objections have been received to this application and most of the issues of concern have been addressed elsewhere in this report. Other issues are covered below:

(i) disruption during construction works. Typically, if an application is found acceptable, this matters is addressed by Construction environmental management plan (CEMP), construction management plan (CMP) and construction traffic management plan (CTMP) conditions.

(ii) no energy efficiency measures included- these could be negotiated or covered by planning conditions should the application be assessed as acceptable.

(iii) air pollution-this is not considered to be potentially significant given the scale of the proposals.

(iv)litter-suitable litter receptacles are proposed.

(v)fear of crime-there is no evidence that additional crime would result and this would not be a reason for refusal.

(vi) the site is outside of the development cordon-this principally relates to housing development.

Assessment and planning balance

4.45 The proposal seeks to site 6 glamping pods and associated infrastructure as an additional offer to the Clarke's Hotel nearby and satisfies the economic tenet of sustainable development but fails to satisfy the environmental objective by protecting and enhancing the natural, built and historic environment in a highly sensitive coastal location. Whilst the Framework requires significant weight to be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development, in my view this is outweighed in this case by the environmental harm, detrimental impact on residential amenity as a result of potential noise and disturbance and the harm to the setting of heritage assets (which is also required to be given considerable weight); each of which cannot be mitigated by planning condition. In addition, as the proposed development site is adjacent to the Morecambe Bay Special Area of Conservation (SAC), Ramsar, and SSSI, and the Morecambe Bay and Duddon Estuary Special Protection Area (SPA) a Habitats Regulations Assessment (HRA) is required. A shadow HRA has not been submitted and there is insufficient information for the Council to

assess potential impacts on these sites, particularly increased recreational disturbance to SPA and Ramsar bird species.

5. Conclusions

5.1 Whilst the proposal would have benefits in terms of economic development, tourism and potential job creation, which are supported by the Framework, it would have a potentially adverse impact on residential, landscape and visual amenity in a highly sensitive coastal location. As a result the proposal would conflict with the aims of the NPPF and Local Plan policy and would not be sustainable development. In addition, the proposal would have a detrimental impact on the setting of a number of heritage assets in conflict with the requirements of Section 66 of the Act, the aims of the Framework and Local Plan policy in relation to safeguarding the setting of heritage assets. A shadow HRA has not been submitted and the Council are unable to assess the potential impact on nearby protected sites; for these reasons refusal is recommended.

6. Recommendation

I recommend that Planning Permission be REFUSED for the following reasons:

1. The proposal, by virtue of the design, siting, number of units and the location neighbouring the coastal edge, combined with the potential for noise and disturbance, would have a negative impact upon residential and visual amenity in the area and the landscape of this sensitive coastal environment. In the opinion of the Local Planning Authority, the level of harm resulting could not be adequately mitigated by design amendments or planning condition.
2. By virtue of reason 1 above, the proposals would conflict with the aims of the NPPF in terms of sustainable development, in particular paragraphs 8 and 174 which seek to safeguard the natural environment and Policies C2, DS1, DS2, DS5, EC8, EC9, GI4, N1 and I4 of the adopted Barrow Borough Local Plan 2016-2031. These policies, inter alia, seek to protect the open character of the undeveloped coast, enhance the quality of life for residents, ensure the environmental effects of noise, smell, dust and light are within acceptable levels, safeguard the amenity of residents, safeguard landscape and environmental assets, respect the distinctive character of the local landscape, safeguarding green spaces, protect and enhancing landscape character and encourage sustainable travel rather than reliance on private cars.
3. The proposal would have a negative impact on the setting of adjacent heritage assets, including a Grade I listed building known as Rampside Hall, without justification in the public interest. This would conflict with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Planning Authority to have special regard to the desirability of preserving the building or its setting, paragraphs 199, 200 and 202 of the NPPF in relation to harm to heritage assets and their setting and Policies DS2, DS5 and HE3 of the Barrow Borough Local Plan 2016-2031 which seek to safeguard the setting of heritage assets.

4. The site is adjacent to the Morecambe Bay Special Area of Conservation (SAC), Ramsar, and SSSI, and the Morecambe Bay and Duddon Estuary Special Protection Area (SPA) and a Habitats Regulations Assessment (HRA) is required. A shadow HRA has not been submitted and there is insufficient information for the Local Planning Authority to assess potential impacts on these sites, particularly increased recreational disturbance to SPA and Ramsar bird species including impacts of noise and light disturbance overnight. Insufficient information has been submitted with the application to enable a Habitats Regulation Assessment to be undertaken.

2022/0040



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 Ordnance survey 100053576

LAND adjacent CLARKE'S HOTEL

TITLE
RAMPSIDE, BARROW IN FURNESS

SCALE	DATE	DRWG NO	REVISIO
1:1250@A4	nov2021	location	
DRAWN	CHECKED		

osborne architectural design limited
 23 ALDWYCH TERRACE, ULVERSTON, CUMBRIA LA12 0EU
 TEL / FAX 01229 581562 MOB 07767 023511 EMAIL andyoad@sky.com

2022/0040

BARROW IN FURNESS

Clarke's Hotel

ROA ISLAND ROAD

Stone Boundary Wall

Stone Boundary Wall

sign

EXISTING SITE ACCESS

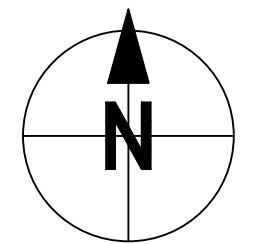
grass

EXISTING SITE ACCESS

NOTES:

ALL DIMENSIONS MUST BE CHECKED ON SITE BEFORE ANY WORK IS PUT IN HAND AND ANY DISCREPANCY REPORTED TO OSBORNE ARCHITECTURAL DESIGN LIMITED

FIGURED DIMENSIONS MUST BE USED IN PREFERENCE TO SCALED DIMENSIONS WHICH MUST BE VERIFIED WHERE CRITICAL



PROJECT

LAND adjacent CLARKE'S HOTEL, RAMPSIDE BARROW IN FURNESS

TITLE

SITE PLAN - EXISTING

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DRAWN	CHECKED		
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osborne architectural design limited
23 ALDWYCH TERRACE, ULVERSTON, CUMBRIA LA12 0EU
TEL / FAX 01229 581562 MOB 07767 023511 EMAIL andyoad@sky.com

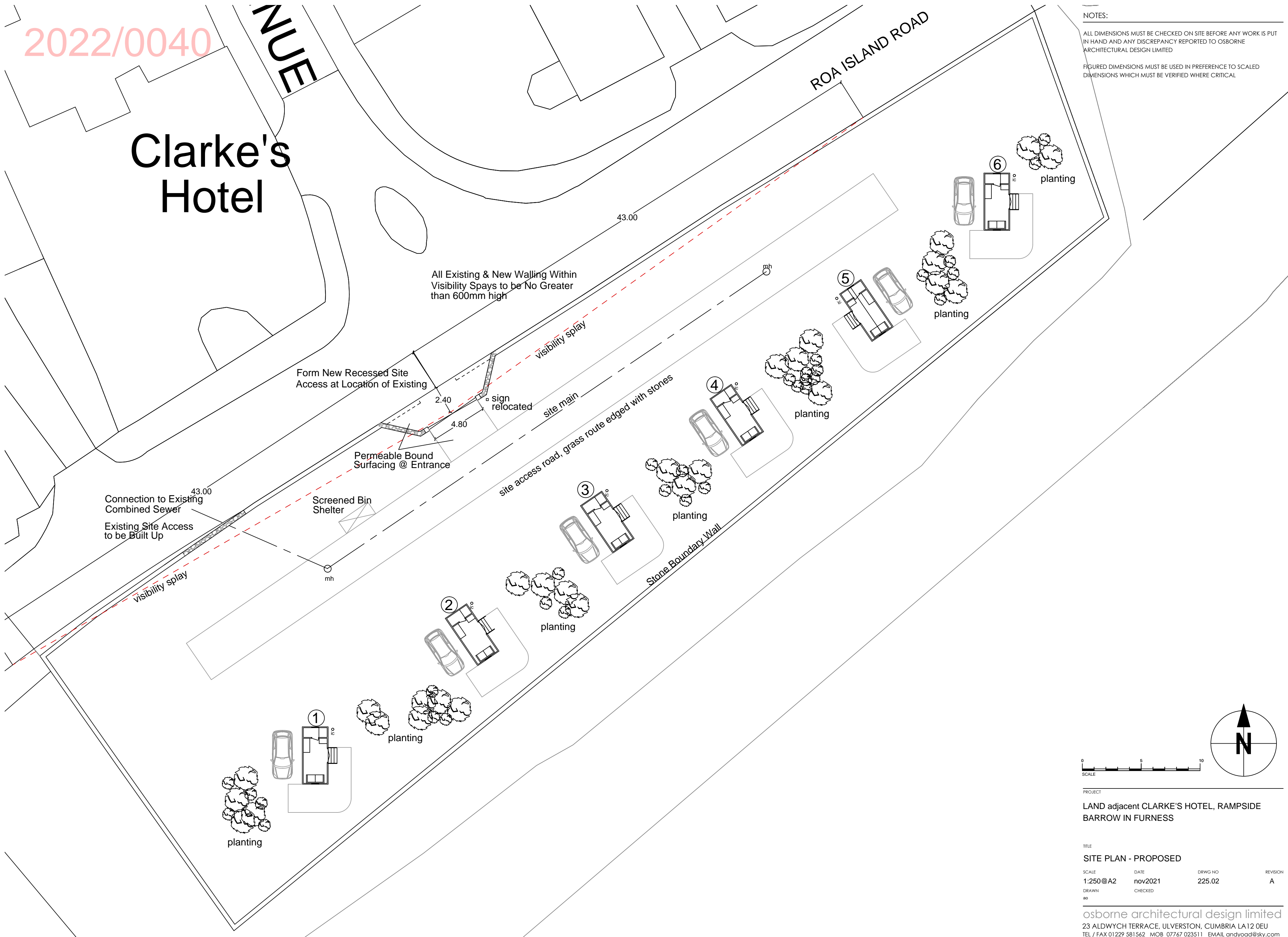
2022/0040

BARROW IN FURNESS

Clarke's Hotel

ROA ISLAND ROAD

NOTES:
 ALL DIMENSIONS MUST BE CHECKED ON SITE BEFORE ANY WORK IS PUT IN HAND AND ANY DISCREPANCY REPORTED TO OSBORNE ARCHITECTURAL DESIGN LIMITED
 FIGURED DIMENSIONS MUST BE USED IN PREFERENCE TO SCALED DIMENSIONS WHICH MUST BE VERIFIED WHERE CRITICAL



All Existing & New Walling Within Visibility Spays to be No Greater than 600mm high

Form New Recessed Site Access at Location of Existing

Permeable Bound Surfacing @ Entrance

Connection to Existing Combined Sewer
Existing Site Access to be Built Up

Screened Bin Shelter

sign relocated

site main

site access road, grass route edged with stones

Stone Boundary Wall

planting

planting

planting

planting

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planting

planting

43.00

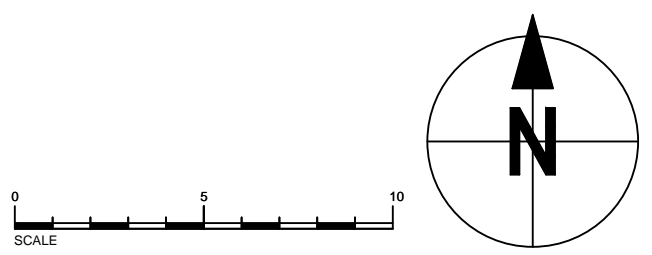
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PROJECT
 LAND adjacent CLARKE'S HOTEL, RAMPSIDE BARROW IN FURNESS

TITLE
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DRAWN	CHECKED		

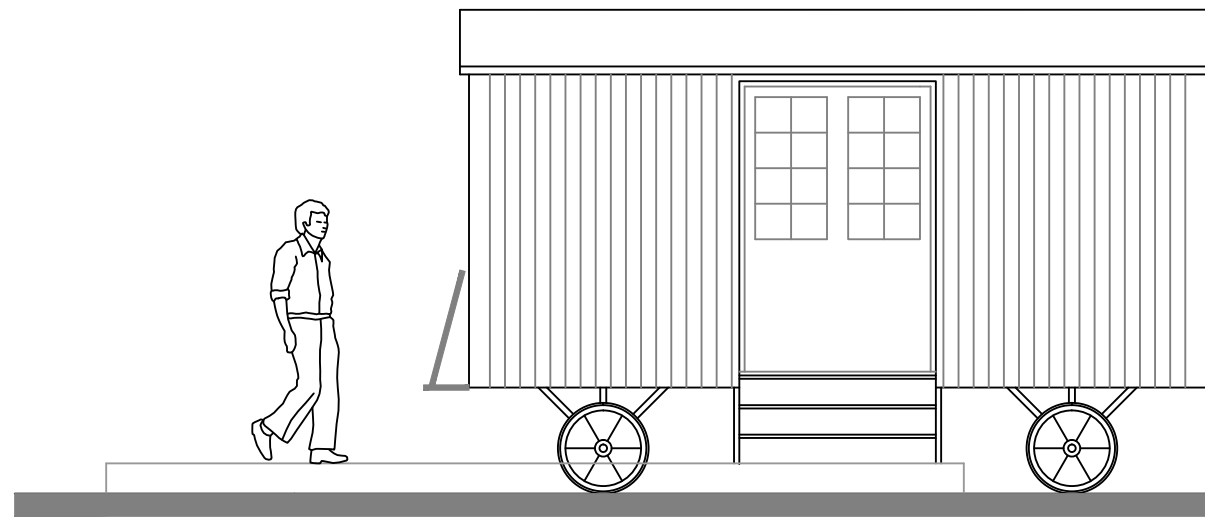
osborne architectural design limited
 23 ALDWYCH TERRACE, ULVERSTON, CUMBRIA LA12 0EU
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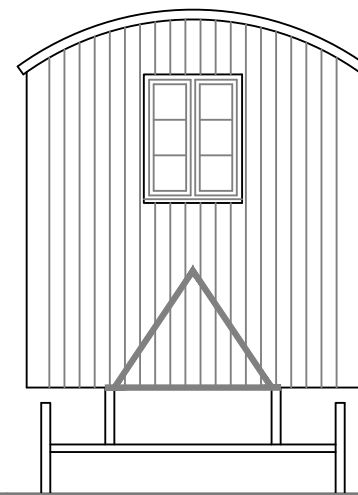
NOTES:

ALL DIMENSIONS MUST BE CHECKED ON SITE BEFORE ANY WORK IS PUT IN HAND AND ANY DISCREPANCY REPORTED TO OSBORNE ARCHITECTURAL DESIGN LIMITED

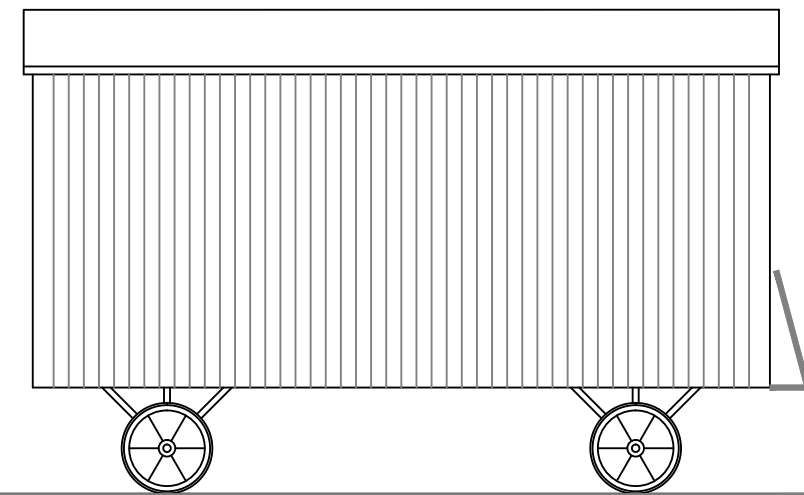
FIGURED DIMENSIONS MUST BE USED IN PREFERENCE TO SCALED DIMENSIONS WHICH MUST BE VERIFIED WHERE CRITICAL



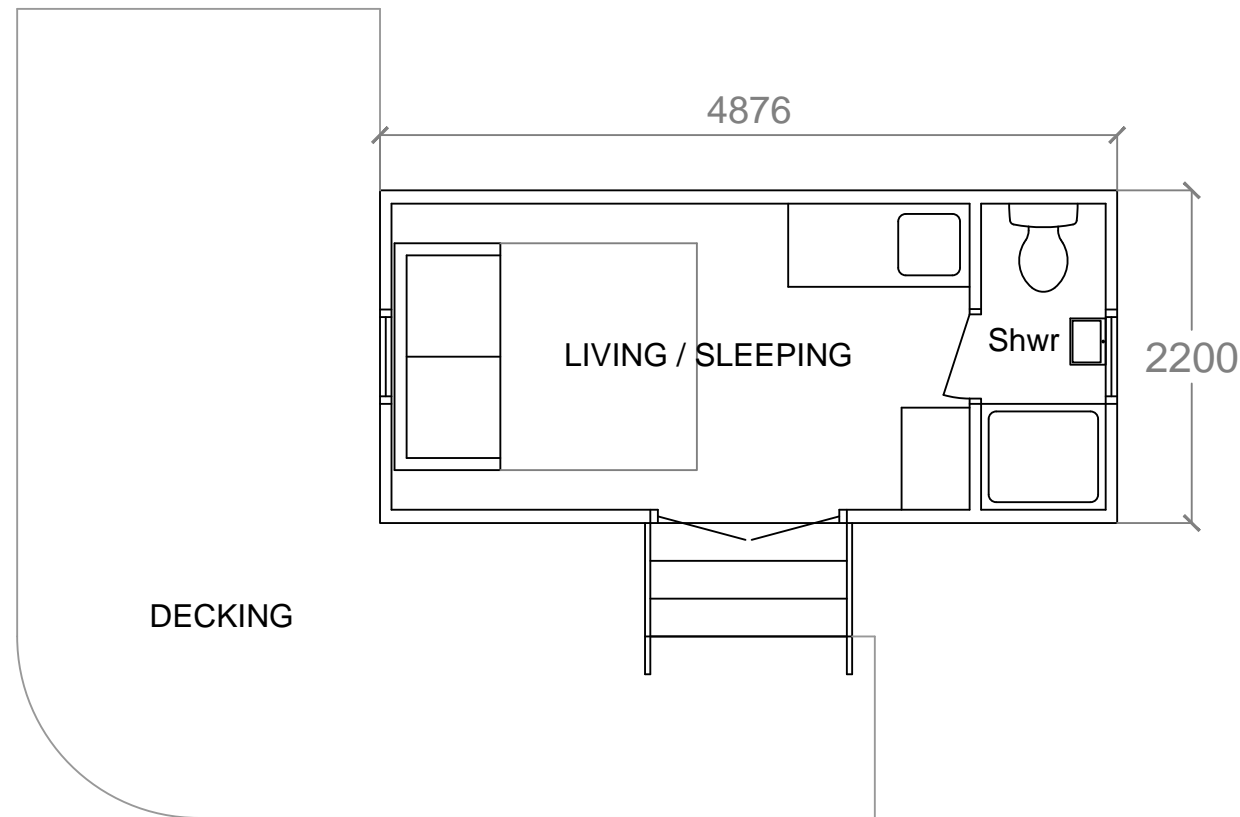
SIDE ELEVATION



END ELEVATION

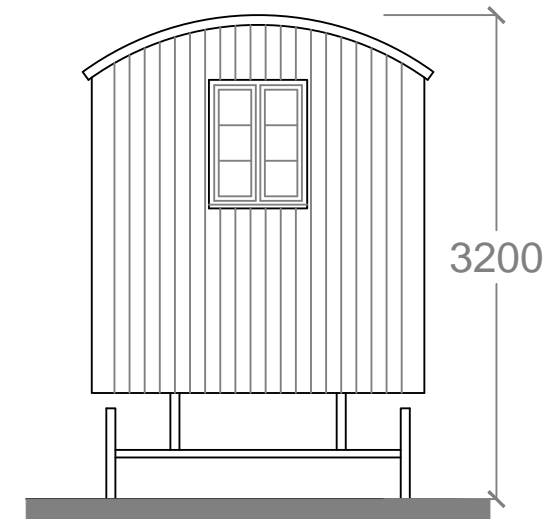


SIDE ELEVATION



FINISHES

Profiled Metal Cladding to Walls and Roof
 on Steel Chassis and Wheels
 Hardwood Windows and Doors
 Composite Outdoor Decking Area



END ELEVATION

PROJECT

LAND adjacent CLARKE'S HOTEL, RAMPSIDE
 BARROW in FURNESS

TITLE

INDICATIVE FLOOR PLAN & ELEVATIONS

SCALE	DATE	DRWG NO	REVISION
1:50@A3	jan22	225.03	
DRAWN	CHECKED		
BO			

osborne architectural design limited

23 ALDWYCH TERRACE, ULVERSTON, CUMBRIA LA12 0EU
 TEL / FAX 01229 581562 MOB 07767 023511 EMAIL andyoad@sky.com

B18/2022/0179
Planning Committee
14th June 2022



Application Number : B18/2022/0179	Date Valid :08/03/2022
Address : Opera Bingo, 3 Holker Street, Barrow-in-Furness, Cumbria, LA14 5RQ	Case Officer : Jennifer Dickinson
Proposal : Erection of flat roofed rear extension to accommodate proposed function room to serve existing bingo hall.	
Ward : Hindpool Ward	Parish : N/A
Applicant : Ms Daryl Davidson, Graves (Cumberland) Ltd	Agent : Mr Colin Aimers, Kingmoor Consulting Ltd
Statutory Date : 03/05/2022	Recommendation : Permission be Granted
Barrow Planning Hub	

Relevant Policies and Guidance

Full details of the policies listed below are included in the appendix

National Policies

1. National Planning Policy Framework 2021 - Policy NPPF 011
2. National Planning Policy Framework 2021 - Policy NPPF 081
3. National Planning Policy Framework 2021 - Policy NPPF 130

Local Plan Policies

1. Barrow Borough Local Plan 2016-2031 - Policy DS1 - Council's commitment to sustainable development
2. Barrow Borough Local Plan 2016-2031 - Policy DS2 - Sustainable Development Criteria
3. Barrow Borough Local Plan 2016-2031 - Policy DS5 - Design
4. Barrow Borough Local Plan 2016-2031 - Policy H16 - Loss of Sunlight
5. Barrow Borough Local Plan 2016-2031 - Policy H17 - Protection of Residential Privacy

The key considerations for this proposal are the impact upon visual and residential amenity. Representations have been received regarding the proposal which has triggered the need for consideration by this Committee.

Non Material Considerations

Matters dealt with under licensing regulations

Response to Publicity and Consultations**Neighbours Consulted**

Street Name	Properties
Shakespeare Street	10, 12, 14, 16, 18, 2, 4, 6,

Responses	Support	Object	Neutral
2	0	2	0

Site notice displayed expiring on 1.4.22

Summary of Responses - 2 responses from same property

Objections on the ground of:

Noise - can already hear the bingo announcer

Health - impact on light received to property

Landscaping - Area of proposal not landscaped as shown in approved application

Priority Species - Bats have been observed using the main building. Concerned no ecological survey carried out.

Proximity of extension - will be within 3m of property.

Organisations Consulted**Consultee**

Barrow Borough Council (Building Control)

Barrow Borough Council (Planning Policy)

Barrow Borough Council (Public Protection Services Licensing)

Barrow Borough Council (Public Protection Services Noise)

Barrow Borough Council (Public Protection Services)

Cumbria County Council (Emergency Planning)

List of Organisation Responses

10/03/2022

Barrow Borough Council (Building Control)

“Building regulation approval required for the proposals”.

10/03/2022

Barrow Borough Council (Public Protection Services Licensing)

"Thank you for the opportunity to comment on this application.

The premises currently has a bingo premises licence issued under the Gambling Act 2005 and a premises licence issued under the Licensing Act 2003. If this application is successful, the plans associated with both these licences will need to be updated by way of variation applications. This will be a statutory process with all the relevant authorities consulted".

31/03/2022

Barrow Borough Council (Public Protection Services Noise)

"I did have a look at the application and felt that a response was not warranted. Having looked at the design, it almost looked like a card room for poker etc. While the extension is increasing floor space, no noise should be witnessed at the nearest property regardless of any application. This will never change. Any noise nuisance will be dealt with under the licensing conditions stipulated. Therefore no noise condition can be imposed at planning stage.

In short I have no objects to the planning application and I would say to any resident that we are watching the area carefully."

10/03/2022

Cumbria County Council (Emergency Planning)

"Our response is the following:

The BAE site is covered by the provision of the Radiation (Emergency Preparedness and Public Information) 2019 Regulations. There are no objections to the proposed development based on the information provided but it should be noted that the proposed development is situated within the Detailed Emergency Planning Area of BAE. Cumbria County Council, in liaison with the site operator and the Office for Nuclear Regulation, have certain special arrangements are made for residents/business premises in this area and particular attention is paid to ensuring that people are aware of the appropriate action to take in the event of an incident at the site.

Accordingly I would be grateful if you could, in the event of the application being approved, advise the applicant to liaise with this office to allow for further discussion."

Officers Report

1. Site and Locality

1.1 The site is an established Bingo Hall set on the corner of Dryden Street and Holker Street. The main building on the site is set towards the southern boundary with Dryden Street, whilst much of the rest of the site is used for car parking. The boundaries are landscaped to varying degrees and the area of the proposal is to the southern corner of the site; this is currently fenced off with temporary fencing. This is to the east and across the back street from 2-6 Shakespeare Street. Whilst the site is not within the Central Barrow Conservation Area, it is visible from it in views from the south.

2. Proposal Details

2.1 The proposal relates to the erection of a flat roofed extension to the south west corner of the host building to accommodate a proposed function room to serve the existing bingo hall. Following the receipt of amended plans the footprint of the extension extends out from the western elevation of the main building by 8.2m for a length opposite the rear of Shakespeare Street by 10.7m. The roof design is a flat roof with a brick parapet and the overall height is 3.8m, set below the eaves of the host building. Materials are shown as brick to match the host property.

2.2 The design and access statement submitted with the application states that the function room is necessary to provide additional internal space following increased requirements in a post covid environment.

3. Relevant History

3.1 16/2003/0016 Kwik Save Group Plc 3 Holker Street Barrow-in-Furness Cumbria LA14 5RQ Compliance with condition No. 2 of planning permission 2002/1080 for the positioning of the litter bin Approved 03/02/2003

3.2 1990/0504 Former Holker Street Secondary School Holker Street Barrow-in-Furness Residential development Appcond 28/08/1990

3.3 1990/0910 Former Holker County Secondary School, Holker Street, Barrow-in-Furness Erection of 43 houses Refused 29/11/1990

3.4 1991/0011 Former Holker Street Secondary School Holker Street Barrow-in-Furness Erection of 39 dwellings with parking spaces and play area Appcond 02/05/1991

3.5 46/1992/0420 Land at Milton Street, Dryden Street and Holker Street Barrow-in-Furness Cumbria Retail foodstore with associated parking and servicing Appcond on Appeal 19/10/1993

- 3.6 46/1992/0420 Land at Milton Street, Dryden Street and Holker Street Barrow-in-Furness Cumbria Retail foodstore with associated parking and servicing Refused 15/10/1992
- 3.7 46/1995/0309 Kwik Save Group Plc 3 Holker Street Barrow-in-Furness Cumbria LA14 5RQ Retrospective application for external floodlighting to car park Appcond 16/08/1995
- 3.8 46/2001/0649 Kwik Save Group Plc 3 Holker Street Barrow-in-Furness Cumbria LA14 5RQ Non compliance with condition 6 attached to consent 6/92/0420 to allow trading on Sundays and Bank Holidays between 10.00-1600 hours. Approved 25/07/2001
- 3.9 46/2001/1081 Kwik Save Group Plc 3 Holker Street Barrow-in-Furness Cumbria LA14 5RQ Variation of condition No. 5 of planning permission 92/0420 to allow deliveries on a Sunday Appcond 13/03/2002
- 3.10 46/2002/1080 Kwik Save Group Plc 3 Holker Street Barrow-in-Furness Cumbria LA14 5RQ Installation of an ATM cash machine to Holker Street elevation Appcond 04/12/2002
- 3.11 46/2003/0203 Kwik Save Group Plc 3 Holker Street Barrow-in-Furness Cumbria LA14 5RQ Retrospective consent for the erection of three floodlights on the car park elevation of the store Refused 08/04/2003
- 3.12 46/2003/0550 Kwik Save Group Plc 3 Holker Street Barrow-in-Furness Cumbria LA14 5RQ Retrospective consent for the retention of 5 external floodlights with 70 watt light fittings Appcond 02/07/2003
- 3.13 57/1996/0513 Kwik Save Holker Street Barrow-in-Furness Cumbria LA14 5RQ Erection of a 1.2 metre diameter satellite dish to the rear elevation Approved 04/11/1996
- 3.14 58/2003/0549 Kwik Save Group Plc 3 Holker Street Barrow-in-Furness Cumbria LA14 5RQ Variation of Condition No. 6 of planning permission 1992/0420, opening hours from 0800 to 2000 on weekdays and Saturdays only Appcond 13/08/2003
- 3.15 83/1993/0675 Kwik Save Group Plc 3 Holker Street Barrow-in-Furness Erection of illuminated signs and gantry signs Appcond 09/11/1993
- 3.16 B12/2009/1652 Former Kwik Save Holker Street Barrow-in-Furness Cumbria LA14 5RQ Alteration and conversion of supermarket (A1) to community surgery/health centre and pharmacy, (D1) with associated pharmacy distribution and storage. Appcond 22-OCT-2009

3.17 B12/2012/0674 Former Kwik Save Holker Street Barrow-in-Furness Cumbria LA14 5RQ Application for a new planning permission to replace an extant planning permission B12/2009/1652 Alteration and conversion of supermarket (A1) to community surgery/health centre and pharmacy, (D1) with associated pharmacy distribution and storage. Appcond 05-DEC-2012

3.18 B20/2018/0729 3 Holker Street, Barrow-in-Furness, Cumbria, LA14 5RQ Change of use from a supermarket (Use Class A1) to a bingo hall (Use Class D2) APPCOND 15/01/2019

3.19 B22/2019/0249 3 Holker Street, Barrow-in-Furness, Cumbria, LA14 5RQ Consent to display 3 No. externally illuminated fascia signs(1 to each of the Holker Street, Milton Street and Dryden Street elevations) and 1 No externally illuminated sign on existing totum. APPCOND 13/05/2019

3.20 B22/2019/0502 3 Holker Street, Barrow-in-Furness, Cumbria, LA14 5RQ Consent to display 2 No. externally illuminated fascia signs (1 to each of the Holker Street and Milton Street), 1 No. non-illuminated fascia sign (Dryden Street elevation) and 1 No externally illuminated sign on existing totum - Amended design from approved application B22/2019/0249 APPCOND 01/08/2019

3.21 B28/2019/0417 3 Holker Street, Barrow-in-Furness, Cumbria, LA14 5RQ Application for approval of details reserved by Condition No. 3 (extraction and Condition no. 6 (acoustic details) of planning permission B20/2018/0729 change of use from supermarket (Use Class A1) to a bingo hall (Use Class D2) APPROVED 16/07/2019

3.22 BCO/2018/0753 3 Holker Street Barrow-in-Furness Cumbria LA14 5RQ Application for a premises licence under the Gambling Act 2005 to allow for a Bingo Hall COMMSSENT 24/10/2018

3.23 BCO/2018/0756 3 Holker Street Barrow-in-Furness Cumbria LA14 5RQ Application for a premises licence to be granted under Licensing Act 2003 to allow for the supply of alcohol, recorded and live music COMMSSENT 25/10/2018

4. Officer Assessment

4.1 The key considerations for this proposal are the impact on visual and residential amenity. Representations have been received regarding the proposal which has triggered the need for consideration by this Committee.

Planning Policies

4.2 Both local and national planning policies have a presumption in favour of sustainable development whilst placing importance on good design and standards of amenity. National planning policy paragraph 81 states that: "significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development". The principle of the extension of the business is to be welcomed in policy terms but must be balanced against any impact upon visual or residential amenity. Local Plan policy DS5 requires good standards of design and Policy H16 relates to impact on light from proposals. Whilst it particularly refers to extensions to dwellings, the BRE standards referenced in relation to impacts on light are relevant to this application.

Principle of the development

4.3 The use as a commercial building was supported through the previous application and the extension is acceptable in principle, subject to conformity with other Local Plan policies.

Visual Impact

4.4 The area of the proposed development was originally approved as part of the change of use as a landscaped area. However, the area is currently fenced with temporary fencing which has a negative impact on the street scene, although this has prevented the unauthorised parking which has taken place in the past and was also a concern to nearby residents. The design of the proposed extension is shown to use matching brick to the existing property which will assist in assimilating the proposal into the host property. Following discussion with the agent, the flat roof has now had a parapet added which improves the visual impact of the extension within the street scape. and the building has been set back from the road to follow the established building line; this has the benefit of allowing the landscape strip to be extended along the rear of the proposed extension. The revised design is now considered acceptable and to accord with local plan policy DS5. This should improve the visual amenity of the area and have a neutral impact on the setting of the Conservation Area.

4.4 I have recommended a condition to bolster the landscaping on the site in the interests of providing some additional biodiversity from the project.

Impact on Residential amenity

4.5 A representation has been received concerning the proximity of the proposal to the rear of properties on Shakespeare Street and the potential impact on light. The site is set to the north east of Shakespeare Street and so there should be no impact on sunlight from the proposal. In terms of impact on daylight received, in this instance it is relevant to take account of the 25 degree test; this assesses the potential for impact from the proposal on the neighbouring properties. Due to the separation distance between the existing nearest properties and the proposal, it passes this test. There should therefore be minimal impact from the proposal on neighbouring properties. Amended plans have also been negotiated which means the proposed extension now follows the established building line set by the existing boundary wall rather than projecting beyond it as originally proposed; this has meant the proposed extension is a further 2.3m away from the boundary with the neighbours to the rear. The distance between the rear elevation of the neighbouring properties and the closest wall of the proposed extension is now approximately 15.3m, although lesser back to back distances are prevalent in the area which is typified by traditional Victorian terraced streets. This distance includes a rear curtilage measuring approximately 6.6m and the back street.

4.6 There should be no impact on privacy from the development given that it is proposed to have a blank wall facing the neighbouring properties.

4.7 Another concern that has been raised relates to potential noise impact. It has been stated that the resident currently experiences noise from the bingo hall inside their property. After discussion with colleagues in Public Protection they have been clear that any concern over noise will be dealt with under the licensing legislation and that this is not a matter for consideration under planning. The direct contact for a colleague in Public Protection has been passed to the resident to discuss.

Protected Species

4.8 The representation also stated that bats had been observed using the main building. As a result of this, a Bat Scoping Survey has been submitted by the agent which assessed the site for presence of bats and use by bats to roost. It was found that due to the building being recently renovated and maintained that there were no gaps suitable for roosting bats identified in or around the building. No evidence of bats or bat activity was found during the survey. It concluded that no further survey work was required or mitigation measures as the proposed development was very unlikely to have any impacts on individual bats or the surrounding bat population.

5. Conclusions

Overall the amended proposal is considered to be acceptable with impact on residential amenity being assessed as modest. The design in matching materials will assist in assimilating the proposal with the host property and improve the visual appearance of this area of the site. It accords with both local and national planning policy and as sustainable development can be supported. The investment in a local business is welcomed with potential job creation.

6. Recommendation

I recommend that Planning Permission be GRANTED subject to the Standard Duration Limit and the following conditions : -

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

Compliance with Approved Plans

2. The development hereby permitted shall be carried out in all respects in accordance with the application dated as valid on 8.3.22 and the hereby approved documents defined by this permission as listed below, except where varied by a condition attached to this consent:

22-101-DWG005 REV.C

22-101-DWG003 REV.B

22-101-DWG006 REV.B

22-101-DWG004 REV.B

Bat Scoping Survey dated 13.5.22

Design and Access Statement dated 2.3.22

Application Form dated 7.3.22

Reason

To ensure that the development is carried out only as indicated on the drawings approved by the Planning Authority.

3. The materials to be used in the construction of the external surfaces, including walls and door of the extension hereby permitted shall be of the same type, colour, and texture as those used in the existing building.

Reason

To ensure a satisfactory appearance to the development, and to minimise its impact upon the surrounding area.

Before Occupation

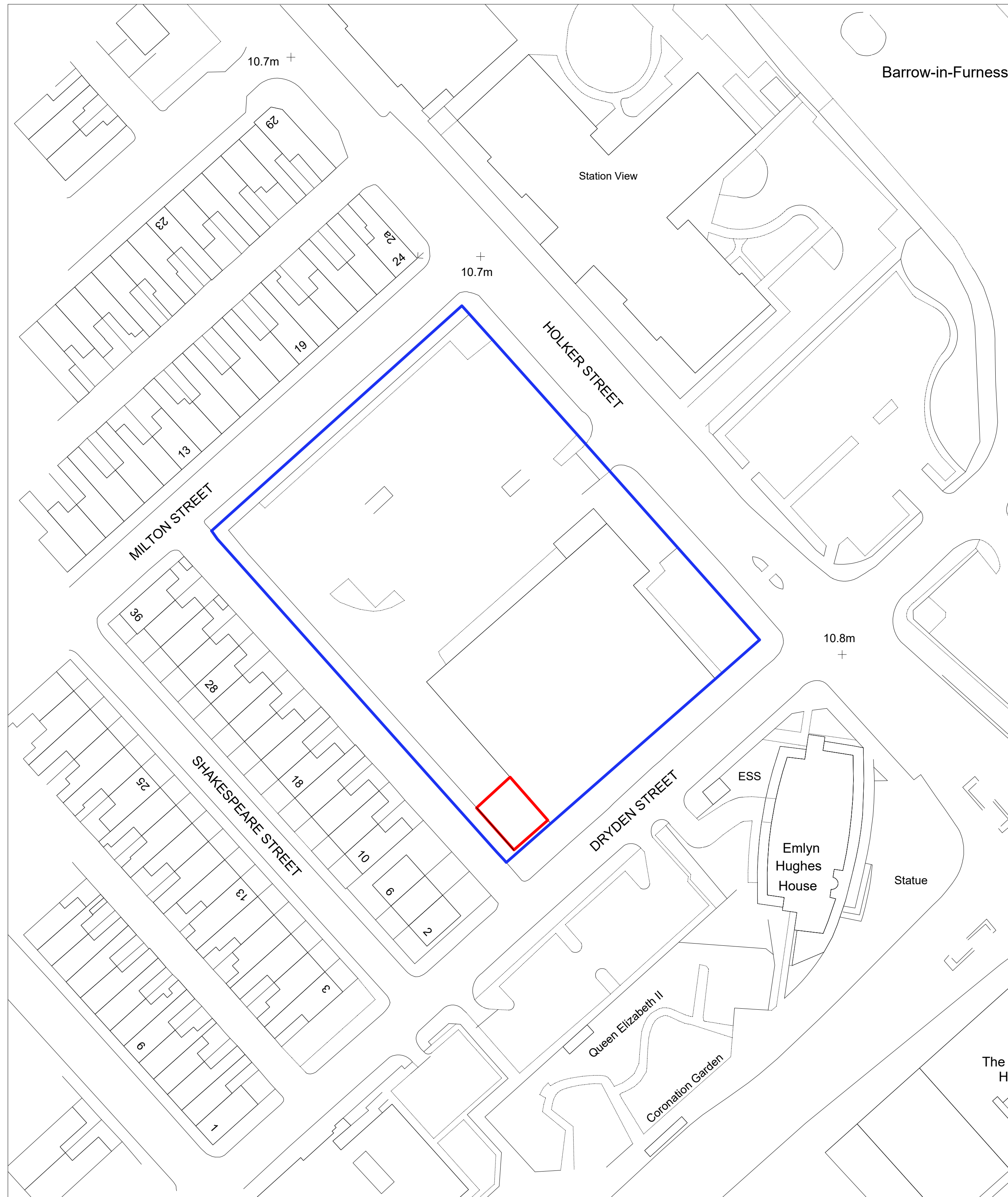
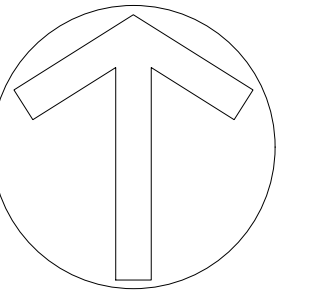
4. Prior to any beneficial occupation of the development hereby approved by this consent, full written details of a scheme of landscaping for the remainder of the bingo hall site shall be submitted to, and approved in writing by, the Planning Authority. The approved scheme shall be fully implemented in the first planting season following approval or in accordance with the phasing of the scheme as agreed in writing with the Planning Authority. Any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced by the landowner in the next planting season with others of a similar size and species, unless the Planning Authority gives prior written consent to any variation.

Reason

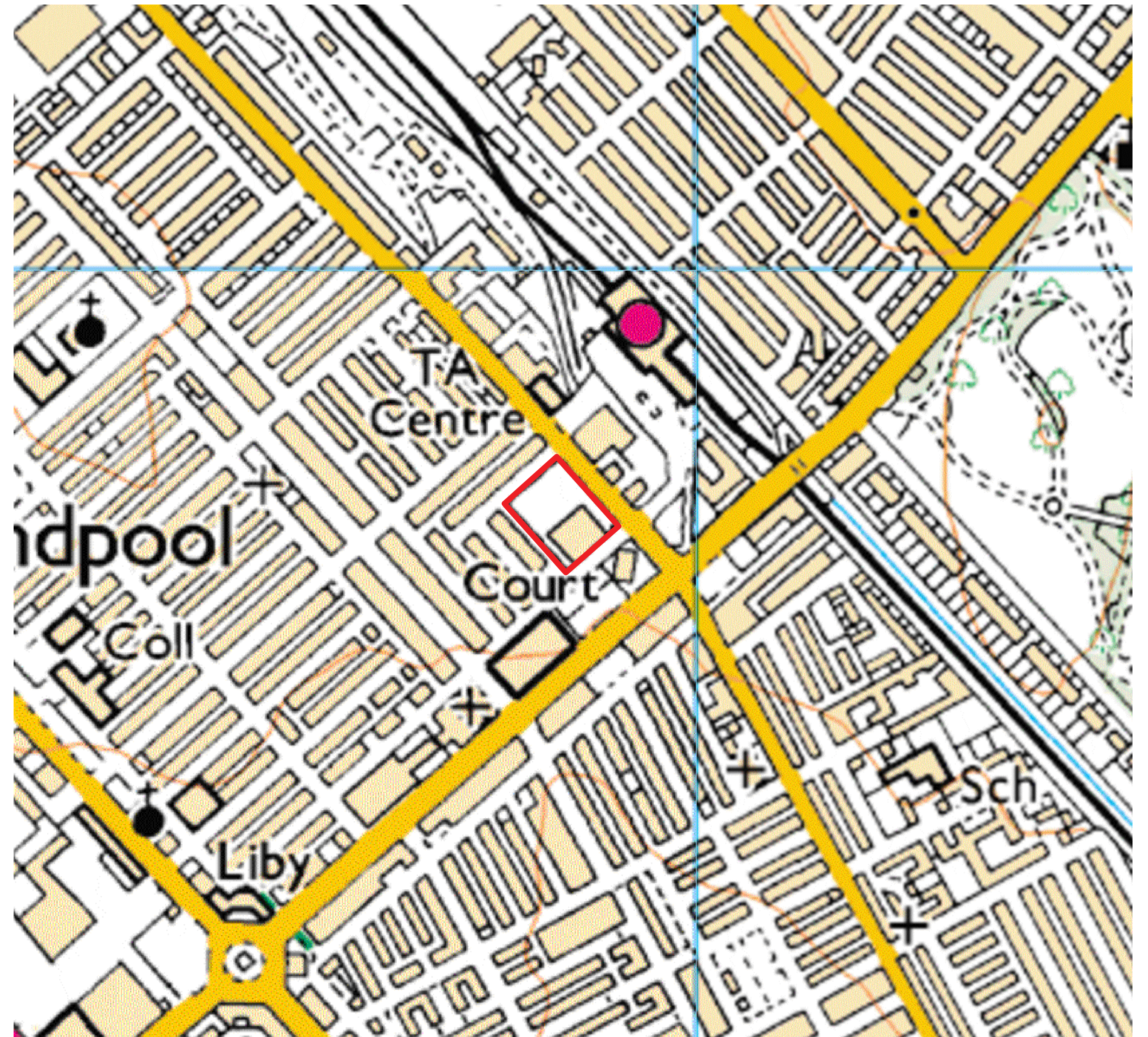
In order to offset the loss of this landscaped area, and to ensure positive impacts upon the visual appearance of this prominent site and upon local biodiversity by upgrading the existing landscaping.

Informative

- Please note that any additional external alterations required under the Building Regulations may also require prior planning consent. Please speak to the Planning Officer before any such works are carried out
- This development may require approval under the Building Regulations. Please contact your Building Control department on 01229 876356 for further advice as to how to proceed.
- Please be aware of the Safe Dig service from United Utilities by contacting United Utilities at; UUSafeDig@uuplc.co.uk
- The proposed development is situated within the Detailed Emergency Planning Area of the BAE site. Cumbria County Council, in liaison with the site operator and the Office for Nuclear Regulation, have certain special arrangements for residents/business premises in this area and particular attention is paid to ensuring that people are aware of the appropriate action to take in the event of an incident at the site. The applicant is advised to liaise with the County Council Emergency Planning office to allow for further discussion of available information: Senior Emergency Planning Officer, Resilience Unit, Cumbria County Council, Cumbria Fire & Rescue HQ, Carleton Ave, Penrith, Cumbria, CA10 2FA



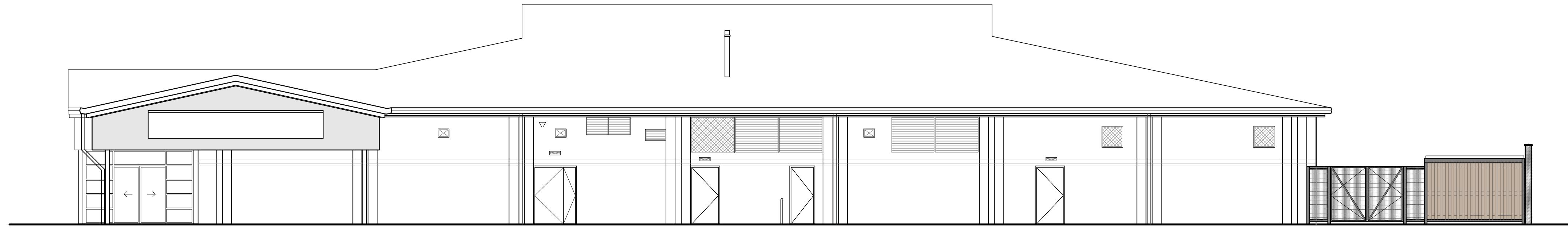
BLOCK PLAN
SCALE 1:500



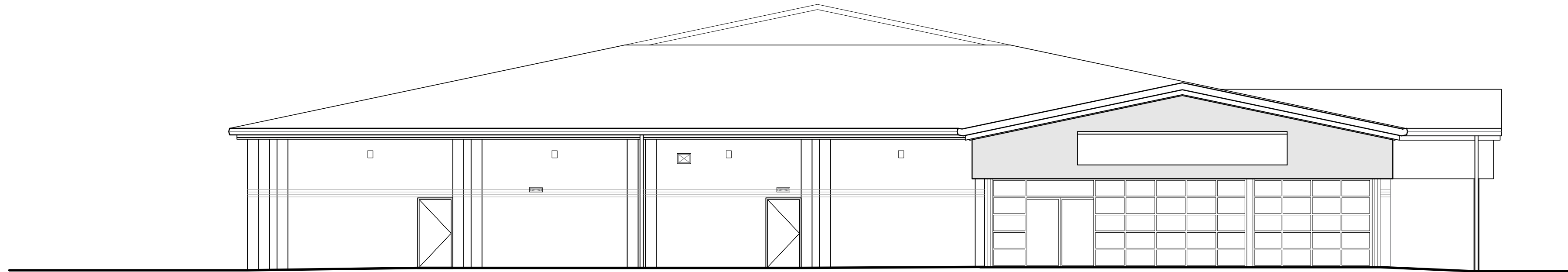
LOCATION PLAN
SCALE 1:2500

 6B CLIFFORD COURT, PARKHOUSE, CARLISLE, CUMBRIA, CA3 0JG T: 01228 915900 E: hello@kingmoorconsulting.co.uk	
PROJECT OPERA BINGO, HOLKER STREET BARROW IN FURNESS, CUMBRIA	
TITLE PROPOSED NEW FUNCTION ROOM BLOCK PLAN AND LOCATION PLAN	
SCALE AS NOTED	STATUS FOR PLANNING
PAPER SIZE A1	DRAWN BY S LOWES
PROJECT PHASE PLANNING	DATE MAR 2022
DRAWING NUMBER 22-101-DWG006	CHECKED AND APPROVED C AIMERS DATE MAR 2022 REVISION B

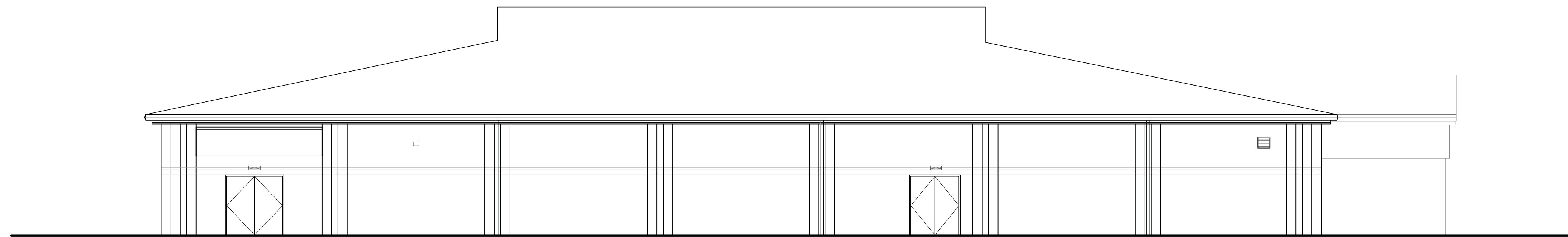
2022/0179



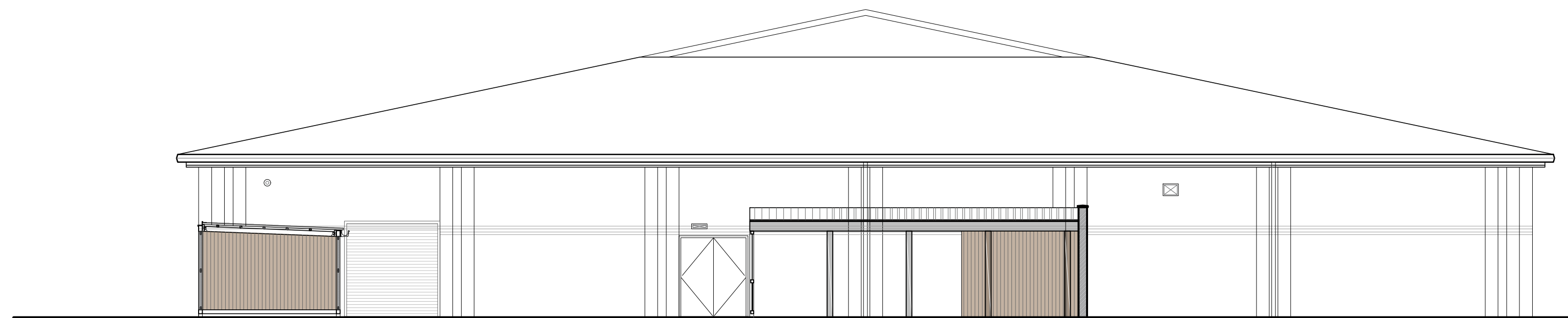
MILTON STREET ELEVATION
SCALE 1:100



HOLKER STREET ELEVATION
SCALE 1:100

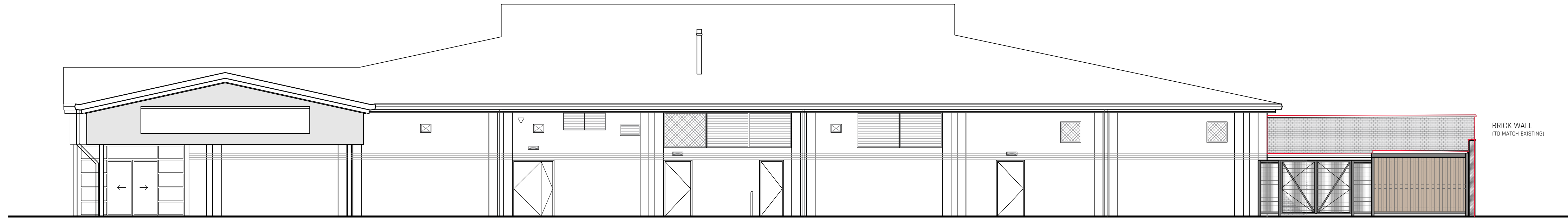


DRYDEN STREET ELEVATION
SCALE 1:100

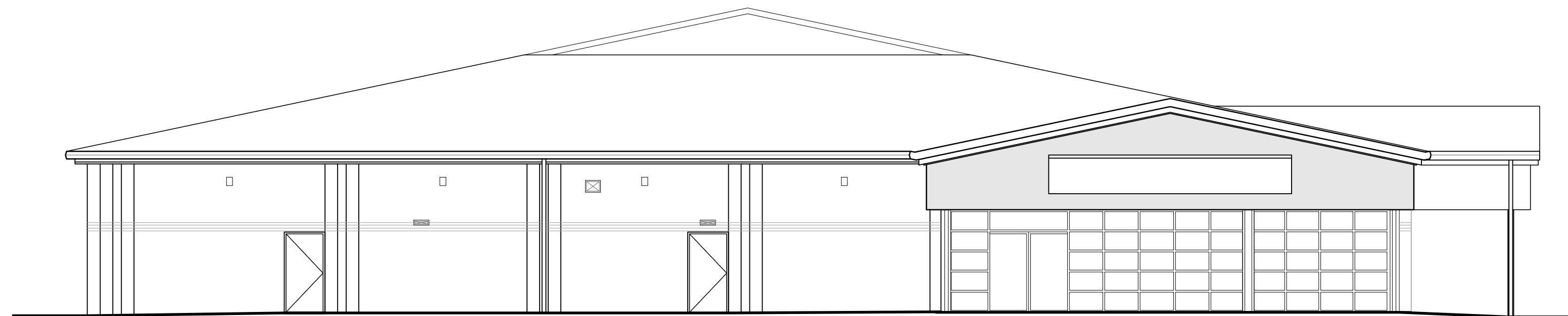


REAR ELEVATION
SCALE 1:100

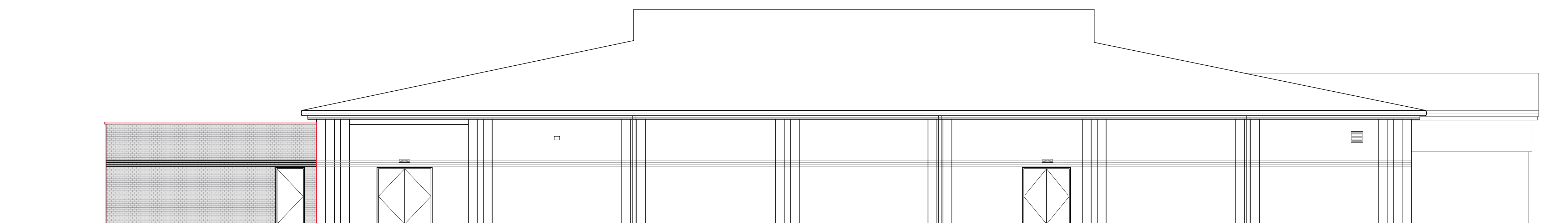
ENGINEER KINGMOOR CONSULTING 6B CLIFFORD COURT, PARKHOUSE, CARLISLE, CUMBRIA, CA3 0JG T: 01228 915900 E: hello@kingmoorconsulting.co.uk		CLIENT
PROJECT OPERA BINGO, HOLKER STREET BARROW IN FURNESS, CUMBRIA		
TITLE PROPOSED NEW FUNCTION ROOM EXISTING ELEVATIONS		
SCALE AS NOTED	STATUS FOR PLANNING	
PAPER SIZE A1	DRAWN BY S LOWES	CHECKED AND APPROVED C AIMERS
PROJECT PHASE PLANNING	DATE MAR 2022	DATE MAR 2022
DRAWING NUMBER 22-101-DWG002	REVISION A	



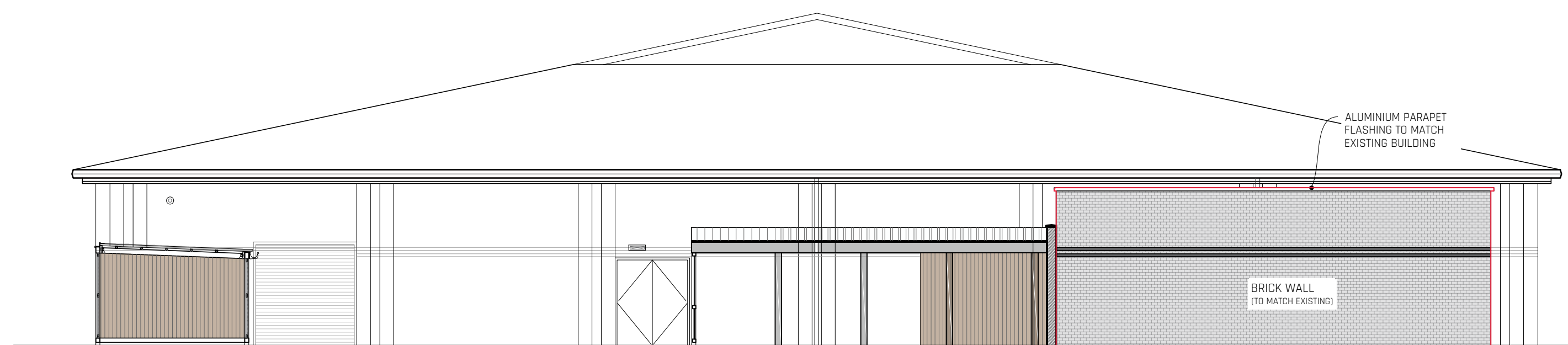
MILTON STREET ELEVATION
SCALE 1:100




HOLKER STREET ELEVATION
SCALE 1:100

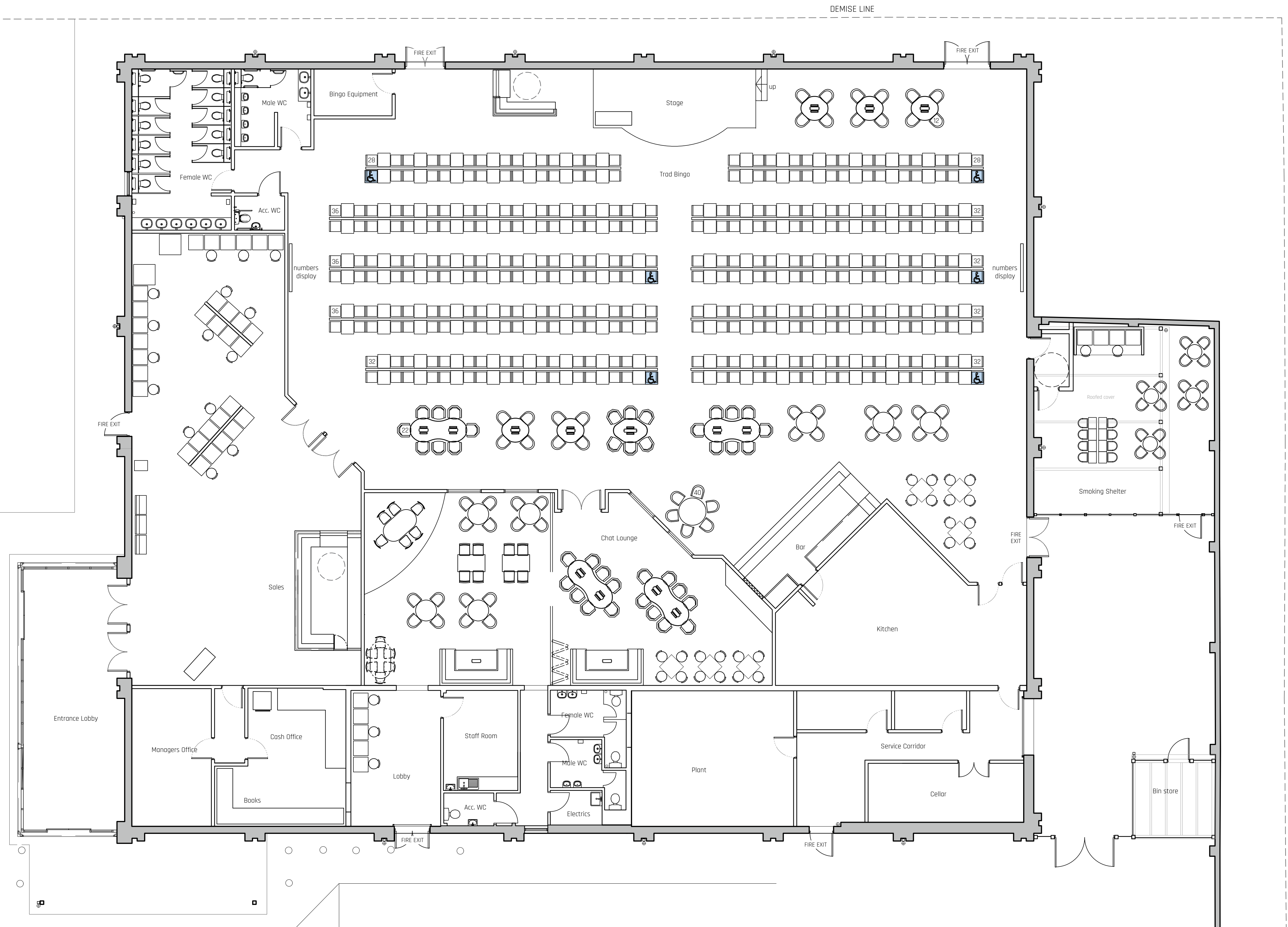


DRYDEN STREET ELEVATION
SCALE 1:100



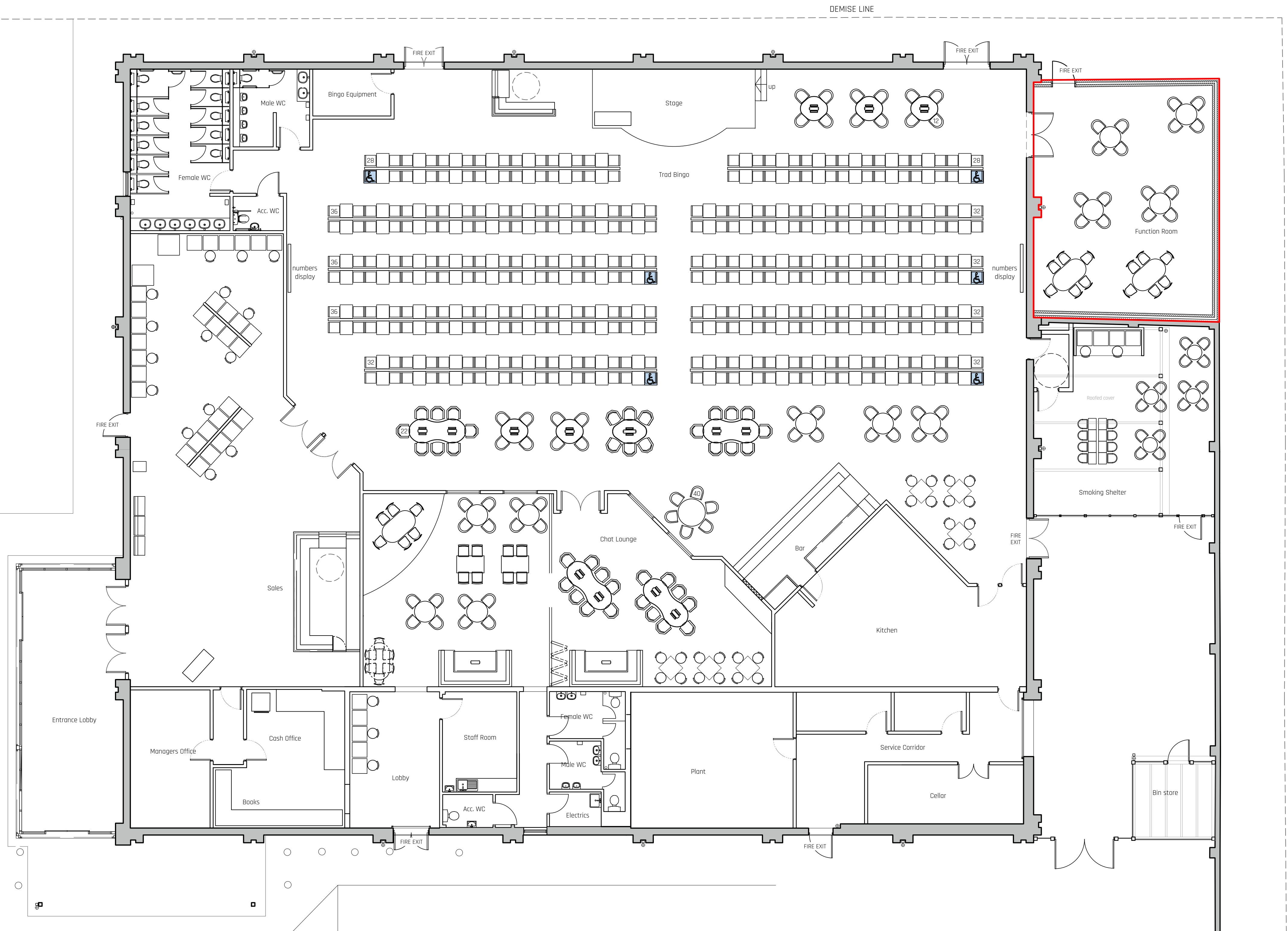
REAR ELEVATION
SCALE 1:100

		CLIENT
6B CLIFFORD COURT, PARKHOUSE, CARLISLE, CUMBRIA, CA3 0JG T: 01228 915900 E: hello@kingmoorconsulting.co.uk		
PROJECT		
OPERA BINGO, HOLKER STREET BARROW IN FURNESS, CUMBRIA		
TITLE		
PROPOSED NEW FUNCTION ROOM PROPOSED ELEVATIONS		
SCALE	STATUS	
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PROJECT PHASE	DATE	DATE
PLANNING	MAR 2022	MAR 2022
DRAWING NUMBER	REVISION	
22-101-DWG005	C	



FLOOR PLAN
SCALE 1:100

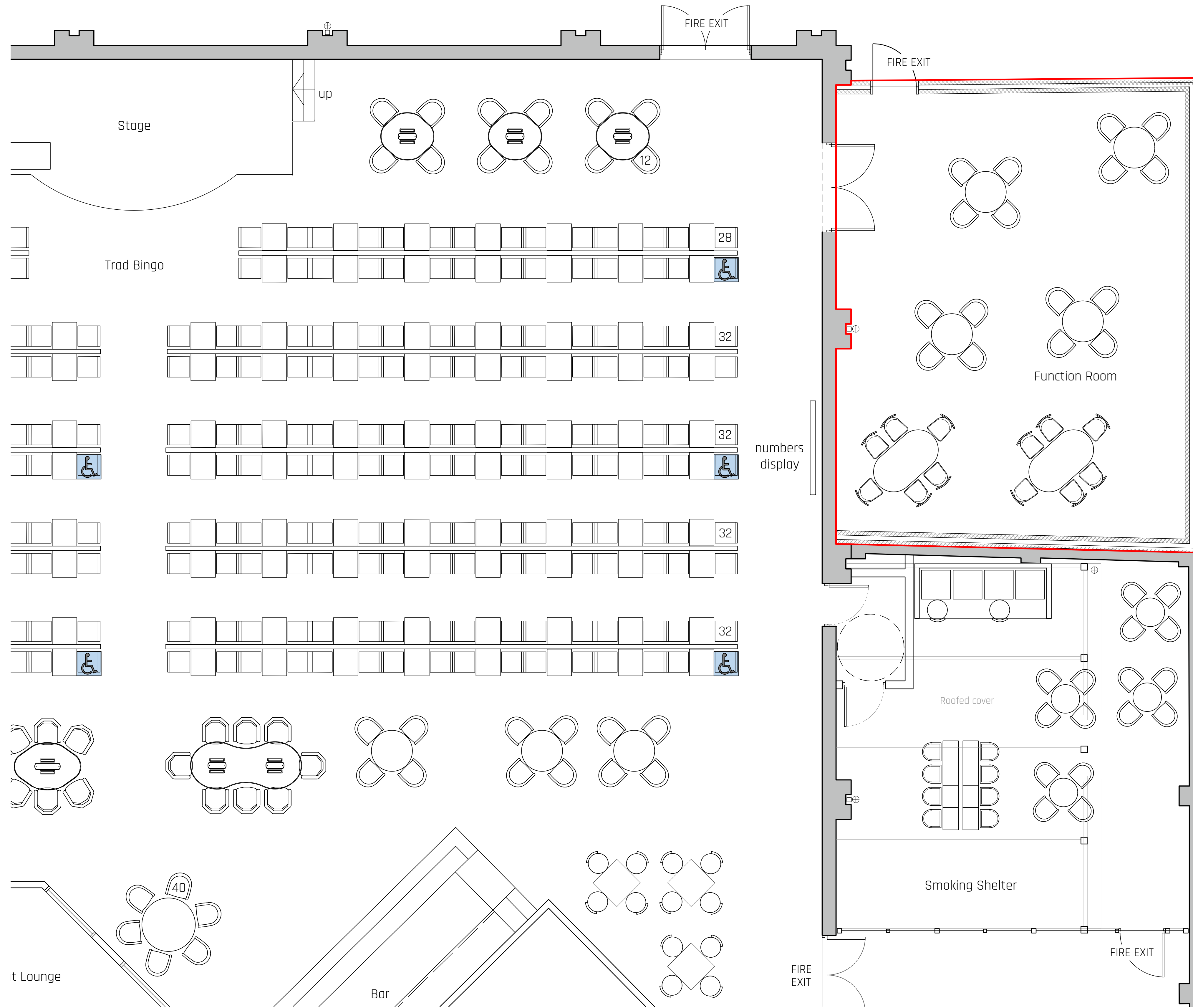
 6B CLIFFORD COURT, PARKHOUSE, CARLISLE, CUMBRIA, CA3 0JG T: 01228 915900 E: hello@kingmoorconsulting.co.uk		CLIENT
PROJECT OPERA BINGO, HOLKER STREET BARROW IN FURNESS, CUMBRIA		
TITLE PROPOSED NEW FUNCTION ROOM EXISTING FLOOR PLAN		
SCALE AS NOTED	STATUS FOR PLANNING	
PAPER SIZE A1	DRAWN BY S LOWES	CHECKED AND APPROVED C AIMERS
PROJECT PHASE PLANNING	DATE MAR 2022	DATE MAR 2022
DRAWING NUMBER 22-101-DWG001	REVISION A	



FLOOR PLAN
SCALE 1:100

<p>6B CLIFFORD COURT, PARKHOUSE, CARLISLE, CUMBRIA, CA3 0JG T: 01228 915900 E: hello@kingmoorconsulting.co.uk</p>		CLIENT
<p>PROJECT OPERA BINGO, HOLKER STREET BARROW IN FURNESS, CUMBRIA</p>		
<p>TITLE PROPOSED NEW FUNCTION ROOM PROPOSED FLOOR PLAN</p>		
SCALE AS NOTED	STATUS FOR PLANNING	
PAPER SIZE A1	DRAWN BY S LOWES	CHECKED AND APPROVED C AIMERS
PROJECT PHASE PLANNING	DATE MAR 2022	DATE MAR 2022
DRAWING NUMBER 22-101-DWG003	REVISION B	

DEMISE LINE



DEMISE LINE

FLOOR PLAN (EXTRACT)
SCALE 1:50

<p>6B CLIFFORD COURT, PARKHOUSE, CARLISLE, CUMBRIA, CA3 0JG T: 01228 915900 E: hello@kingmoorconsulting.co.uk</p>		CLIENT
<p>PROJECT OPERA BINGO, HOLKER STREET BARROW IN FURNESS, CUMBRIA</p>		
<p>TITLE PROPOSED NEW FUNCTION ROOM PROPOSED FLOOR PLAN (EXTRACT)</p>		
SCALE AS NOTED	STATUS FOR PLANNING	
PAPER SIZE A1	DRAWN BY S LOWES	CHECKED AND APPROVED C AIMERS
PROJECT PHASE PLANNING	DATE MAR 2022	DATE MAR 2022
DRAWING NUMBER 22-101-DWG004	REVISION B	

B23/2022/0152
Planning Committee
14th June 2022



Application Number : B23/2022/0152	Date Valid :30/03/2022
Address : New Inn, Biggar Village, Barrow-in-Furness, Cumbria LA14 3YG	Case Officer : Barry Jesson
Proposal : Listed Building Consent for alterations associated with extending habitable accommodation into the adjacent barn currently used for domestic storage/garaging and including external alterations to the front and rear elevations with rearrangement of internal room layouts. Changes to window and external door locations and removal of modern dormers with addition of rooflights.	
Ward : Walney South Ward	Parish : N/A
Applicant : Mr and Mrs Fox	Agent : Chris Bugler Architect Ltd
Statutory Date : 25/05/2022	Recommendation : GRANT WITH CONDITIONS
Barrow Planning Hub	

Relevant Policies and Guidance

Full details of the policies listed below are included in the appendix

National Policies

1. National Planning Policy Framework 2021 - Policy NPPF 011
2. National Planning Policy Framework 2021 - Policy NPPF 012
3. National Planning Policy Framework 2021 - Policy NPPF 194
4. National Planning Policy Framework 2021 - Policy NPPF 197
5. National Planning Policy Framework 2021 - Policy NPPF 199
6. National Planning Policy Framework 2021 - Policy NPPF 200
7. National Planning Policy Framework 2021 - Policy NPPF 202

Local Plan Policies

1. Barrow Borough Local Plan 2016-2031 - Policy DS1 - Council's commitment to sustainable development
2. Barrow Borough Local Plan 2016-2031 - Policy DS2 - Sustainable Development Criteria
3. Barrow Borough Local Plan 2016-2031 - Policy DS5 - Design
4. Barrow Borough Local Plan 2016-2031 - Policy HE1 - Heritage Assets and their setting

- 5. Barrow Borough Local Plan 2016-2031 - Policy HE2 - Information required for proposals involving historic assets
- 6. Barrow Borough Local Plan 2016-2031 - Policy HE3 - Listed Buildings
- 7. Barrow Borough Local Plan 2016-2031 - Policy HE4 - Conservation Areas

Summary of Main Issues

The issues for consideration relate to the impact of the proposed works and alterations on the special and historic interests of the listed building and conservation area, to be judged within the context of the statutory and policy framework. Other typical planning considerations do not apply now that the additional dwellings via sub-division have been omitted.

Non Material Considerations

None

Response to Publicity and Consultations

Neighbours Consulted

Street Name	Properties
Biggar Village	11, 5, Cedarwood, Chequers, Coach House, Cobblestones,
Niobe Street	14,

Responses	Support	Object	Neutral
1	0	1	0

Summary of objection

The objection makes reference to the previous refusals and considers this proposal is no different (not expressly stating but implying that the proposal will impact the special interests of the building, which is a material consideration).

Organisations Consulted

Consultee

Barrow Borough Council (Building Control)
 Historic Buildings & Places
 Joint Committee of the National Amenity Society

List of Organisation Responses

Barrow Borough Council (Building Control) 30/03/2022

“Building regulation approval required for the proposals.”

H BP Historic Buildings & Places 28/04/2022

Proposal: Listed Building Consent for alterations associated with extending habitable accommodation into the adjacent barn currently used for domestic storage/garaging and including external alterations to the front and rear elevations with rearrangement of internal room layouts. Changes to window and external door locations and removal of modern dormers with addition of rooflights.

Statutory Remit: Historic Buildings & Places (HB&P) is the working name of the Ancient Monuments Society, a registered charity in England and Wales (no. 209605). We are a consultee on all Listed Building Consent applications involving an element of demolition, as required by the *Arrangements for handling heritage applications – notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021*. We are concerned with historic assets of all types and all ages, including conservation areas and undesignated heritage.

Comments: “Thank you for consulting HB&P on this application – I apologise for the delay in responding. HB&P have raised concerns with previous schemes for this site which involved forming separate dwellings within the attached barn. We have now reviewed the documentation available online and are pleased that the applicant has taken on board our comments regarding the replacement of the dormer windows, roof lights, and window frames. The retention of the barn as ancillary space to the original building, rather than a separate dwelling, also avoids the harmful division of the courtyard/ garden area. We note that the barn originally had a tall barn door prior to the fire and subsequent reconstruction of the barn and so we do not object to the reinstatement of this feature. These changes will help ensure the barn remains subservient to the main and original section of this heritage asset.

I would be grateful if we could be informed of the outcome when this becomes available.”

Officers Report

1. Site and Locality

1.1 The building is located within Biggar Village, towards the northern edges of the settlement. The village is located on south Walney outside of the main urban area, on a small peninsula which juts into Walney Channel.

1.2 The vast majority of the village (excluding some farm buildings) is located within the Biggar Conservation Area, designated in 1974.

1.3 The house and adjoining garage is a grade II listed building. It was built in the current configuration in 1758, opened as a beer house in 1869, and was sold by Dutton's Brewery in 1975, becoming a dwelling thereafter. As part of these works, a roughcast block-work two storey extension, which now comprises the lounge and bedroom accommodation and garage/store, was joined to the west gable of the historical outbuildings, replacing the original barn/outbuilding. A large cobble wall enclosed garden is located to the SE beyond an access drive which leads to the adjoining dwelling called Chequers (not listed), which is aligned at 90 degrees to the application building.

2. Proposal Details

2.1 Listed Building Consent for alterations associated with extending habitable accommodation into the adjacent barn currently used for domestic storage/garaging and including external alterations to the front and rear elevations with rearrangement of internal room layouts. Changes to window and external door locations and removal of modern dormers with addition of roof lights.

3. Relevant History

3.1 1977/0801 New Inn Biggar Village Barrow-in-Furness Conversion of dwelling and attached barn to guest house at former 'New Inn' Appcond 01/11/1977

3.2 1978/0348 Barn adjacent to former New Inn Biggar Village Listed building consent to demolish barn Appcond 12/07/1978

3.3 1978/0366 Former New Inn and adjacent barn, Biggar Village, Barrow-in-Furness Erection of extension on site of demolished barn for the use as a Guest House, together with the former New Inn Appcond 12/07/1978

3.4 1981/0610 Barn adjacent to Former New Inn, Biggar Village, Barrow-in-Furness Demolition and reconstruction of Barn Appcond 21/09/1981

3.5 1981/0631 Barn adjacent to New Inn, Biggar Village, Barrow-in-Furness Listed Building Consent for demolition and reconstruction of Barn Appcond 03/11/1981

3.6 1981/0631 The New inn, Biggar Village, Barrow-in-Furness listed Building Consent for demolition of existing structure and reconstruction to same outside dimensions APPCOND

3.7 1990/0565 Barn adjacent to New Inn, Biggar Village, Barrow-in-Furness Change of use from barn to residential Appcond 26/07/1990

3.8 1990/0566 Barn adjacent to New Inn, Biggar Village, Barrow-in-Furness 26/07/1990 Approved Biggar Villa

3.9 41/1995/0161 Barn adjacent to the New Inn Biggar Village Barrow-In-Furness Renewal of application 90/0565. Conversion of barn to residential. Appcond 18/04/1995

3.10 86/2000/0321 New Inn Biggar Village Barrow-in-Furness Cumbria LA14 3YG Listed Building Consent for elevational changes to south east elevation to include creation of two ground floor windows, creation of two half dormer windows at eaves level and blocking up of three first floor windows Approved 21/06/2000

3.11 B13/2020/0346 New Inn Biggar Village Barrow-in-Furness Cumbria LA14 3YG Proposed division of the New Inn by conversion of existing ancillary accommodation into 2 separate 3-bedroom dwellings, including the subdivision of the existing garden and the creation of 6 designated parking spaces to allow 2 spaces for each dwelling. Three dwellings in total REFUSED 29/01/2021

3.12 B13/2021/0249 New Inn Biggar Village Barrow-in-Furness Cumbria LA14 3YG Division of the New Inn by conversion of existing modern ancillary accommodation and garage into two new separate 3-bedroom dwellings including the division of garden and creation of 6 designated parking spaces to allow 2 spaces for each dwelling - three dwellings in total (Re-submission B13/2020/0346) REFUSED 14/07/2021

3.13 B13/2021/0813 New Inn Biggar Village Barrow-in-Furness Cumbria LA14 3YG Convert the current garage/storeroom and modern annex to a separate two storey, three-bedroom dwelling within the existing building footprint minimising the external and internal changes to the historical portion of the listed building. REFUSED 19/01/2022

3.14 B23/2016/0314 New Inn Biggar Village Barrow-in-Furness Cumbria LA14 3YG Listed building consent for the erection of en-suite to master bedroom including replacement roof light and external soil vent pipe. Appcond 28/06/2016

3.15 B23/2020/0345 New Inn Biggar Village Barrow-in-Furness Cumbria LA14 3YG Listed Building Consent to Divide of the New Inn by conversion of existing ancillary accommodation into 2 separate 3-bedroom dwellings, including the subdivision of the existing garden and the creation of 6 designated parking spaces to allow 2 spaces for each dwelling. Three dwellings in total REFUSED 04/02/2021

3.16 B23/2021/0250 New Inn Biggar Village Barrow-in-Furness Cumbria LA14 3YG Listed Building Consent for the division of the New Inn by conversion of existing modern ancillary accommodation and garage into two new separate 3-bedroom dwellings including the division of garden and creation of 6 designated parking spaces to allow 2 spaces for each dwelling - three dwellings in total (Re-submission B23/2020/0345) REFUSED 14/07/2021

3.17 B23/2021/0814 New Inn Biggar Village Barrow-in-Furness Cumbria LA14 3YG Listed Building Consent to convert the current garage/storeroom and modern annex to a separate two storey, three-bedroom dwelling within the existing building footprint minimising the external and internal changes to the historical portion of the listed building. REFUSED 19/01/2022

4. Officer Assessment

Background

4.1 In general terms listed building consent (LBC) is required for all works of demolition, alteration or extension to a listed building that affect its character as a building of special architectural or historic interest. The requirement applies to all types of works and to all parts of those buildings covered by the listing protection (possibly including attached and curtilage buildings or other structures), provided that the works affect the character of the building as a building of special interest.

4.2 The Planning (Listed Buildings and Conservation Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest. Any decisions where listed buildings and their settings and conservation areas are a factor must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 (in particular sections 16, 66 and 72) as well as applying the relevant policies in the development plan and the National Planning Policy Framework.

4.3 In this instance, the section of the building subject to the proposal isn't original having previously been rebuilt, but due to its positioning and relationship to the main historic section, it can still affect the setting, character and significance of the wider building. Often later alterations are just as important as the original design because they show the development of the building, such as old but non-original windows or doors, thus careful assessment is required.

4.4 As the entire building is already used as a single residence, an accompanying planning application is not required for the proposed alterations as they do not result in the creation of a separate planning unit i.e. an additional dwelling. Members may recall previous applications to subdivide the building to provide a total of 2 or 3 dwellings, where both planning permission and LBC were refused. As the single residence is maintained, only the building works associated with the alteration now proposed are subject to assessment. The issues surrounding the remote location and development cordon are not a material consideration for LBC, nor is any potential impact on the amenity of neighbouring properties.

Proposal

4.5 The design has evolved incrementally down from the original plan to provide two additional dwellings, followed by a scheme for a single additional dwelling. These were all previously refused LBC due to a general loss of the simpler barn like character of the original section and its proposed replacement, resulting in a somewhat domestic terrace/mews appearance with an excessive number of openings. In some instances the new proposals broke the roofline via the proposed use of combined window/rooflights. Whilst this was in part to replace previous unsympathetic dormer additions to the dwelling, the overly modern style was considered to interrupt the long extended roof form of the original outbuildings. These proposals, including the scheme for one additional dwelling, resulted in objections from statutory consultees (Ancient Monuments Society, now Historic Building's and Places - HB&P). Ultimately the evolution of the design process has resulted in the current proposal of limiting the alterations to provide additional living space for the current single dwelling.

4.6 The current design has taken on board the advice given and the previous reasons for refusal. One of the key changes to the front elevation is the reinstatement of a full height recessed opening to this central section of the building, in place of the shallow modern roller garage door and small window openings above. This reinstates the original barn like character of the original building when used as a pub. It also reduces the number of other openings required due to the amount of glazing provided by the opening, both to the ground and upper floors, into which it extends with a glazing panel above the entrance door. Whilst the scheme still requires roof lights, these are a flush conservation style and crucially sit only within the roof slope, rather than extending through the gutter line into a linked window below as before. This maintains the continuous roof line, a key concept as previously commented by HB&P who now support the proposal, preventing an overly modern or dominant appearance.

4.7 Where required, new windows are now provided in a more simple form, with timber casements specified. Whereas the main original section contains multi paned Georgian style windows, previous attempts to replicate these provided an overly fussy appearance with little consistency in terms of the number of panes etc. This approach now better respects the general character by retaining a more secondary and subservient relationship, which would have been the case with the original storage barn. Finally to the front, the scheme also involves the removal of unsympathetic alterations to the building in the form of two dormer windows extending off the front wall, and entrance porch/canopy and another more recent Georgian style window. The replacements consist of complimentary windows and a pair of timber vertically boarded double doors, further emphasising the secondary, almost functional character.

4.8 The rear of the existing building is considered to be of less historic interest, containing few architectural features or window openings. A modern roller garage door in the rebuilt section is to be removed and replaced with a new timber passage door, with 3 new modest casement windows arranged to the rear to serve the accommodation within, again in the more simple form as proposed to the front. Any in-fill of closed openings will match the existing, with inner block walls and an external roughcast render painted white.

4.9 The layout of the main/original section remains unchanged, with internal access from the kitchen retained and leading to the former hall, now proposed as lounge. Modern stud partitions are to be removed creating a larger lounge space in place of a ground floor bedroom, the the rear most bedroom, shower room and a spiral staircase remain. The remainder of the ground floor is open, with the large lounge area extending into the store. The modern staircase to the front of the space is re-sited to the rear allowing for the large, recessed barn style opening to be created and not obscured by the stairs. The upper floor is largely unaltered aside from the repurposing of the store into a bedroom, with a connecting door into the retained games room. As all internal elements affect modern and non original features, no harm to the significance of the dwelling results from the layout changes proposed.

4.10 The objection received doesn't provide any specific basis in suggestion the application should be refused, other than simply because the property is listed. Being listed isn't a barrier to making alterations, though there is a statutory requirement to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The latest design is considered to preserve that special interest.

5. Conclusions

5.1 As stated, the proposal consists solely of alterations which require LBC rather than planning permission, primarily given only one dwelling or planning unit will remain. Previous applications consisted of sub-division for additional dwellings, for which planning consent was required and refused, but such sub-division has now been omitted. Whereas previously the external works and alterations were considered to be detrimental to the historic significance of the building, the latest design reverses this by providing a simpler scheme more befitting of the historic use and previous form of the building.

5.2 It achieves this by retaining and emphasising the secondary, functional barn style prevalent throughout the life of the building by making the main feature and focus the large central opening. This is a common feature in barn conversions which acknowledges the former use but also providing adequate lighting for the space within. Whilst this section is already in active domestic use, the end result is now considered an enhancement over the previous rebuild. Whilst that retained the general barn like form with the garage doors and smaller openings, the use of materials, detailing and proportions were lacking somewhat. The design is now more purposeful and also aided by removing the more modern, unsympathetic features such as the canopy porch and dormer windows.

5.3 The proposals are considered to be acceptable in terms of heritage policy and practice as whilst improving the design, it is done so without impacting on the principle elements of significance of the building. It is not considered that any harm results, indeed it is considered the setting of the wider listed building is enhanced. This equally applies to the conservation area, of which the enhancement also benefits. The proposal therefore meets both the aims of local and national policy, but also the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. Recommendation

I recommend that Listed Building Consent be GRANTED subject to the following conditions :

-

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason

Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

Compliance with Approved Plans

2. The development shall be carried out and completed in all respects in accordance with the application dated 30/03/2022 and the hereby approved documents defined by this permission as listed below, except where varied by conditions attached to this consent.

620-01, 620-02, 620-03.

Reason

To ensure that the development is carried out only as indicated on the drawings approved by the Planning Authority.

During Building Works

3. The doors, door frames, window frames and any other external joinery shall be of timber and given a painted finish of a type and colour to be agreed in writing with the planning authority prior to installation.

Reason

To ensure a finish appropriate to the building and location is achieved.

4. All window and door frames shall be set into the reveals by 200mm measured from the external face of the walls.

Reason

Setting the glazing back into the reveals creates shadow lines and minimises reflections and impact.

5. The roof lights shall be of the conservation type, coloured dark grey, and inserted flush with the roof covering.

Reason

To achieve an architecturally appropriate detail.

6. Any infilling of redundant openings or rebuilding of the walls and roof where necessary must be carried out with materials of the same type, colour, and texture as those used in the existing building.

Reason

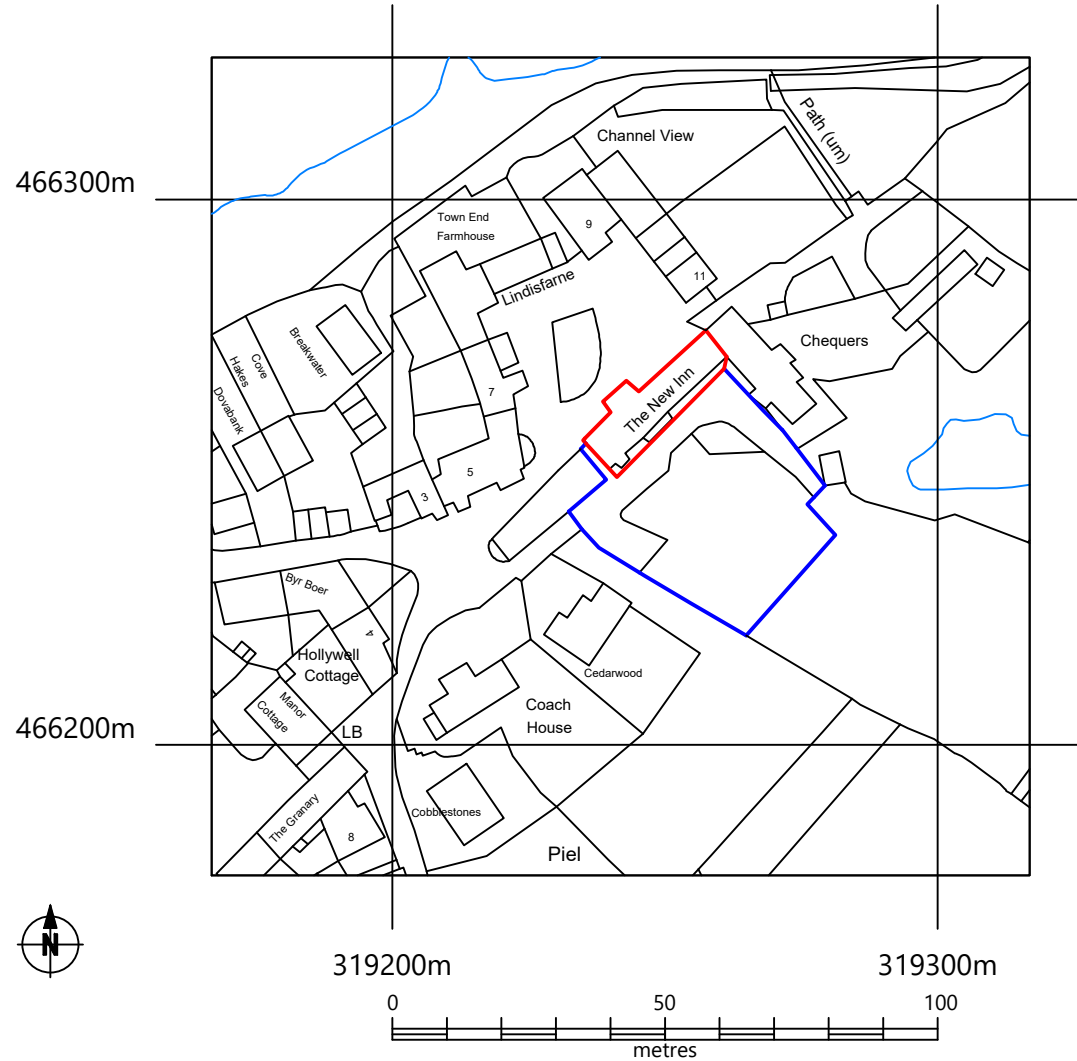
To ensure a satisfactory appearance to the development, and to minimise its impact upon the surrounding area

Informative

- Please note that any additional external alterations required under the Building Regulations may also require prior planning consent. Please speak to the Planning Officer before any such works are carried out.
 - This development may require approval under the Building Regulations. Please contact your Building Control department on 01229 876356 for further advice as to how to proceed.
 - Please be aware of the Safe Dig service from United Utilities by contacting United Utilities at; UUSafeDig@uuplc.co.uk
 - In terms of colours English Heritage advise that garish colours and white should be avoided in favour of dark grey/red, pale green and grey green [The conversion of traditional farm buildings: A guide to good practice, English Heritage 2006].
-

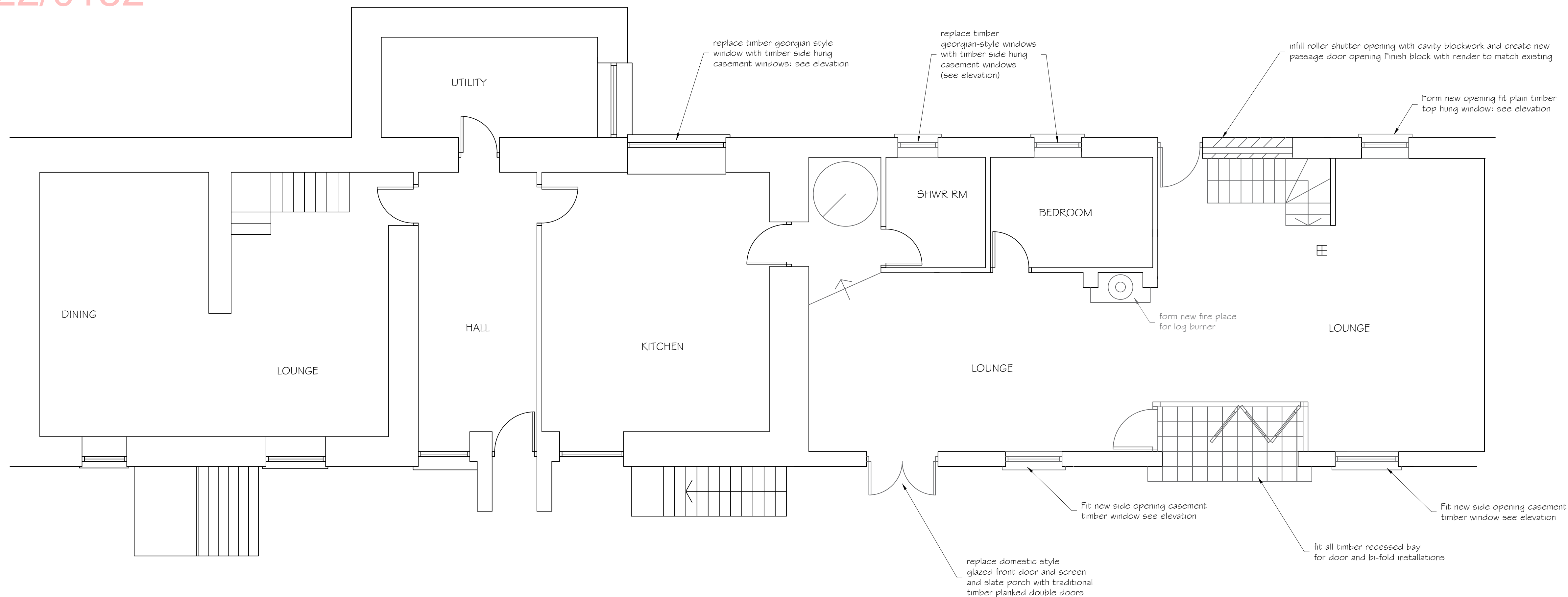
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The New Inn,
Biggar Village,
Walney
LA14 3YG

2022/0152

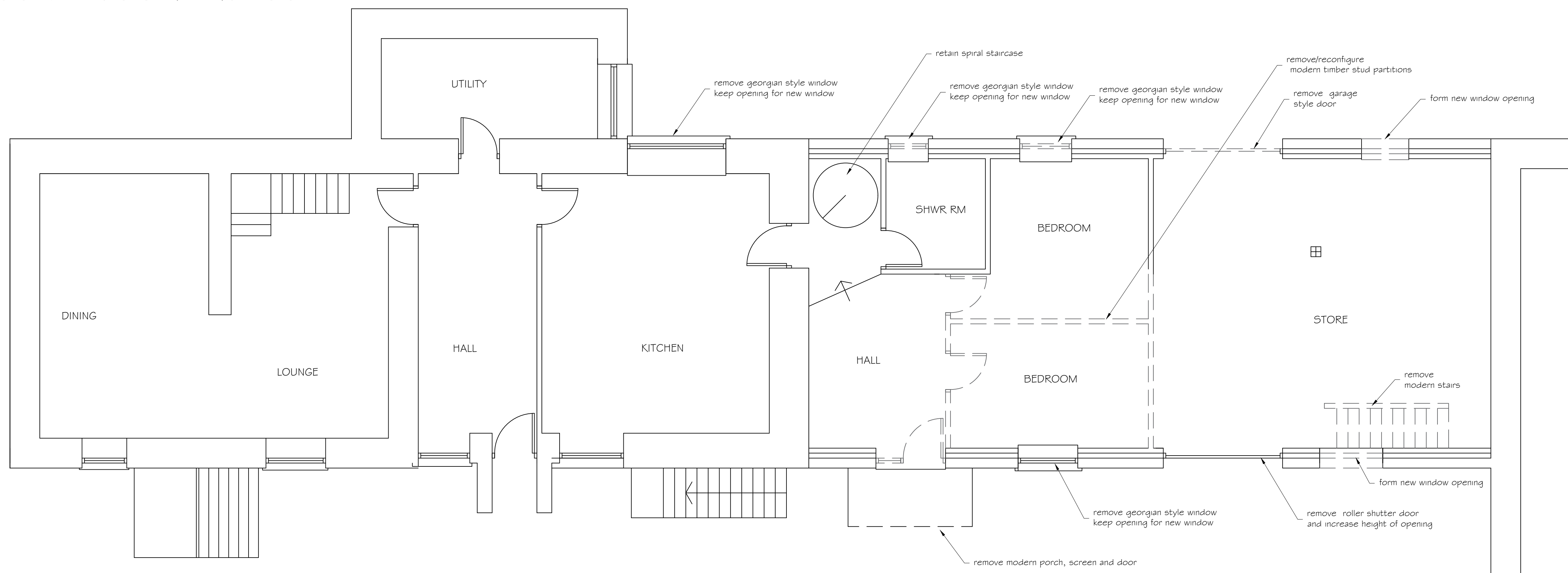


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GROUND FLOOR PROPOSED



GROUND FLOOR EXISTING

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Dimensions should not be scaled

Revision Notes:

**Chris Bugler
Chartered Architect**

The Barn Baycliffe House
Baycliff Ulverston LA12 9RN
Tel: 01229 869999 / 0771 3859041
Email: info@chrisbuglerarchitects.co.uk
www.chrisbuglerarchitects.co.uk

Christopher P. Bugler RIBA

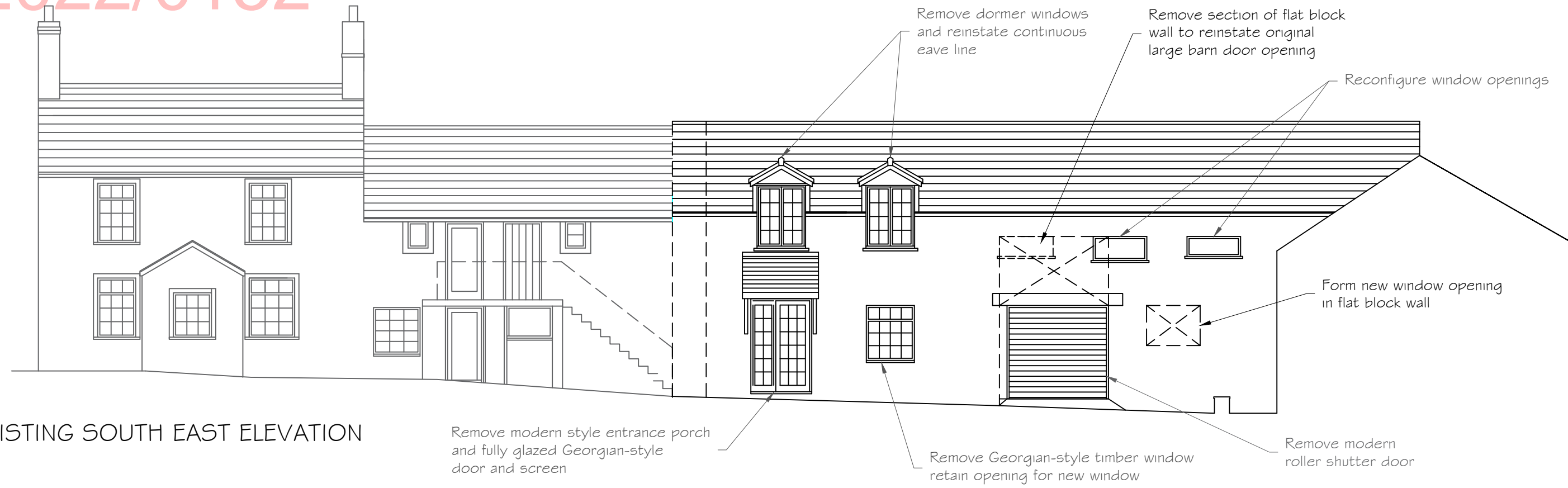
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Job Title:
INTERNAL AND EXTERNAL
ALTERATIONS TO
THE NEW INN, BIGGAR

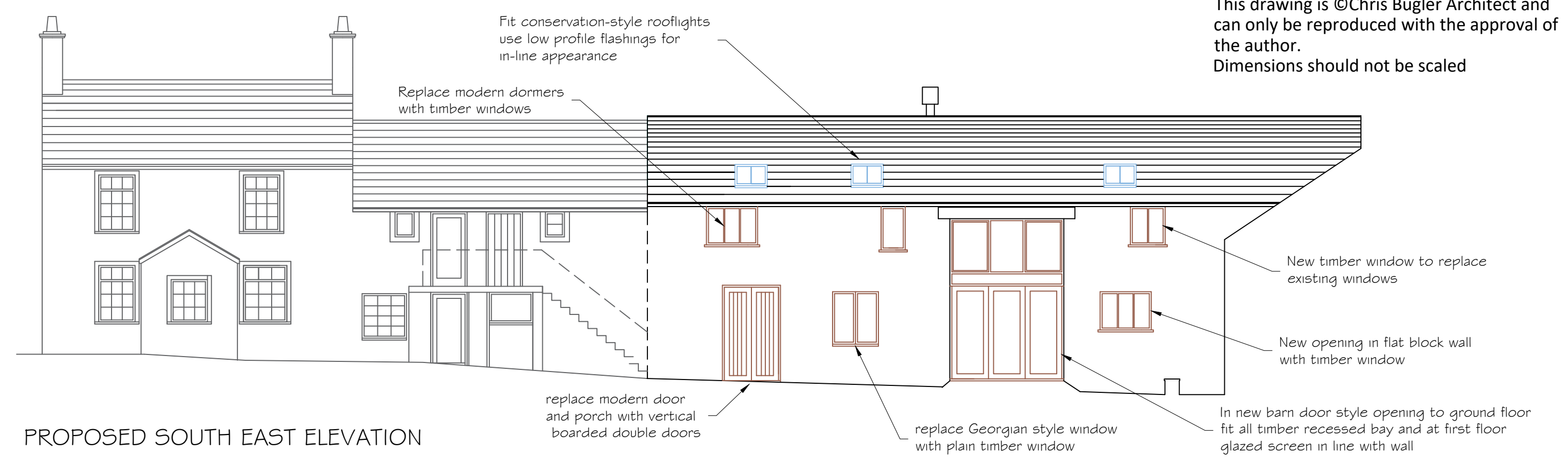
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G20/01	FEB '22
Rev:	

2022/0152

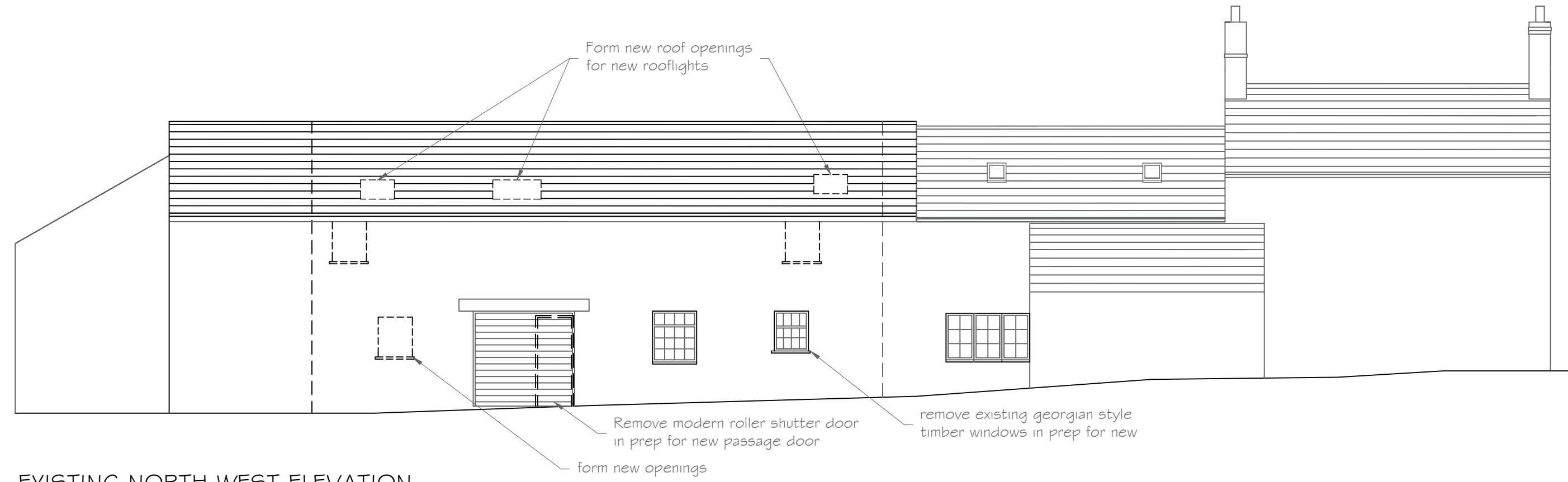


EXISTING SOUTH EAST ELEVATION

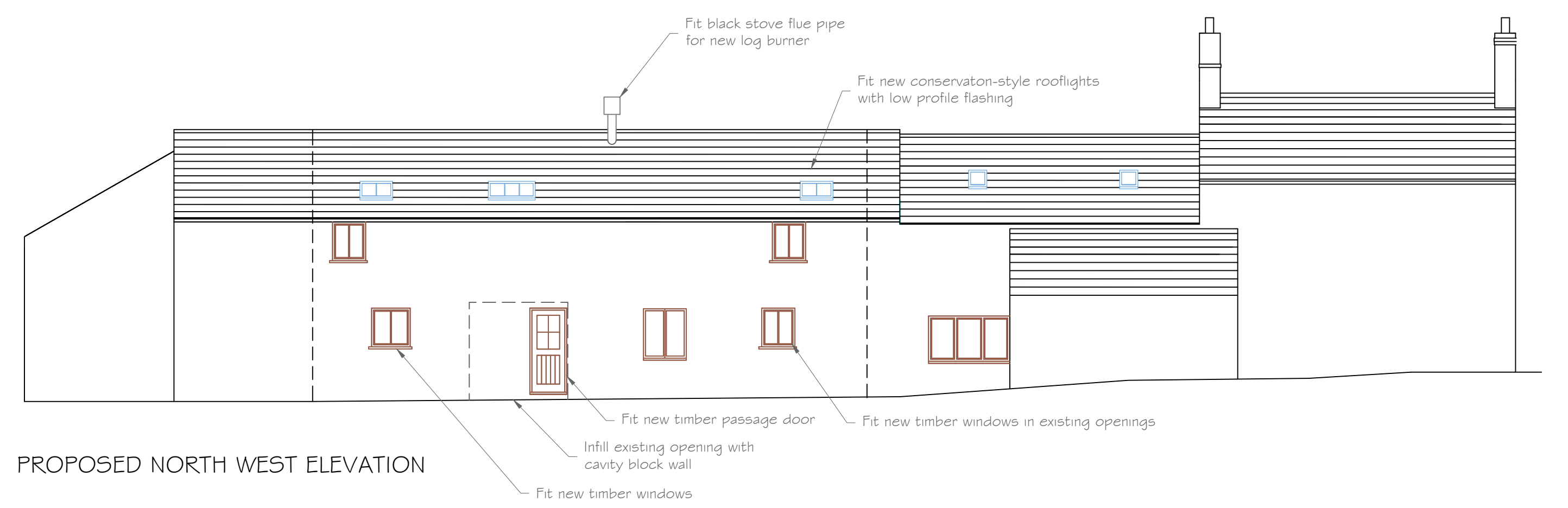


PROPOSED SOUTH EAST ELEVATION

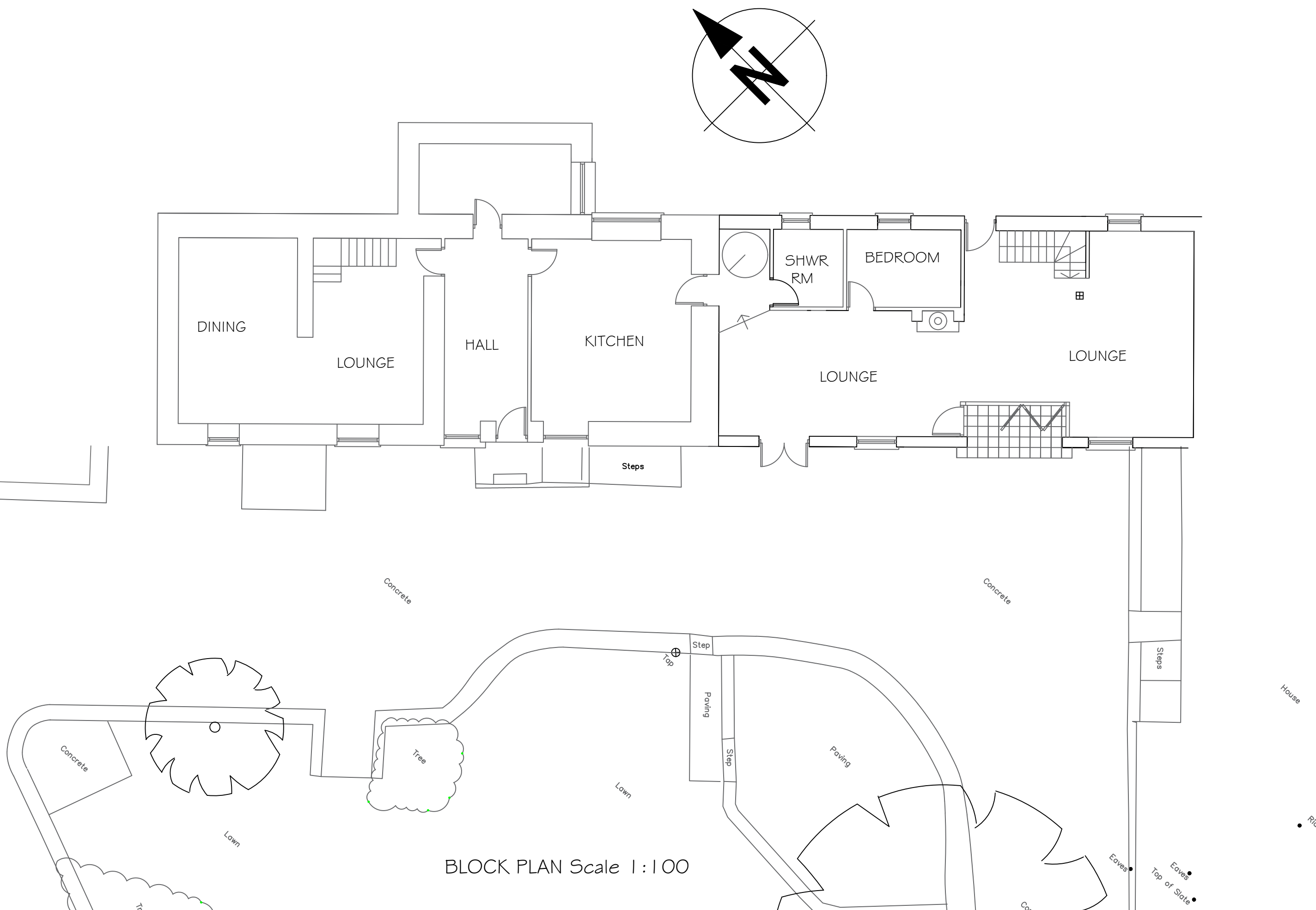
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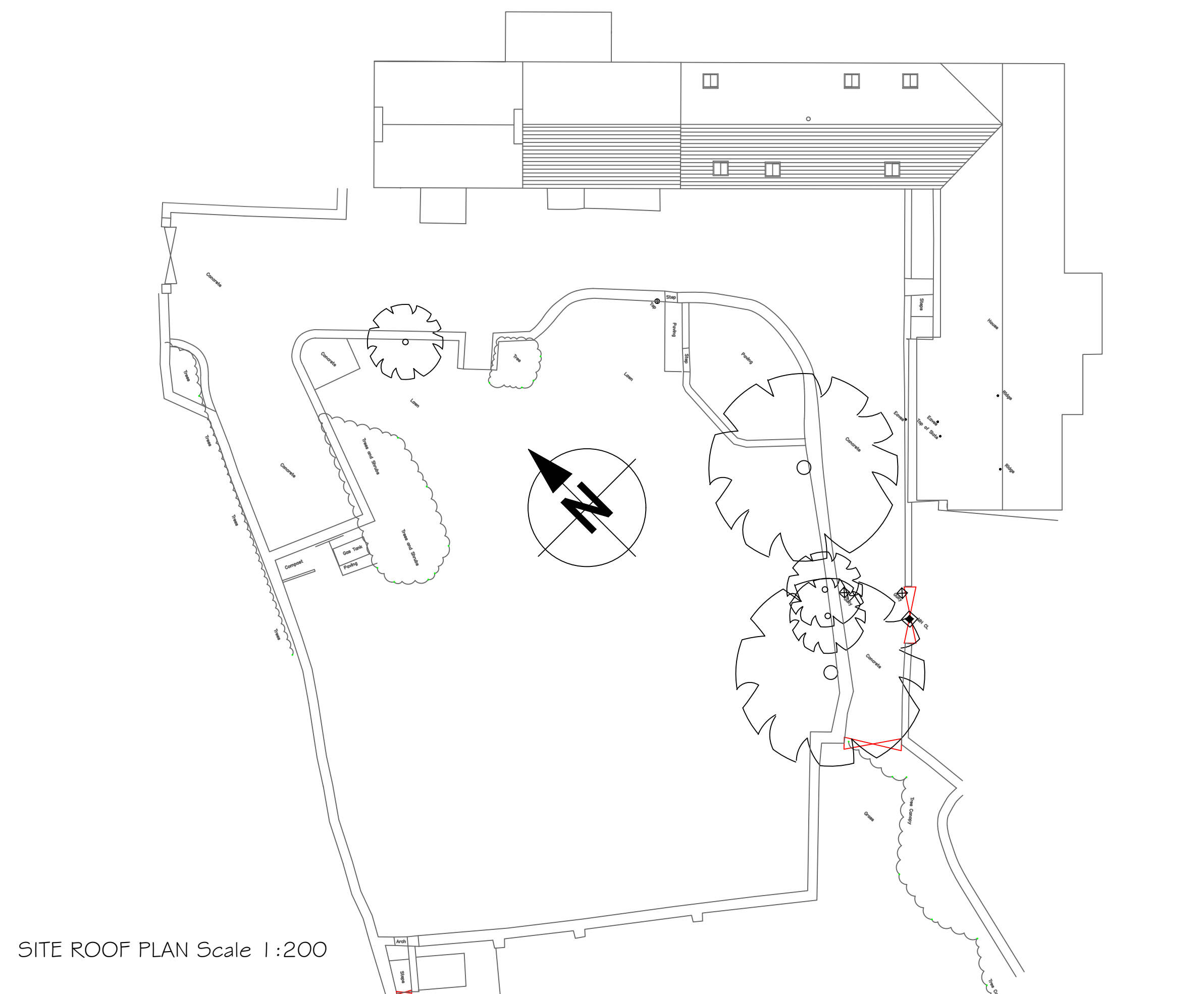
EXISTING NORTH WEST ELEVATION



PROPOSED NORTH WEST ELEVATION



BLOCK PLAN Scale 1:100



SITE ROOF PLAN Scale 1:200

Revision Notes:

Chris Bugler
Chartered Architect

The Barn Baycliffe House
Baycliffe Ulverston LA12 9RN
Tel: 01229 869999 / 0771 3859041
Email: info@chrisbuglerarchitects.co.uk
www.chrisbuglerarchitects.co.uk

Christopher P. Bugler RIBA

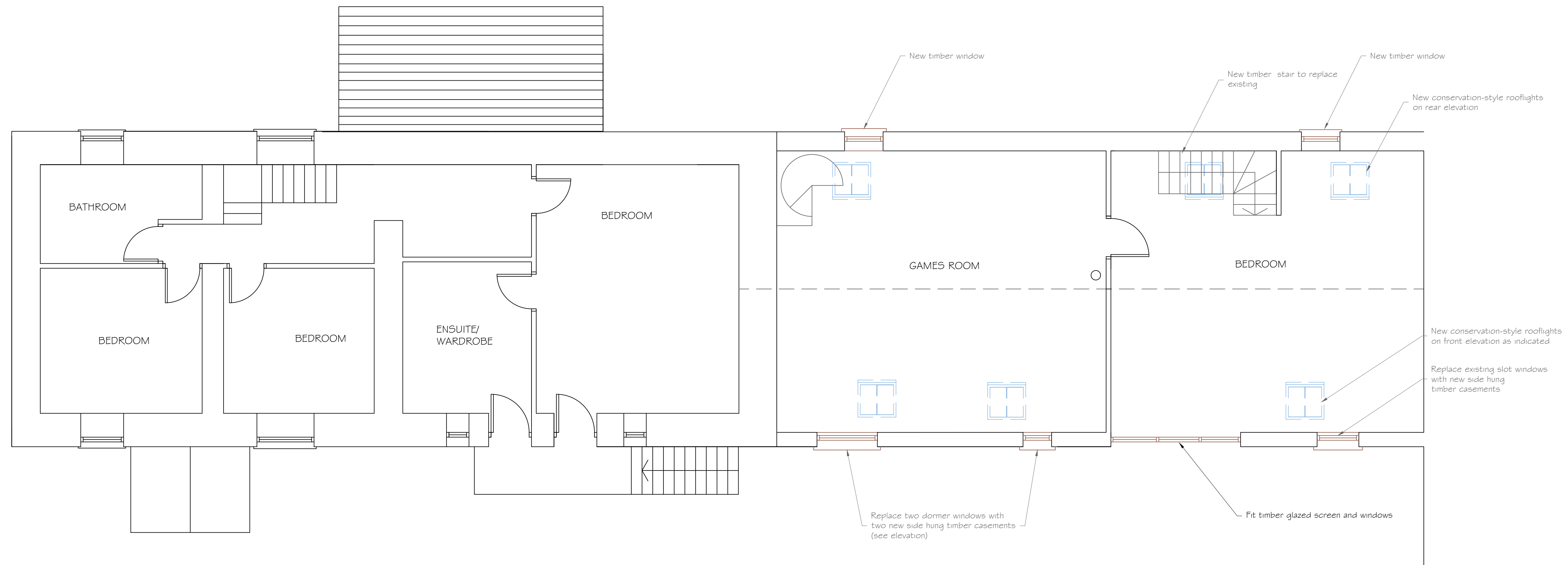
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Job Title:
INTERNAL AND EXTERNAL
ALTERATIONS TO
THE NEW INN, BIGGAR

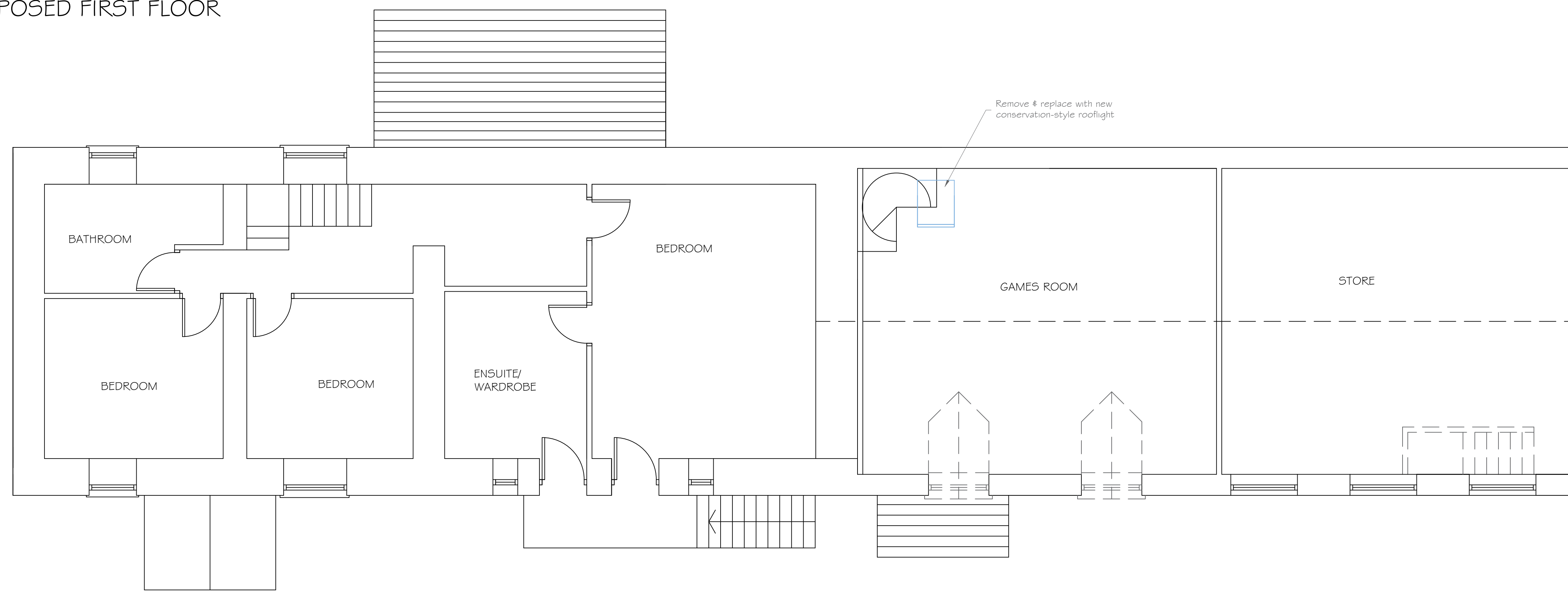
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EXISTING & PROPOSED FRONT &
REAR ELEVATIONS
BLOCK AND ROOF SITE PLANS

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1:100, 200 @ A1	CB	
Drawing No:	Date:	Rev:
G20/02	FEB 22	

Revision Notes:



PROPOSED FIRST FLOOR



EXISTING FIRST FLOOR

**Chris Bugler
Chartered Architect**

The Barn Baycliffe House
Baycliff Ulverston LA12 9RN
Tel: 01229 869999 / 0771 3859041
Email: info@chrisbuglerarchitects.co.uk
www.chrisbuglerarchitects.co.uk

Christopher P. Bugler RIBA

Client: [REDACTED]

Job Title:
INTERNAL AND EXTERNAL
ALTERATIONS TO
THE NEW INN, BIGGAR

Drawing Title:
EXISTING AND PROPOSED
FIRST FLOOR PLANS

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Drawing No:	G20/03	Date:	FEB '22
Rev:			

B13/2021/0646
Planning Committee
14th June 2022



Application Number : B13/2021/0646	Date Valid :28/07/2021
Address : Proposed Housing Site at Duke Street Askam-in-Furness Cumbria	Case Officer : Charles Wilton
Proposal : Proposed development of vacant land (Land Allocations Ref REC02 Duke Street, Askam) comprising 3 bedroom market housing - up to 8 units (outline with all matters reserved)	
Ward : Dalton North Ward	Parish : Askam and Ireleth Parish Council
Applicant : Mr D Cross	Agent : Craig and Meyer
Statutory Date : 22/09/2021	Recommendation : On completion of a 106 obligation that outline planning permission be GRANTED
Barrow Planning Hub	

Relevant Policies and Guidance

Full details of the policies listed below are included in the appendix

Local Plan Policies

1. Barrow Borough Local Plan 2016-2031 - Policy C2 - Development and the Coast
2. Barrow Borough Local Plan 2016-2031 - Policy DS1 - Council's commitment to sustainable development
3. Barrow Borough Local Plan 2016-2031 - Policy DS2 - Sustainable Development Criteria
4. Barrow Borough Local Plan 2016-2031 - Policy DS5 - Design

Summary of Main Issues

The site allocated for housing in the Local Plan, but drainage issues, the relationship to the railway, to heritage assets, and to neighbouring properties all need to be suitably addressed. Need to meet various policy requirements on bio diversity net gain, green infrastructure and design quality

Non Material Considerations

N/A

Response to Publicity and Consultations

Neighbours Consulted

Street Name	Properties
Duddon Road	Askam Station, Beachcroft,
Duke Street	1, 11, 13, 15, 3, 3 9, 31, 5, 56, 7, Askam And Ireleth Community Centre, Greenside House,
High Duddon Close	41,
Ireleth Road	Evergreen,
Park Avenue	1, 2, 3, 4, 5, 6, 7,
Sandy Lane	1, 3 Folly Court, 4 Folly Court,
Saves Lane	16,
School Street	1, 3,
Sharp Street	28,
Steel Street	104,

Responses	Support	Object	Neutral
15	0	14	1

Organisations Consulted

Consultee

Askam and Ireleth Parish Council
 Barrow Borough Council (Building Control)
 Barrow Borough Council (Estates)
 Barrow Borough Council (Planning Policy)
 Barrow Borough Council (Public Protection Services Contamination)
 Barrow Borough Council (Public Protection Services)
 Barrow Borough Council - Estates (Land Ownership Check Required)
 Cumbria County Council (Highways)
 Cumbria County Council (LLFA)
 Cumbria Fire and Rescue - Planning Consultations (5 dwellings +)
 Network Rail
 United Utilities (Asset Protection)

List of Organisation Responses

01/09/2021

Askam and Ireleth Parish Council

"This application was discussed at the parish council meeting held on Tuesday 31 August 2021. Concerns were raised by the parish council and members of the public present at the meeting. Since the time that Barrow Borough Council included this area in the local plan concerns have been expressed about this development. It is not believed that this site can sustain 9 houses, there is no indication that there are low-cost houses included in the proposal, it is felt that with two other major developments going ahead in the area then this development is unnecessary. The objections raised by residents are that there will be an increase in traffic assuming that the average of 2.4 cars per household would indicate an extra 21 cars accessing Duke Street at this point coupled with the traffic generated by the Coop and Sellafield parking then this amount of increase in traffic should be avoided. Despite previous calls for Barrow Borough Council and Cumbria County Council to help alleviate an already congested area the impression is that these are being ignored and indeed being exasperated."

27/01/2022

Askam and Ireleth Parish Council

"This resubmission was discussed at the parish council meeting held on Tuesday 18 January 2022. The following comments were made by the parish council. The parish council would like these comments to be taken into consideration. During initial consultations with Barrow Borough Council on the local plan the Parish Council and residents expressed a desire for this area to be part housing and part car park. It is well documented that there is a Parking Issue in Askam especially on Duke Street which various bodies continually ignore. The original Planning application had at least 6 parking places that would have helped, albeit moderately, to alleviate this situation especially given that access and exit from the site will undoubtedly increase parking issues on Duke Street. The parking has now been completely removed from the application and the cost saving option of making a flood water retention area, which will undoubtedly become a problem in the future is now the preferred option. This is totally unacceptable to the parish council who feel that car parking is essential in this area. There are alternative solutions to this which would provide flood retention and allow the area to be made into a 6-bay car park with provision for public electrical vehicle charging points."

19/01/2022

Mr G Dowker Barrow Borough Council (Public Protection Services Contamination)

"Thank you for the above consultation. Having looked at the additional documents, I would like to reiterate my comments as sent on 27th August 2021 for application B13/2021/0646 pertaining to the need of a Phase 2 intrusive investigation."

03/08/2021

Barrow Borough Council (Public Protection Services Licensing)

“No comments for health and safety”

27/08/2021

Barrow Borough Council (Public Protection Services Licensing)

“Thank you for the above consultation. I can confirm that i have read the E3P Phase 1 Geo-environmental Site Assessment Dated 20th May 2021 and can now comment further. I agree with the initial desk study that the site posses a low risk of contamination due to the lack of development, however it cannot be ruled out that material has been dumped here in the past and i would request that a phase 2 (albeit limited) be carried out to ascertain this potential risk.

I would include the following conditions based on this request:

1. The Preliminary Investigation has identified a potential unacceptable risk, a **Field Investigation and Risk Assessment**, conducted in accordance with established procedures (BS10175 (2011+A2:2017) Code of Practice for the Investigation of Potentially Contaminated Sites and Land Contamination Risk Management (LCRM)), shall be undertaken to determine the presence and degree of contamination and must be undertaken by a suitably qualified contaminated land practitioner. The results of the Field Investigation and Risk Assessment shall be submitted to and approved by the Local Planning Authority before any development begins
2. Where contamination is found which poses unacceptable risks, no development shall take place until a detailed **Remediation Scheme** has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remedial options and proposal of the preferred option(s), all works to be undertaken, proposed remediation objectives, remediation criteria and a verification plan. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use.
3. The approved Remediation Scheme shall be implemented and a **Verification Report** submitted to and approved in writing by the Local Planning Authority, prior to occupation of the development.
4. In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and Field Investigations shall be carried out. Where required by the Local Planning Authority, remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to occupation of the development.

5. No soil material is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development. A suitable methodology for testing this material should be submitted to and approved by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out as per the agreed methodology with verification of its completion submitted to and approved in writing by the Local Planning Authority.

I would also request that a Construction management plan is submitted encompassing dust and noise mitigation etc. If you would like further clarification on this matter, please don't hesitate to contact me further".

30/11/2021

Cumbria County Council (Highways & LLFA) received 30/11/21

"Thank you for your re-consultation on 11 November 2021 regarding the above Planning Application.

Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below.

Local Highway Authority response:

Proposed layout on the drawing 6281/01 do not include adequate number of on site parking spaces per proposed dwelling. Minimum required number of parking spaces for 3 bedroomed dwelling is 2. The submitted layout is showing only 10 on site spaces.

Proposed 6 public parking spaces from Duke Street is unacceptable in terms of safety for road users as there is no space for safe manoeuvring to prevent reversing in or out from the parking space direct onto Duke Street and this creates more risk to the pedestrians.

Applicant should consider creating compensating parking spaces within the site at the number of lost on street spaces of 3 or 4 instead of 6 with access via the new access to the site. Pedestrian link then can be created either within the existing wall or through the green space to the bus shelter on the north of the site.

Waste collection point may be required closer to the turning head for the houses on the south side due to the length of the road.

Lead Local Flood Authority response:

The LLFA surface water map show flooding to the area and indicate up to 1% (1 in 100) chance of occurring each year and the Environment Agency (EA) surface water maps do not indicate that the site is in an area of risk.

Submitted Flood Risk and Drainage Strategy has a good principle and design, however in light to the Sewerage Sector Guidance outlet opening should be 50mm" c) where the design of the upstream system will prevent debris entering the system (e.g., underground systems where the inlets are pervious pavement systems), static controls should have a minimum opening size of 50 mm;"

This solution would be more acceptable and will be better match to the existing green run off rate - QBAR 1.4

Developers' Contribution for Infrastructure

The Barrow Transport Improvement Study as evidence for the Barrow Local Plan has identified a cycle-way improvement scheme from Askam to Thwaite Flatt / Dalton. The route is No.11 in the document

<https://www.barrowbc.gov.uk/residents/planning/planning-policy/examination-of-local-plan/examination-library/transport-infrastructure/?entryid1=5985>

It has provisionally been costed at £72k for an on-road upgrade / provision of a route. Taking into account inflation for the 2016 estimate, this has increased to £77,760 (+8%).

There is also concern about the impact the increased trips generated by the cumulative growth in residential (allocated) sites in Askam and Ireleth will have on Lots Road from its junction with the A595 to New Road. A scheme to move the 30mph speed limit and introduce traffic calming (signs and road markings) has been recommended. A scheme cost of £6,600 for moving the speed limit and £10,000 for traffic calming has been estimated.

Across the 6 allocations in Askam & Ireleth (REC01, REC02, REC03, REC31, REC36 and SHL017) the yield is nominally 130 dwellings.

The total cost of the infrastructure ask is £94,360 or £725 per dwelling. **Therefore for this site with 9 dwellings planned, the developer's contribution towards infrastructure will be £6,525.**

Conclusion:

In light to the above I am unable to support the proposal in the matter of the parking proposal as this will have the detrimental impact on the highway conditions. Drainage in principle is acceptable but further design details are required and the consideration of a reduced outflow if necessary."

23/08/2021

Cumbria County Council (Highways)

"Thank you for your consultation on 3 August 2021 regarding the above Planning Application. Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below.

Local Highway Authority response:

Proposed layout do not include adequate number of onsite parking spaces per proposed dwelling. Minimum required number of parking spaces for 3 bedroomed dwelling is 2. The submitted layout showing only 10 onsite spaces plus 6 public spaces accessed directly from/to Duke Street. Proposed public parking spaces from Duke Street create concerns of safety for road users as there is no space for safe manoeuvring to prevent reversing in or out from the parking space direct onto Duke Street. There is no visibility splays provided for the proposed parking either, to indicate safety of the access.

Access road is proposed to be adopted however current layout may not comply fully with the adopted standards in terms of turning facility for service vehicles.

Lead Local Flood Authority response:

The LLFA surface water map show flooding to the area and indicate up to 1% (1 in 100) chance of occurring each year and the Environment Agency (EA) surface water maps do not indicate that the site is in an area of risk.

The drainage would need to be identified for proposals for foul and surface water, mains connected or to soakaway. The surface water drainage should not be greater than the already existing. If installing a soakaway we would advise not to be positioned in close proximity to the highway – which should be at least 5m away from the highway and property.

The applicant may also find useful from our website sustainable drainage systems (SuDs) Cumbria Development Design Guide Appendix 6 – SuDs components which provides examples of various types of SuDs components that are considered appropriate to a sustainable drainage system.

Proposed basin is welcomed but further outline design is required for the assessment of suitability for the proposal.

Conclusion:

In light to the above I have insufficient details to provide full response and would request from applicant additional details. Upon receipt of the amended plans I shall be better placed to provide full response, otherwise I will have no alternative as to recommend refusal:

Inadequate information has been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of:

- access
- visibility splays
- off-street parking
- surface water drainage
- its effect on local traffic conditions and public safety
- outline drainage detail
- outline drainage calculations

Reason: *To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.*

To support Local Transport Plan Policy: LD7, LD8

27/01/2022

Highways Cumbria County Council (Highways)

"Thank you for your re-consultation on 11 January 2022 regarding the above Planning Application. Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below.

Local Highway Authority response:

Amended plans include reduction in number of the houses on the site resulting in more available and adequate number of car parking spaces for the development.

Proposed new access design and access road are satisfactory in line of parking, turning and pedestrian access.

Lead Local Flood Authority response:

The LLFA surface water map show flooding to the area and indicate up to 1% (1 in 100) chance of occurring each year and the Environment Agency (EA) surface water maps do not indicate that the site is in an area of risk.

As was mentioned before, submitted Flood Risk and Drainage Strategy has a good principle and design, however in light to the Sewerage Sector Guidance outlet opening should be 50mm.

This solution would be more acceptable and will be better match to the existing green run off rate where previously was stated at 1.4 and this time at 1.1.

Designed drainage system should not exceed the existing run offs, which is green run off rate in this case. Clarification from the applicant is needed.

Developers' Contribution for Infrastructure:

The Barrow Transport Improvement Study as evidence for the Barrow Local Plan has identified a cycle-way improvement scheme from Askam to Thwaite Flatt / Dalton. The route is No.11 in the document

<https://www.barrowbc.gov.uk/residents/planning/planning-policy/examination-of-local-plan/examination-library/transport-infrastructure/?entryid1=5985>

It has provisionally been costed at £72k for an on-road upgrade / provision of a route. Taking into account inflation for the 2016 estimate, this has increased to £77,760 (+8%).

There is also concern about the impact the increased trips generated by the cumulative growth in residential (allocated) sites in Askam and Ireleth will have on Lots Road from its junction with the A595 to New Road. A scheme to move the 30mph speed limit and introduce traffic calming (signs and road markings) has been recommended. A scheme cost of £6,600 for moving the speed limit and £10,000 for traffic calming has been estimated.

Across the 6 allocations in Askam & Ireleth (REC01, REC02, REC03, REC31, REC36 and SHL017) the yield is nominally 130 dwellings.

The total cost of the infrastructure ask is £94,360 or £725 per dwelling. **Therefore for this site with 8 dwellings planned, the developer's contribution towards infrastructure will be £5,800.**

Conclusion:

In light to the above I am unable to support the proposal in the matter of drainage where further design details are required and the consideration of a reduced outflow if necessary.

23/08/2021

Cumbria County Council (LLFA)

"Thank you for your consultation on 3 August 2021 regarding the above Planning Application. Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below.

Local Highway Authority response:

Proposed layout do not include adequate number of onsite parking spaces per proposed dwelling. Minimum required number of parking spaces for 3 bedroomed dwelling is 2. The submitted layout showing only 10 onsite spaces plus 6 public spaces accessed directly from/to Duke Street. Proposed public parking spaces from Duke Street create concerns of safety for road users as there is no space for safe manoeuvring to prevent reversing in or out from the parking space direct onto Duke Street. There is no visibility splays provided for the proposed parking either, to indicate safety of the access.

Access road is proposed to be adopted however current layout may not comply fully with the adopted standards in terms of turning facility for service vehicles.

Lead Local Flood Authority response:

The LLFA surface water map show flooding to the area and indicate up to 1% (1 in 100) chance of occurring each year and the Environment Agency (EA) surface water maps do not indicate that the site is in an area of risk.

The drainage would need to be identified for proposals for foul and surface water, mains connected or to soakaway. The surface water drainage should not be greater than the already existing. If installing a soakaway we would advise not to be positioned in close proximity to the highway – which should be at least 5m away from the highway and property.

The applicant may also find useful from our website sustainable drainage systems (SuDs) Cumbria Development Design Guide Appendix 6 – SuDs components which provides examples of various types of SuDs components that are considered appropriate to a sustainable drainage system.

Proposed basin is welcomed but further outline design is required for the assessment of suitability for the proposal.

Conclusion:

In light to the above I have insufficient details to provide full response and would request from applicant additional details. Upon receipt of the amended plans I shall be better placed to provide full response, otherwise I will have no alternative as to recommend refusal:

Inadequate information has been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of:

- access
- visibility splays
- off-street parking
- surface water drainage
- its effect on local traffic conditions and public safety
- outline drainage detail
- outline drainage calculations

Reason: *To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.*

To support Local Transport Plan Policy: LD7, LD8

19/08/2021

Cumbria Fire and Rescue - Planning Consultations (5 dwellings +)

"Following examination of plans in connection with the above application with regard to access of the site and water supplies, I have to inform you that the Fire Authority has no objections to this application. However, it should be noted that access for firefighting and water supplies must comply with ADB Volume 1, Dwellings, Section B5.

Cumbria Fire and Rescue Service is committed to reducing the impact of fire on people, property and the environment. For this reason, it is recommended that the applicant should give consideration to the inclusion of a sprinkler system within the design of the premises.

There is clear evidence that sprinklers and other forms of automatic fire suppression systems can be effective in the rapid suppression of fires and therefore play an important role in achieving a range of benefits for both individuals and the community in general.

This is because sprinklers can significantly help to:

- J Improve the time available to escape from a fire
- J Reduce death and injury from fire
- J Reduce the risks to fire fighters who we ask to fight the fires
- J Protect property
- J Reduce the effects of arson
- J Reduce the environmental impact of fire

These benefits may far outweigh the installation costs of new sprinkler systems.

For more information on sprinklers, visit the British Automatic Fire Sprinkler Association at www.bafsa.org.uk

If you would like to discuss this or any other matter of fire safety, please contact me at the above details."

13/01/2022

Cumbria Fire and Rescue - Planning Consultations (5 dwellings +)

"Following examination of plans in connection with the above application the Fire Authority has no objections to this application.

However, it should be noted that access for firefighting and water supplies must comply with the following:

Approved Document B Volume 1: Dwellings, Requirement B5: Access and facilities for the fire service.

Reference should be made to Section 13, in particular paragraphs 13.1, 13.4 and Table 13.1.

ADVISORY

Additionally, Cumbria Fire and Rescue Service are committed to reducing the impact of fire on people, property and the environment. For this reason, it is recommended that the applicant should give consideration to the inclusion of a sprinkler system within the design of the premises.

There is clear evidence that sprinklers and other forms of automatic fire suppression systems can be effective in the rapid suppression of fires and therefore play an important role in achieving a range of benefits for both individuals and the community in general.

This is because sprinklers can significantly help to:

- Improve the time available to escape from a fire
- Reduce death and injury from fire

- Reduce the risks to fire fighters who we ask to fight the fires
- Protect property
- Reduce the effects of arson
- Reduce the environmental impact of fire

These benefits may far outweigh the installation costs of new sprinkler systems.

For more information on sprinklers, visit the British Automatic Fire Sprinkler Association at www.bafsa.org.uk.

If you would like to discuss this or any other matter of fire safety, please contact me at the above details."

13/01/2022

Network Rail

"With reference to the protection of the railway, Network Rail has no objection in principle to the proposal, but below are requirements which must be met as the proposal includes works within 10m of the railway boundary and an interface with the railway boundary - therefore undertaking the works with the agreement and supervision of Network Rail is required. This is to ensure that the works on site, and as a permanent arrangement, do not impact upon the safe operation and integrity of the existing operational railway and for the avoidance of doubt of both the council and the developer who may not be aware of the potential for outside party proposals to impact upon the railway.

Please forward the attached documents, forms and asset protection contact details to the applicant for actioning

Network Rail recognises that conditions are imposed for a planning purpose and that they are fairly and reasonably related to the development and not be manifestly unreasonable. We believe that the comments included in this email are indeed fair and reasonable and relate to Network Rail's need to ameliorate the impacts that might otherwise flow from the development.

Measurements to railway tracks and railway boundary

When designing proposals, the developer and council are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments (including support zones) which might be adversely impacted by outside party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability. To ensure the safe operation and integrity of the railway, Network Rail issues advice on planning applications and requests conditions to protect the railway and its boundary.

RAMS

The developer is to submit directly to Network Rail, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be re-assured the works on site follow safe methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure. Builder to ensure that no dust or debris is allowed to contaminate Network Rail land as the outside party would be liable for any clean-up costs. Review and agreement of the RAMS will be undertaken between Network Rail and the applicant/developer. The applicant /developer should submit the RAMs directly to:

AssetProtectionLNWNorth@networkrail.co.uk

Network Rail would request that a condition is included in the planning consent as follows:

“A method statement and risk assessment must be submitted to the council and Network Rail for review and agreement prior to works commencing on site.”

REASON: To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway.

Fencing

The applicant will provide at their own expense (if not already in place):

- J A suitable trespass proof steel palisade fence of a minimum height of 1.8m adjacent to the boundary with the railway/railway land.
- J The fence must be wholly constructed and maintained within the applicant's land ownership footprint.
- J All foundations must be wholly constructed and maintained within the applicant's land ownership footprint without over-sailing or encroaching onto Network Rail's boundary.
- J The fence must be set back at least 1m from the railway boundary to ensure that Network Rail can maintain and renew its boundary treatments.
- J Existing Network Rail fencing, and boundary treatments, must not be damaged or removed in any way.
- J Network Rail will not allow any maintenance works for proposal fencing or proposal boundary treatments to take place on its land.
- J Proposal fencing must not be placed on the boundary with the railway.
- J Any fencing over 1.8m in height will require agreement from Network Rail with details of foundations and wind loading calculations submitted for review.
- J The fence should be maintained by the developer and that no responsibility is passed to Network Rail.

New residents of the development (particularly minors) may not be aware of the risks posed by accessing the railway. It would not be reasonable to require Network Rail to fund boundary works, fencing and boundary enhancements necessitated by outside party development adjacent to the railway.

A condition to be included in the planning consent as follows:

“Prior to occupation of the site the developer is to provide a suitable trespass proof fence adjacent to the boundary with the railway; the fencing details to be submitted to the council and Network Rail for agreement.”

Reason: To protect the adjacent railway from unauthorised access

Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures.

- J There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land or under the Network Rail boundary.
- J All buildings and structures on site including all foundations / fencing foundations must be constructed wholly within the applicant’s land ownership footprint.
- J Buildings and structures must not over-sail Network Rail air-space.
- J Any future maintenance must be conducted solely within the applicant’s land ownership.
- J Rainwater goods must not discharge towards or over the railway boundary
- J Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be liable for all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network Rail reserves the right to refuse any works by an outside party that may adversely impact its land and infrastructure.
- J Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.

Scaffolding

Scaffolding which is to be constructed within 10 metres of the Network Rail / railway boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffolding must be installed. The applicant / applicant’s contractor must consider if they can undertake the works and associated scaffolding / access for working at height within the footprint of their land ownership boundary. The applicant is reminded that when pole(s) are erected for construction or maintenance works, they must have a minimum 3m failsafe zone between the maximum height of the pole(s) and the railway boundary.

This is to ensure that the safety of the railway is preserved, and that scaffolding does not:

- J Fall into the path of on-coming trains
- J Fall onto and damage critical and safety related lineside equipment and infrastructure
- J Fall onto overhead lines bringing them down, resulting in serious safety issues (this is applicable if the proposal is above the railway and where the line is electrified).

Network Rail would request a condition is applied as follows within the planning consent:

“Details of scaffolding works within 10m of the railway boundary, to be submitted to the council and Network Rail for agreement.”

Reason - In the interests of protecting the railway and its boundary from over-sailing scaffolding.

Drainage proposals and Network Rail land

The NPPF states:

“178. Planning policies and decisions should ensure that:

- a. A site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability.”*

And

“163. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere.”

In order to comply with the NPPF, the applicant must ensure that the proposal drainage does not increase Network Rail's liability, or cause flooding pollution or soil slippage, vegetation or boundary issues on railway land. Therefore, the proposed drainage on site will include the following:

- J All surface waters and foul waters must drain away from the direction of the railway boundary.
- J Soakaways for the proposal must be placed at least 30m from the railway boundary.
- J Any drainage proposals for less than 30m from the railway boundary must ensure that surface and foul waters are carried from site in closed sealed pipe systems.
- J Suitable drainage or other works must be provided and maintained by the developer to prevent surface water flows or run-off onto Network Rail's land and infrastructure.
- J Proper provision must be made to accept and continue drainage discharging from Network Rail's property.
- J Drainage works must not impact upon culverts, including culverts/brooks etc that drain under the railway. The applicant will not be permitted to direct surface or foul waters into culverts which run under the railway – any discharge of surface water under the railway via a culvert will require review and agreement from Network Rail who reserve the right to refuse use of any culverts.
- J The developer must ensure that there is no surface or sub-surface flow of water towards the operational railway.
- J Rainwater goods must not discharge in the direction of the railway or onto or over the railway boundary.

NB: Soakaways can materially affect the strength of soil leading to stability issues. A large mass of water wetting the environment can soften the ground, and a build-up of water can lead to issues with the stability of Network Rail retaining walls/structures and the railway boundary. Network Rail does not accept the installation of soakaways behind any retaining structures as this significantly increases the risk of failure and subsequent risk to the travelling public.

If the developer and the council insists upon a sustainable drainage and flooding system then the issue and responsibility of flooding, water saturation and stability issues should not be passed onto Network Rail. We recognise that councils are looking to proposals that are sustainable, however, we would remind the council that flooding, drainage, surface and foul water management risk as well as stability issues should not be passed 'elsewhere', i.e. on to Network Rail land.

The drainage proposals are to be agreed with Network Rail and surface water drainage on the site should be removed by a closed sealed pipe system.

The HSE identifies railways as a Major Hazard Industry. An earthwork failure within a high-hazard area has the potential to result in a catastrophic accident with multiple fatalities or long-lasting environmental issues. It should be noted that where the actions of an adjacent landowner have caused a landslip on the railway the loss adjusters are likely to advise recovery of Network Rail costs from the 3rd party, which would include costs of remediation and recovery of costs to train operators. Many railway earthworks were constructed in the Victorian period and are susceptible to failure by water saturation. Water saturation leads to an increase in pore water pressure within the earthwork material. Please also note that railways, and former railway land adjacent to it, is considered as contaminated land due to historic use of railways, which can affect the suitability of infiltration drainage.

Network Rail would request that a condition is included in the planning consent as follows:

Condition:

“Prior to the commencement of the development details of the disposal of both surface water and foul water drainage directed away from the railway shall be submitted to the Local Planning Authority and Network Rail.”

Reason: To protect the adjacent railway from the risk of flooding, soil slippage and pollution.

The Council must ensure that suitable arrangements are in place for the maintenance and renewal of all new/amended drainage for the life time of the development, to mitigate risk of flooding to any adjoining land.

Excavation and Earthworks and Network Rail land:

The NPPF states:

“178. Planning policies and decisions should ensure that:

- a. A site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability.”*

In order to comply with the NPPF, the applicant will agree all excavation and earthworks within 10m of the railway boundary with Network Rail. Network Rail will need to review and agree the works to determine if they impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway. Network Rail would need to agree the following:

- J Alterations to ground levels
- J De-watering works
- J Ground stabilisation works
- J Works to retaining walls
- J Construction and temporary works
- J Maintenance of retaining walls
- J Ground investigation works must not be undertaken unless agreed with Network Rail.
- J Confirmation of retaining wall works (either Network Rail and/or the applicant).
- J Alterations in loading within 15m of the railway boundary must be agreed with Network Rail.
- J For works next to a cutting or at the toe of an embankment the developer / applicant would be required to undertake a slope stability review.

Network Rail would need to review and agree the methods of construction works on site to ensure that there is no impact upon critical railway infrastructure. No excavation works are to commence without agreement from Network Rail. The council are advised that the impact of outside party excavation and earthworks can be different depending on the geography and soil in the area. The council and developer are also advised that support zones for railway infrastructure may extend beyond the railway boundary and into the proposal area. Therefore, consultation with Network Rail is requested. Any right of support must be maintained by the developer.

Network Rail requests a condition is included in the planning consent as follows:

Condition:

“Prior to the commencement of the development full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to the Local Planning Authority and Network Rail.”

Reason: To protect the adjacent railway and its boundary.

3m Gap

Network Rail requires that the developer includes a minimum 3 metres gap between the buildings and structures on site and the railway boundary. Less than 3m from the railway boundary to the edge of structures could result in construction and future maintenance works being undertaken on Network Rail land, and close to the railway boundary potentially impacting support zones or lineside cabling. All the works undertaken to facilitate the design and layout of the proposal should be undertaken wholly within the applicant’s land ownership footprint including all foundation works. Network Rail requires a minimum 3m easement between structures on site and the railway boundary to ensure that we can maintain and renew our boundary treatments.

Noise

The council and the developer (along with their chosen acoustic contractor) are recommended to engage in discussions to determine the most appropriate measures to mitigate noise and vibration from the existing operational railway to ensure that there will be no future issues for residents once they take up occupation of the dwellings.

The NPPF states, “182. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use), in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”

Network Rail is aware that residents of developments adjacent to or in close proximity to, or near to the existing operational railway have in the past discovered issues upon occupation of dwellings with noise and vibration. It is therefore a matter for the developer and the council via mitigation measures and conditions to ensure that any existing noise and vibration, and the potential for any future noise and vibration are mitigated appropriately prior to construction.

To note are:

- J The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night-time train running, heavy freight trains, trains run at weekends /bank holidays.
- J Maintenance works to trains could be undertaken at night and may mean leaving the trains’ motors running which can lead to increased levels of noise and vibration.
- J Network Rail carry out works at night on the operational railway when normal rail traffic is suspended and these works can be noisy and cause vibration.
- J Network Rail may need to conduct emergency works on the existing operational railway line which may not be notified to residents in advance due to their safety critical nature and may occur at any time of the day or night, during bank holidays and at weekends.
- J Works to the existing operational railway may include the presence of plant and machinery as well as vehicles and personnel for works.
- J The proposal should not prevent Network Rail from its statutory undertaking. Network Rail is a track authority. It may authorise the use of the track by train operating companies or independent railway operators and may be compelled to give such authorisation. Its ability to respond to any enquiries regarding intended future use is therefore limited.
- J The scope and duration of any Noise and Vibration Assessments may only reflect the levels of railway usage at the time of the survey.
- J Any assessments required as part of CDM (Construction Design Management) or local planning authority planning applications validations process are between the developer and their appointed contractor.
- J Network Rail cannot advise third parties on specific noise and vibration mitigation measures. Such measures will need to be agreed between the developer, their approved acoustic contractor and the local planning authority.
- J Design and layout of proposals should take into consideration and mitigate against existing usage of the operational railway and any future increase in usage of the said existing operational railway.
- J Noise and Vibration Assessments should take into account any railway depots, freight depots, light maintenance depots in the area. If a Noise and Vibration Assessment does not take into account any depots in the area then the applicant will be requested to reconsider the findings of the report.

- J Railway land which is owned by Network Rail but which may be deemed to be 'disused' or 'mothballed', may be brought back into use. Any proposals for residential development should include mitigation measures agreed between the developer, their acoustic contractor and the LPA to mitigate against future impacts of noise and vibration, based on the premise that the railway line may be brought back into use.
- J Works may be carried out to electrify railway lines and this could create noise and vibration for the time works are in progress. Electrification works can also result in loss of lineside vegetation to facilitate the erection of stanchions and equipment.

Trees

Proposals for the site should take into account the recommendations of, 'BS 5837:2012 Trees in Relation to Design, Demolition and Construction', which needs to be applied to prevent long term damage to the health of trees on Network Rail land so that they do not become a risk to members of the public in the future.

No trees shall be planted next to the boundary with the railway land and the operational railway, except for evergreen shrubs which shall be planted a minimum distance from the Network Rail boundary that is equal to their expected mature growth height. The vegetation planting must be in line with the attached matrix which has been agreed with the Tree Council. This is to prevent long term issues with leaf fall impacting the operational railway.

Parking / Hard Standing Area

As the proposal calls for the following adjacent to the boundary with the operational railway, running parallel to the operational railway or where the existing operational railway is below the height of the proposal site:

- J hard standing areas
- J turning circles
- J roads, public highways to facilitate access and egress from developments

Network Rail requests the installation of suitable high kerbs or crash barriers (e.g. Armco Safety Barriers).

This is to prevent vehicle incursion from the proposal area impacting upon the safe operation of the railway.

Network Rail requests that a condition is included within the planning consent as follows:

"Details of appropriate vehicle safety protection measures along the boundary with the railway shall be submitted to the Local Planning Authority (in consultation with Network Rail.)"

Reason: to prevent the design and layout of the road and parking spaces from impacting the adjacent operational railway with accidental vehicle incursion.

BAPA (Basic Asset Protection Agreement)

As the proposal includes works which could impact the existing operational railway and in order to facilitate the above, a **BAPA** (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

The applicant / developer should liaise directly with Asset Protection to set up the BAPA (form attached).

AssetProtectionLNWNorth@networkrail.co.uk

No works are to commence until agreed with Network Rail. Early engagement with Network Rail is strongly recommended.

Should the above proposal be approved by the council and should there be conditions, where the proposal interfaces with the railway (as outlined in this response) the outside party is advised that a BAPA (Basic Asset Protection Agreement) must be in place, in order for Network Rail to review and agree the documentation and works outlined in conditions (and those areas covered by the discharge of conditions).

The applicant is advised that before the proposal progresses (should it be approved) they will be required to submit the development form to Network Rail's Asset Protection team and agree the BAPA before any works commence on site.

Network Rail is a Government funded Organisation and we are expected to recover our involvement costs from this type of interface, to proceed in more detail with discussions a signed Basic Asset Protection Agreement (BAPA) would be required to be in place.

Permanent impacts of development are usually material considerations (such as the position of permanent structures, or drainage design etc) and where these are likely to occur, requests for planning conditions or scheme amendments are requested to protect the existing railway infrastructure from the impacts of the works on site and as a permanent arrangement. Controls on the temporary impact of construction to outside party land should also be picked up via building control, or in some cases a party wall surveyor.

Once the attached Asset Protection Questionnaire has been completed and forwarded to the team the enquiry will then be processed and an email sent to the applicant giving a project reference number and name of person with the asset protection team that will deal with the enquiry.

For further information on interfacing with Network Rail please see [Working by the railway - Network Rail](#)

13/08/2021

United Utilities

With regards to the above development proposal, United Utilities Water Limited ('United Utilities') wishes to provide the following comments.

Drainage

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

Following our review of the submitted Flood Risk Assessment & Drainage Strategy, ref: K38126.FRA/001A version 001A, dated 28 May 2021, we can confirm the proposals are acceptable in principle to United Utilities. However, we do not have sufficient information on the detail of the drainage design. With this in mind, we request the following drainage conditions are attached to any subsequent Decision Notice:

Condition 1 – Surface water

No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;***
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and***
- (iii) A timetable for its implementation.***

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

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

Condition 2 – Foul water

Foul and surface water shall be drained on separate systems.

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

The applicant can discuss any of the above with Developer Engineer, **Josephine Wong**, by email at wastewaterdeveloperservices@uuplc.co.uk.

Please note, United Utilities are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for Adoption and United Utilities' Asset Standards. The detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

For schemes of 10 or more units and other major development, we recommend the Local Planning Authority consults with the Lead Local Flood Authority regarding the exact wording of any condition. You may find the below a useful example:

Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

a. Arrangements for adoption by an appropriate public body or statutory undertaker, or,

management and maintenance by a resident's management company; and

b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the

approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company. We would not be involved in the discharge of the management and maintenance condition in these circumstances.

Water Supply

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for.

To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at DeveloperServicesWater@uuplc.co.uk.

Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.

United Utilities' Property, Assets and Infrastructure

Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

For advice regarding protection of United Utilities assets, the applicant should contact the teams as follows:

Water assets – DeveloperServicesWater@uuplc.co.uk

Wastewater assets – WastewaterDeveloperServices@uuplc.co.uk

It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

A number of providers offer a paid for mapping service including United Utilities. To find out how to purchase a sewer and water plan from United Utilities, please visit the Property Searches website; <https://www.unitedutilities.com/property-searches/>

You can also view the plans for free. To make an appointment to view our sewer records at your local authority please contact them direct, alternatively if you wish to view the water and the sewer records at our Lingley Mere offices based in Warrington please ring [0370 751 0101](tel:03707510101) to book an appointment.

Due to the public sewer transfer in 2011, not all sewers are currently shown on the statutory sewer records and we do not always show private pipes on our plans. If a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

Should this planning application be approved the applicant should contact United Utilities regarding a potential water supply or connection to public sewers. Additional information is available on our website <http://www.unitedutilities.com/builders-developers.aspx>

14/01/2022

United Utilities - 14/01/2022

"United Utilities wish to make the following comments regarding the proposal detailed above.

DRAINAGE

Following our review of the submitted Flood Risk Assessment / Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities. However, we do not have sufficient information on the detail of the drainage design.

We require detail of the finished floor levels in order to determine whether there will be any risk the dwellings in the event of surcharged sewers.

With this in mind, we request the following drainage conditions are attached to any subsequent Decision Notice:

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 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 public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 5 l/s.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

The applicant can discuss any of the above with Developer Engineer, **Gary Jaundrell**, by email at wastewaterdeveloperservices@uuplc.co.uk.

In discharging this condition, United Utilities will request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable before a surface water connection to the public sewer is acceptable.

Please note, United Utilities is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, their proposed detailed design will be subject to a technical appraisal by our Developer Services team and must meet the requirements outlined in 'Sewers for Adoption and United Utilities' Asset Standards'. This is important as drainage design can be a key determining factor of site levels and layout.

Acceptance of a drainage strategy does not infer that a detailed drainage design will meet the requirements for a successful adoption application. We strongly recommend that no construction commences until the detailed drainage design, has been assessed and accepted in writing by United Utilities. Any work carried out prior to the technical assessment being approved is done entirely at the developer's own risk and could be subject to change.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development. You may find the condition below a useful example.

Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and*
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.*

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

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company. We would not be involved in the discharge of the management and maintenance condition in these circumstances.

WATER AND WASTEWATER SERVICES

If the applicant intends to receive water and/or wastewater services from United Utilities, they should visit our website or contact the Developer Services team for advice. This includes seeking confirmation of the required metering arrangements for the proposed development.

If the proposed development site benefits from existing water and wastewater connections, the applicant should not assume that the arrangements will be suitable for the new proposal.

In some circumstances we may require a compulsory meter is fitted. For detailed guidance on whether the development will require a compulsory meter please visit <https://www.unitedutilities.com/my-account/your-bill/our-household-charges-20212022/> and go to section 7.7 for compulsory metering.

If reinforcement of the water network is required to meet potential demand, this could be a significant project and the design and construction period should be accounted for.

To avoid any unnecessary costs and delays being incurred by the applicant or any subsequent developer, we strongly recommend the applicant seeks advice regarding water and wastewater services, and metering arrangements, at the earliest opportunity. Please see 'Contacts' section below.

UNITED UTILITIES PROPERTY, ASSETS AND INFRASTRUCTURE

United Utilities will not allow building over or in close proximity to a water main.

United Utilities may not allow building over or in close proximity to a public sewer.

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. Developer's should investigate the existence and the precise location of water and wastewater pipelines as soon as possible as this could significantly impact the preferred site layout and/or diversion of the asset(s) may be required. Where United Utilities' assets cross the proposed red line boundary, developers must contact our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition.

Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion of assets to accommodate development, will be at the applicant/developer's expense. In some circumstances, usually related to the size and nature of the assets impacted by proposals, developers may discover the cost of diversion is prohibitive in the context of their development scheme.

Where United Utilities' assets exist, the level of cover to United Utilities pipelines and apparatus must not be compromised either during or after construction and there should be no additional load bearing capacity on pipelines without prior agreement from United Utilities. This would include earth movement and the transport and position of construction equipment and vehicles.

Consideration should also be applied to United Utilities assets which may be located outside the applicant's red line boundary. Any construction activities in the vicinity of our assets must comply with our 'Standard Conditions for Works Adjacent to Pipelines' or national building standards.

The applicant or developer should contact our Developer Services team for advice if their proposal is in the vicinity of water or wastewater pipelines and apparatus. It is their responsibility to ensure that United Utilities' required access is provided within their layout and that our infrastructure is appropriately protected. The developer would be liable for the cost of any damage to United Utilities' assets resulting from their activity. See 'Contacts' section below.

CONTACTS

Website

For detailed guidance on water and wastewater services, including application forms and the opportunity to talk to the Developer Services team using the '**Live Chat**' function, please visit:

<http://www.unitedutilities.com/builders-developers.aspx>

Email

For advice on water and wastewater services or to discuss proposals near to pipelines, email the Developer Services team as follows:

Water mains and water supply, including metering - DeveloperServicesWater@uuplc.co.uk

Public sewers and drainage - WastewaterDeveloperServices@uuplc.co.uk

Telephone - [0345 072 6067](tel:03450726067)

Property Searches (for asset maps):

A number of providers offer a paid for mapping service including United Utilities. For more information, or to purchase a sewer and water plan from United Utilities, please visit

<https://www.unitedutilities.com/property-searches/>

Water and sewer records can be viewed for free at our Warrington Head Office by calling 0370751 0101. Appointments must be made in advance. Public sewer records can be viewed at local authority offices. Arrangements should be made directly with the local authority.

The position of the underground apparatus shown on asset maps is approximate only and is given in accordance with the best information currently available. United Utilities Water will not accept liability for any loss or damage caused by the actual position being different from those shown on the map.

We request that a copy of this letter is made available to the applicant."

Officers Report

1.Site and Locality

1.1 The application site is an allocated housing site identified as site REC02. It is described as 'vacant greenfield site within the current development cordon' and given an indicative yield of 9 dwellings/0.35ha gross site area [Table 7 Housing Allocations]

1.2 Roughly triangular in plan its two long sides are defined by the main railway line (east side) and Duke St (west/opposite co-op store). The southern boundary adjoins the Garden of Remembrance and the war memorial. The northern tip adjoins another public space, hard landscaped with seating and a Victorian drinking fountain. Just beyond is the railway level crossing and listed station buildings. The Duke Street boundary is defined by a sandstone wall. An electrical substation occupies it's south west corner. The site consequently occupies a prominent location in the centre of Askam.

1.3 A feature of the site is the degree to which the northern section is subject to seasonal, but prolonged ponding. This would appear to be the result of being lower than both Duke Street and the railway. However the land rises in a southerly direction with proposed development limited to that part of the site [illustrative layout plan]

2.Proposal Details

2.1 Proposed development of vacant land (Land Allocations Ref REC02 Duke Street, Askam) comprising 3 bedroom market housing - up to 8 units (outline with all matters reserved)

3.Relevant History

3.1 02/2005/0306 Land adjacent to the War Memorial, Duke Street, Askam-in-Furness Cumbria Residential development (Outline) Refused 22/06/2005

3.2 02/2006/0449 Land adjacent to the War Memorial Duke Street Askam-in-Furness Cumbria Outline Consent for residential development (Resubmission of 2005/0306) Refused 26/05/2006

3.3 1984/0506 Land off Duke Street, Askam-in-Furness Residential Development (Outline) Appcond 14/12/1984

3.4 B28/2015/0042 Public Conveniences Duke Street Askam-in-Furness Cumbria Application for Approval of details reserved by Condition No. 3 (Landscaping Scheme) and No. 4 (Fencing/railing details) of planning permission 2014/0461 (Demolition of existing public toilet block and construction of new landscaped garden including pro Approved 10-MAR-2015

3.5 B29/2014/0461 Public Conveniences Duke Street Askam-in-Furness Cumbria Demolition of existing public toilet block and construction of new landscaped garden including provision of a bus shelter. Appcond 10-OCT-2014

4. Officer Assessment

4.1 The Local Plan identifies an annual housing requirement of 119 dwellings per annum (Policy H1). Policy H3 states '*in order to meet the housing requirement over the plan period a number of specific sites are allocated for residential development*'. This site is allocated under policy H3 (as site REC02]. As a consequence it is Council policy that the site should deliver housing during the Plan period. The application is made in outline form with all matters reserved, such that the issue is whether the total of development applied for is acceptable in principle, having regard to local plan policies on issues such as the design, green infrastructure, and SUDs together with the responses from consultees

5. Consultee responses

CCC Highways & LLFA

5.1 CCC Highways & LLFA recommended that the initial application be refused for various reasons [23/08/2021]. Changes were then made to the layout and further information submitted. Updated comments from CCC were received on 30/11/2021 [maintained the objection] and most recently on 27/01/2022. The updated position from CCC is as follows:

- J Amended plans include reduction in number of the houses on the site resulting in more available and adequate number of car parking spaces for the development.
- J Proposed new access design and access road are satisfactory in line of parking, turning and pedestrian access.
- J The LLFA surface water map show flooding to the area and indicate up to 1% (1 in 100) chance of occurring each year and the Environment Agency (EA) surface water maps do not indicate that the site is in an area of risk;
- J As was mentioned before, submitted Flood Risk and Drainage Strategy has a good principle and design, however in light to the Sewerage Sector Guidance outlet opening should be 50mm. This solution would be more acceptable and will be better match to the existing green run off rate where previously was stated at 1.4 and this time at 1.1
- J Designed drainage system should not exceed the existing run offs, which is green run off rate in this case. Clarification from the applicant is needed.

5.2 In the context of an outline application the areas where there are outstanding information requirements can be addressed by condition. CCC also require financial contributions for off site infrastructure improvements and which will need to be secured by a 106 obligation. This is in line with the approach taken with other allocated sites in Askam.

5.3 A consequence of meeting the County's requirements is an additional objection from Askam & Ireleth Parish Council. Initially the scheme included a row of 6 parking spaces at right angles to Duke Street and accessed via a pavement crossing. The intention was to provide public parking. However this has been removed as CCC considered the arrangement to be detrimental to highway safety, in part due to the potential for vehicles reversing out onto Duke Street. While the applicant (and Parish) felt this would be a useful community facility, there is no policy requirement for its provision and could only be delivered with support from CCC.

Network Rail

5.4 Network Rail is a consultee as the site adjoins the Barrow to Carlisle railway. They have submitted a lengthy, if standardised, response. No objections are raised to the principal of development, however various conditions are requested. Some can be addressed by the Council's standard conditions. The requirement re trespass proof fence appears unnecessary as there is already a palisade fence in place. However the remaining conditions have been added. Particular concern is raised re the indicated provision of soakaways as part of the sustainable drainage. However these are unlikely to be feasible given the degree of seasonal ponding which occurs within this location.

United Utilities

5.5 UU require foul drainage to be connected to the main sewer network and surface water to be discharged having regard to the hierarchy of drainage options which favours sustainable methods over direct use of the sewer network. This is the same requirement set out in Local Plan policy C3a.

Local Plan policy requirements

5.6 Local Plan policy C3a water management

C3a requires surface water to be disposed off having regard to the hierarchy and for the use of SUDS

The applicant has set out their aims as follows:

· Levels will be built up within the residential development area to ensure a gravity connection to the public sewer is achievable and to mitigate against the minor potential impact of surface water flooding that already affects the site by ensuring proposed finished floor levels of plots are significantly above the threshold level of any extreme flooding events.

· An area of the site at its north extent is considered to be at medium probability (1% - 3.3% AEP) of surface water flooding, resulting from a topographic depression causing localised ponding. This area is to be maintained to serve as a natural flood management area within the public open space of the site. Careful and considerate landscaping of the natural flood management area will provide improved aesthetic and wildlife benefits.

· Surface water runoff from the new residential development shall be positively drained and attenuated prior to discharge.

· Treatment of surface water runoff will be provided by incorporating Type C (No infiltration) permeable paving into the construction of all hardstanding areas including the site access road, parking and driveway areas with a positive connection to the drainage network. The surface water runoff will be stored within a network of oversized pipes and manholes located within the new site access road.

· Discharge from the site shall be controlled to a rate of 5 l/s via a HydroBrake before connecting via gravity to the existing 450mm public surface water sewer located in Duke Street. A pre-development enquiry has provided an agreement in principle from UU. · The foul drainage will connect via gravity into the existing 375mm public combined sewer located within Duke Street. A pre-development enquiry has provided an agreement in principle from UU. The

drainage system will be designed to ensure that there is no increased flood risk on or off the site as a result of extreme rainfall, lack of maintenance or blockages. A series of safety features within the development and careful design of building layout will mitigate against this. [Section 12 Flood Risk Assessment and Drainage Strategy K38126/FRA 001B-Jan 2022]

5.7 While the scheme refers to below ground attenuation (rather than SUDs) over a third of the site is shown to be occupied by the 'Flood water retention area with trees and marginal planting' [indicative site layout]. This and the response from UU may limit further SUDs features however these matters can be fully addressed at the detailed stage. The applicant has demonstrated that the site can be developed in the manner indicated which is sufficient for outline permission

Local Plan policies DS2, N3, Bio diversity and development SPD, NPPF

The above requires a net gain in bio diversity. The applicant has confirmed as follows:

Under current proposals set out in the illustrative master plan there will be a net gain of 0.10 bio diversity units [Envtech 17/12/2021]

The applicant has demonstrated that the site can be developed in the manner indicated and deliver a net gain. This would be developed further for the detailed stage but this is sufficient to meet requirements for outline permission.

5.8 Local Plan policy DS5 Design states that "New development must be of a high quality design, which will support the creation of attractive, vibrant places. Designs will be specific to the site and planning applications must demonstrate a clear process that analyses and responds to the characteristics of the site and its context, including surrounding uses, taking into account the Council's Green Infrastructure (GI) Strategy". The site is also a gap between two sets of heritage assets. To the north is a cluster of designated heritage assets (including listed railway buildings) whereas to the south is the Garden of Remembrance and war memorial. These assets and the site's prominent, central location gives added emphasis to design matters

The applicant's architect has explained the design changes as follows:

We have incorporated the following amendments:

1. *omitted the 6No. public parking spaces*
2. *highway turning head amended*
3. *parking clarified: 2No. spaces per dwelling: 16 in total*
4. *no. of houses reduced from 9 to 8*
5. *includes 2No. bungalows to west side of site fronting Duke Street (in lieu of end-on terrace) to reflect single storey building opposite.*
6. *buildings moved away from south boundary and existing trees. Open boundary fence (iron railings) retained and open landscaping on site - limited area of timber garden fencing. [adjoins Memorial Gardens]*
7. *hedge planting to Duke Street boundary behind existing stone wall - maintains green link*
8. *green open space to northern part of site is not a 'pond' but is low lying landscaped area which can accommodate flood water on occasions (as existing circumstances). Enhanced planting here and to other areas of the site result in a bio-diversity enhancement greater than 10% as set out in assessment report*

9. *south end of site does not currently flood, therefore building up of levels will not be detrimental. Proposal maintains existing levels to gardens/land to eastern boundary and to north end of site - therefore negligible effect upon railway land*

5.9 Local Plan policy (and the Act) place particular importance on the protection of heritage assets including their setting. Those to the north (listed drinking fountain and railway buildings) their setting would not be harmed. This is because the northern part of the site is not proposed to be developed. The affect on those to the south is more complex. The site adjoins the Gardens of Remembrance and it's undeveloped character contributes to the setting of the heritage asset. A row of mature trees are located within the Gardens of Remembrance running along the southern boundary of the application site which is defined by wrought iron railings. The canopies of the trees extend into the application site as do the root protection areas for the trees. The trees and the railings form part of the heritage asset

5.10 The changes made to the Indicative Site Layout has sought to mitigate these impacts and the level of harm to setting is less than substantial. There is likely to be some residual harm as the setting of the heritage asset will not be as open as before and there may be some impact in the future from domestic paraphernalia, fences and so forth. There may also be pressure to prune tree canopies and erect garden buildings within root protection areas. Greater spacing is now shown between the trees and the proposed houses

5.11 The application is accompanied by an acoustic report which takes account of on site noise monitoring. This has found that background levels exceed those recommended however this is capable of mitigation by standard double glazing being used in the proposed dwellings.

Comments on representations received

5.12 There has been a significant number of objections to the application from members of the public and from the Parish Council. The key concerns are listed below with comment beneath

The land is located in the heart of the village and should be kept open

Comment. The site is allocated for housing development in the Local Plan such that it is Council policy that the site should deliver housing. The northern part of the site is shown to be kept open [illustrative site layout] in order to address the seasonal flooding.

The sewage system cannot cope

5.13 **Comment.** UU have been consulted and raise no objections

The area constantly floods

Part of the site is subject to prolonged seasonal flooding. The illustrative site layout takes this into account by restricting development to the more elevated southern part

The roads will not be able to cope with the additional traffic

5.14 **Comment.** This is a relatively small development on one of the Local Plan's smallest allocated sites. It should add very modestly to existing traffic volumes. CCC have been consulted as local highway authority both during the preparation of the local plan and on this application. CCC have raised no objections in terms of the adequacy of local roads to serve the development.

The site is located too close to a railway level crossing

5.15 **Comment.** Network Rail have been consulted and do not object to the grant of planning permission

The site is of importance to wildlife

5.16 **Comment.** The site has been assessed both in terms of its current ecological value and in terms of post development based on the illustrative site plan. This concludes the development will deliver a bio diversity net gain

Loss of privacy/light

5.17 **Comment.** The development has been assessed in relation to sunlight and daylighting standards based on the illustrative site layout. No conflict has been found. The proposed houses are also shown to be located well in excess of 21m from the existing dwellings on the opposite side of Duke Street. The proposed two bungalows are shown to be approx 21m from existing dwellings and there may be a need to provide privacy by a combination of distance and design. The arrangement has significantly improved as previously all the units were proposed to be houses which may have caused an issue with dwellings opposite.

Conclusions

5.18 This site is allocated under policy H3 (site REC02]. As a consequence it is Council policy that the site should deliver housing during the Plan period. The application is made in outline form with all matters reserved such that the issue is whether the total of development can be delivered while complying with policies on green infra structure, bio diversity net gain, drainage and setting of heritage assets. The site is subject to significant constraints including proximity to the railway and is affected by prolonged seasonal ponding (northern third). Mature trees form the site's southern boundary which are located within the Garden of Remembrance which contains Askam's war memorial

5.19 A scheme has been devised which shows how drainage issues are capable of being resolved insofar as the southern portion of the site can be developed. Access and traffic issues are not considered to raise significant issues. The development should deliver a net gain in bio diversity. No harm will arise to the setting of heritage assets to the north and less than substantial harm to the Garden of Remembrance to the south. The harm is shown to have been mitigated as far as is reasonably practical and in the context of an allocated site the delivery of housing outweighs the limited adverse impact

5.20 As further mitigation it is proposed that the trees within the Garden of Remembrance are subject of a tree preservation order. While owned by the Council a significant part of their canopies will extend over the curtilages of the new homes. A preservation order would seek to control the extent of any crown reduction work. A restriction on permitted development is also proposed by condition

6. Recommendation

I recommend that Planning Permission be GRANTED subject to the Standard Duration Limit and the following conditions : -

That ;

A) Subject to completion of a 106 obligation to secure the following;

To make a financial contribution towards a cycle-way improvement scheme (Askam to Thwaite Flat/Dalton) route No.11 as found within the Barrow Transport Improvement Study, a scheme to move the 30mph speed limit and introduce traffic calming (signs and road markings), then;

B) Outline planning permission be GRANTED subject to the following conditions:

1. No development shall take place until full details of the access, appearance, landscaping, layout and scale of the development (referred to herein as Reserved Matters) have been submitted to and approved by the Planning Authority and the development shall conform to such approved details.

Reason ; Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

2. Application for Reserved Matters must be made not later than the expiration of three years beginning with this permission and the development must be begun not later than whichever is the later of the following dates:

a) The expiration of three years from the date of this permission

b) The expiration of two years from the final approval of the Reserved Matters or in the case of approval on different dates, the final approval of the last such Matter to be approved.

Reason; Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

3. The Reserved Matters of access, appearance, landscaping, layout and scale shall generally accord with the parameters as shown within the Indicative Site Layout (Ref: 6281/01/Rev A).

Reason: For the avoidance of doubt and to ensure the development is carried out as approved.

Highway conditions

4. The development shall not commence until visibility splays providing clear visibility of 60 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow 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.

5. No dwellings shall be occupied (unless in accordance with a scheme of phasing previously submitted to and approved in writing by the Planning Authority) until the estate road, including footways, if provided, has been constructed in all respects to base course level, and street lighting has been provided and brought into full operational use in accordance with details approved under condition no 6 below, including any scheme of phasing.

Reason To ensure a suitable level of access provision to the development and to accord with saved policy E2 of the Local Plan Review 1996 to 2006

6. The carriageway, footways and footpaths (if provided) shall be designed, constructed, drained and lit to an adoptable standard and in this respect further details, including a full specification, setting out plan, lighting details, longitudinal and cross sections, and details of phasing shall have been submitted to and approved in writing by the Planning Authority prior to the laying out of the approved estate roads. The development shall then proceed in accordance with the approved details.

Reason To provide a safe environment for pedestrians and other users and to ensure an adequate standard of highway construction. To accord with Local Plan policies DS2, DS5 and H7

7. Prior to the occupation of the 5th dwelling a programme for the completion of the estate road including footways if provided shall have been submitted to and approved in writing by the Planning Authority and the estate roads shall then be completed in accordance with the approved programme and the details approved under condition 7 above. If the estate road is not adopted as a public highway, then full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall, in addition to the aforementioned programme, be submitted to and approved by the Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details.

Reason To ensure that a suitable standard of provision for pedestrians and vehicles is delivered and to accord with saved policy E2 of the Local Plan Review 1996 to 2006

8. Development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Planning Authority. This shall include details of:

- details of proposed footway crossings;
 - retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
 - cleaning of site entrances and the adjacent public highway;
 - details of proposed wheel washing facilities;
 - the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
 - construction vehicle routing;
-)the management of junctions to and crossings of the public highway and other public rights of way/footway;

- Details of any proposed temporary access points (vehicular / pedestrian)

Details of measures to avoid surface water running off the construction site onto the highway

Reason: To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety.

Drainage conditions

9. Prior to the commencement of any development, a surface water sustainable drainage scheme, based on sustainable drainage principles and the hierarchy of drainage options in the National Planning Practice Guidance and Local Plan policy C3a with evidence of an assessment of the site conditions 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 including details of water quality controls, maximum flow rates, attenuation and details of the flood water retention area. The drainage scheme shall be completed in accordance with the approved details prior to the beneficial use of the development hereby approved and the approved drainage scheme shall thereafter be retained at all times

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. To accord with Local Plan policy C3a

10. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and agreed in writing with the planning authority. The sustainable drainage management and maintenance plan shall include as a minimum:

1. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a management company; and
2. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system including the flood water retention area to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved drainage management and maintenance plan for the lifetime of the development.

Reason; To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development, to secure compliance with the consultation responses of United Utilities

11. Foul drainage shall be provided by means of a connection to either a public foul or combined sewer in accordance with details which must have been submitted to and approved in writing by the planning authority prior to the commencement of development. No dwelling shall be occupied until it has been connected to the sewer in accordance with the approved details

Reason; To ensure that there is an acceptable means of sewage disposal.

Ground Investigation conditions

12. The Preliminary Investigation has identified a potential unacceptable risk, a Field Investigation and Risk Assessment, conducted in accordance with established procedures (BS10175 (2011+A2:2017) Code of Practice for the Investigation of Potentially Contaminated Sites and Land Contamination Risk Management (LCRM)), shall be undertaken to determine the presence and degree of contamination and must be undertaken by a suitably qualified contaminated land practitioner. The results of the Field Investigation and Risk Assessment shall be submitted to and approved by the Local Planning Authority before any development begins

Reason To give effect to the recommendations within the Phase I (preliminary) ground investigations report

13. Where contamination is found which poses unacceptable risks, no development shall take place until a detailed Remediation Scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remedial options and proposal of the preferred option(s), all works to be undertaken, proposed remediation objectives, remediation criteria and a verification plan. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use.

Reason To ensure that any harm posed by contamination is mitigated.

14. The approved Remediation Scheme shall be implemented and a Verification Report submitted to and approved in writing by the Local Planning Authority, prior to occupation of the development.

Reason To ensure that any harm posed by contamination is mitigated.

15. In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and Field Investigations shall be carried out. Where required by the Local Planning Authority, remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to occupation of the development.

Reason To ensure measures are in place to address any unexpected contamination.

16. No soil material is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development. A suitable methodology for testing this material should be submitted to and approved by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out as per the agreed methodology with verification of its completion submitted to and approved in writing by the Local Planning Authority.

Reason. Reason To ensure that no contamination is accidentally brought onto the site via imported material

Landscaping/bio diversity conditions

17. The application for reserved matters shall include a Landscape Scheme and Landscape and Habitat Management Plan for the site, including the long term design objectives, management responsibilities and maintenance schedules for not less than 5 years following implementation, shall be submitted to and approved in writing by the Local Planning Authority and the design, management objectives and maintenance of the landscaped areas shall thereafter be in accordance with the approved Landscape and Habitat Management Plan. The plan shall show the trees, shrubs and hedgerows, and planting to the flood water retention area, together with details of a timetable for implementation, (including any phasing of such a scheme) and it must be submitted to and approved in writing by the Planning Authority. The scheme shall be submitted on a plan not greater than 1:500 in scale and shall contain details of numbers, locations and species of plants to be used and retained. The scheme shall also include street trees as required by Paragraph 131 of the NPPF. The scheme shall be implemented in accordance with the approved details, and all planting and subsequent maintenance shall be to current British Standards. The Landscape Scheme and Landscape and Habitat Management Plan shall take account of the recommendations of the Bio Diversity Net Gain report [Envirotech 17/12/2021]

Reason In the interests of the visual amenities of the area and to ensure that landscaping and bio-diversity net gain are co-ordinated. To accord with Local Plan policies DS2,DS5,DS6, N3 and the Bio diversity and Development SPD

18. The application for reserved matters shall include measures to provide biodiversity net gain and shall take account of the recommendations of the Bio Diversity Net Gain report [Envirotech 17/12/2021]including a scheme of phasing. The development shall only proceed in accordance with the approved details including the approved phasing scheme.

Reason To demonstrate that a net gain in bio diversity will be delivered

19. All planting, seeding or turfing comprised in the approved matters of landscaping shall be carried out in the first planting and seeding seasons following occupation of any part of the development, or in accordance with the phasing of the scheme as agreed in writing with the Planning Authority. Any trees, hedgerows or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Planning Authority gives prior written consent to any variation.

Reason In the interests of the visual amenities of the area and to accord with Local Plan policies DS2, DS5, DS6

Construction phase conditions

20. Prior to the commencement of development a Construction Management Method Statement shall have been submitted to and approved in writing with the planning authority. The method statement shall cover all phases of the development and take account of all contractors or sub-contractors and will be expected to include:

-)] Details of phasing of the construction work including a programme of work for the demolition and construction phase;
-)] Procedures to monitor and mitigate noise and vibration from the construction and demolition and to monitor any properties at risk of damage from vibration, as well as taking into account noise from plant, machinery, vehicles and deliveries, with reference to BS 5228 - Code of practice for noise and vibration control on construction and open sites. All measurements should make reference to BS 7445 - -Description and measurement of environmental noise;-Hours of working and deliveries;
-)] Mitigation measures to reduce adverse impacts on residential properties from construction compounds including visual impact, noise, dust and light pollution;
-)] Mitigation measures to control the emissions of dust and dirt during construction and demolition;
-)] A written procedure for dealing with complaints regarding the construction or demolition;-A site log book to record details and action taken in response to exceptional noisy incidents or dust-causing episodes. It should also be used to record the results of routine site inspections;
-)] Details of lighting to be used on site;
-)] Mitigation measures to ensure that no harm is caused to protected species during construction;

- J) The provision of facilities for the cleaning of vehicle tyres where haul routes meet the public highway to avoid deposition of mud/debris on the public highway and the generation of dust.

Reason To protect the residential amenities of the area from noise, dust etc

21. No development shall be commenced until a scheme for the protection of trees located within the Garden of Remembrance adjacent to the site's southern boundary has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall define and protect a root protection area in accordance with BS 5837(2021). No excavation, site works, trenches or channels to be cut or laid or soil waste or other materials deposited shall be carried out within the root protection area. The approved scheme of protection measures shall be implemented in its entirety before any development is carried out, including any site clearance work, and thereafter retained during building operations until the completion of the development or in accordance with a scheme to be agreed in writing.

Reason. To ensure that important trees are not harmed during the construction phase

Restrictions on permitted development

22. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modifications) or not, including any provision in Article 3 or Schedule 2, Part 2 Class B of that Order no vehicular access(s) shall be formed onto Duke Street other than a single access to serve the development as a whole .

Reason; A proliferation of individual house accesses would be detrimental to the safety of pedestrians and users of the adjacent highways contrary to Local Plan policies DS2, DS5 and H7

23. All vehicle parking spaces and the accesses thereto must be reserved for the parking of private motor vehicles and no permanent development, whether permitted by the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modifications) or not, shall be carried out on that area of land in such position as to preclude vehicular access to any part of the development hereby permitted.

Reason. To ensure that proper access and parking provision is made and retained for the use associated with the development hereby permitted.

24. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modifications) or not, including any provision in Article 3 or Schedule 2, Part 1 or Part 2 no excavations or hardstandings including the erection of any wall or fences shall be carried out/constructed within 4m of the metal railings which define the northern boundary of the Garden of Remembrance

Reason. To avoid harm to the trees situated within the Garden of Remembrance/To protect the setting of the Garden of Remembrance

Network Rail conditions

25. There shall be no development within 10m of the application site boundary with the railway unless a method statement and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in strict accordance approved method statement and risk assessment

Reason: To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway.

26. There shall be no scaffolding works within 10m of the railway boundary unless details have been submitted to and approved in writing by the Local Planning Authority and the scaffolding works are carried out in accordance with those details

Reason - In the interests of protecting the railway and its boundary from over-sailing scaffolding

27. Prior to the commencement of the development full details of ground levels, earthworks and excavations to be carried out within 15m of the railway boundary shall have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in strict accordance approved details

Reason: To protect the adjacent railway and its boundary.

28. Details of appropriate vehicle safety protection measures for the railway shall be submitted to and approved in writing with the Local Planning Authority. The approved safety protection measures shall be put in place prior to the occupation of any dwelling and shall be permanently retained

Reason: to prevent the design and layout of the road and parking spaces from impacting the adjacent operational railway with accidental vehicle incursion.

Informative

-) Please note that any additional external alterations required under the Building Regulations may also require prior planning consent. Please speak to the Planning Officer before any such works are carried out
-) This development may require approval under the Building Regulations. Please contact your Building Control department on 01229 876356 for further advice as to how to proceed.

) Please be aware of the Safe Dig service from United Utilities by contacting United Utilities at; UUSafeDig@uuplc.co.uk

2021/0646



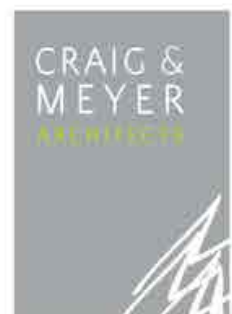
LOCATION PLAN

Scale: 1:2500

Land at Duke Street
Askam in Furness

REF: E 321485 N 477577

NORTH

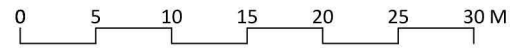


98-100 Duke Street Barrow in Furness Cumbria LA14 1RD
 01229 820072 email@craigandmeyer.com

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2021/0646

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REVISION A: DEC '21: LAYOUT/HIGHWAY/PARKING AMENDED

Client

Project Title
**PROPOSED HOUSING DEVELOPMENT
LAND AT DUKE STREET
ASKAM**

Sheet Title

INDICATIVE SITE LAYOUT

Drawing No. Revision

6281/01 A

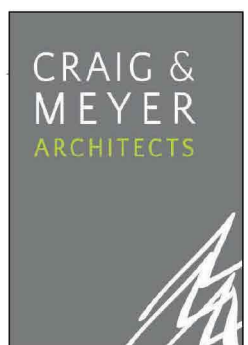
Scale 1:100 @ A3

Drawn By SEM

Reviewed By SEM

Date MAY 2021

98-100 DUKE STREET
BARROW-IN-FURNESS CUMBRIA
LA14 1RD
T: 01229 820072
E: email@craigandmeyer.com



Appendices Policies

Note to Members

Below are the full wordings of the policies relevant to the applications found on the agenda today.

National Planning Policy Framework 2021

NPPF 011

Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

NPPF 012

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

NPPF 081

Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

NPPF 130

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

NPPF 194

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

NPPF 197

In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

NPPF 199

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

NPPF 200

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

NPPF 202

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Barrow Borough Local Plan 2016-2031**Policy C2 - Development and the Coast**

Development in a coastal location will only be permitted where:

- a) There will be no unacceptable harm to natural coastal processes, including increasing the risk of flooding, coastal erosion and instability;
- b) There will be no unacceptable harm to habitats, species, geodiversity, designated sites and the historic environment;
- c) The capacity of the coast to form a natural sea defence or adjust to changes in conditions without risk to life or property will not be prejudiced;
- d) There will not be an increased need for additional sea walls or other civil engineering works (defence structures) for coastal protection purposes except where necessary to protect existing investment;
- e) The open character of the undeveloped coast is maintained, with the existing landscape character of the site respected and reinforced;
- f) Local fisheries will not be prejudiced;
- g) There will be no unacceptable adverse effect on people's enjoyment of natural landscape character; and
- h) There will be no adverse effect on recreational activities at the coast.

Opportunities to improve access to the coast will be sought where possible and where the above criteria can be met.

Policy C3a - Water management

All new development will minimise its impacts on the environment through the following measures:

- a) New development will achieve the minimum standards for water efficiency, as defined by Building Regulations (Approved Document G). By the installation of fittings and fixed appliances, water recycling or other appropriate measures for the prevention of undue

consumption of water and which recycle and conserve water resources.

b) New development will be required to prioritise the use of sustainable drainage systems (SUDS) and ensure there is no increase in flood risk from surface water. Drainage systems should be of a high design standard and will benefit biodiversity and contribute to improved water quality. Developers will be expected to submit a Drainage Strategy that shows how foul and surface water will be effectively managed. Surface water should be discharged in the following order of priority:

- i. An adequate soakaway or some other form of infiltration system.
- ii. An attenuated discharge to a surface water body such as a watercourse.
- iii. An attenuated discharge to public surface water sewer, highway drain or another drainage system.
- iv. An attenuated discharge to public combined sewer.

Applicants wishing to discharge to public sewer will need to submit clear evidence demonstrating why alternative options are not available.

c) Approved development proposals will be expected to be supplemented by appropriate maintenance and management regimes for surface water drainage schemes.

d) On large sites, applicants should ensure that the drainage proposals are part of a wider, holistic strategy, which coordinates the approach to drainage between phases, between developers/landowners and over a number of years of construction.

e) On greenfield sites, applicants will be expected to demonstrate that the current natural discharge from a site is at least mimicked.

f) On previously-developed land, applicants should target a reduction of surface water discharge in accordance with the non-statutory technical standards for sustainable drainage produced by DEFRA. In demonstrating a reduction, applicants should include clear evidence of existing positive connections from the site with associated calculations on rates of discharge.

g) Landscaping proposals should consider what contribution the landscaping of a site can make to reducing surface water discharge. This can include hard and soft landscaping such as permeable surfaces.

h) The treatment and processing of surface water is not a sustainable solution. Surface water should be managed at source and not transferred. Every option should be

investigated before discharging surface water into a public sewerage network. A discharge to groundwater or watercourse may require the consent of the Environment Agency or Cumbria County Council as Lead Local Flood Authority.

The retrofitting of SuDS in locations that generate surface water run-off will be supported, subject to the criteria above.

Policy C3b - Groundwater Protection

Any proposals for new development within Groundwater Source Protection Zones (St Bees Sandstone Major Aquifer) must accord with Environment Agency guidance set out in its document titled 'Approach to Groundwater Protection: March 2017 Version 1.0', or any subsequent iteration of the guidance. Applicants with proposals in groundwater source protection zones should engage in early dialogue with United Utilities.

New development within Groundwater Source Protection Zones will only be approved subject to the submission of all of the following to the satisfaction of the Local Planning Authority:

- a) Risk Assessment - a risk assessment and mitigation strategy with respect to groundwater protection will be required to manage the risk of pollution to public water supply and the water environment. The risk assessment should be based on the source-pathway-receptor methodology. It shall identify all possible contaminant sources and pathways for the life of the development and provide details of measures required to mitigate any risks to groundwater and public water supply during all phases of the development.
- b) Masterplanning - careful masterplanning is required to mitigate the risk of pollution to public water supply and the water environment. For example, open space should be designed so it is closest to the boreholes so as to minimise the potential impact on groundwater. In addition, an appropriate management regime will be secured for open space features in the groundwater protection zone.
- c) Construction Management Plan - Construction Management Plans will be required to identify the potential impacts from all construction activities on both groundwater, public water supply and surface water and identify the appropriate mitigation measures necessary to protect and prevent pollution of these waters.

For development proposals within Groundwater Source Protection Zone 1, the highest specification pipework and design in the new sewerage system (pipework, trenches, manholes, pumping stations and attenuation features) will be required in order to avoid

pollution of public water supply and the groundwater environment.

Policy C5 - Promoting Renewable Energy

New development must take into account the effects of climate change, promote the use of energy efficient methods and materials, and minimise its impact on the environment. Proposals will be encouraged to maximise the design of buildings, use of materials, their layout and orientation on site to be as energy efficient as possible.

All new developments will be encouraged to incorporate renewable energy production equipment, sources of renewable energy such as photovoltaics and the potential for renewable, low carbon or decentralised energy schemes appropriate to the scale and location of the development provided they accord with the requirements of Policy C6.

Policy C7 - Light Pollution

The Council will seek to minimise light pollution and applications which propose new external lighting will be expected to demonstrate each of the following:

- a) The proposed artificial light has no adverse impact on the locality or measures will be taken to avoid, and where appropriate mitigate, any negative impacts of the effects of new lighting on local amenity resulting from the development;
- b) The proposal has no significant impact on a protected site or species e.g. located on, or adjacent to, a designated European site or where there are designated European protected species that may be affected;
- c) The proposal is not in or near a protected area of dark sky or an intrinsically dark landscape where it may be desirable to minimise new light sources; and
- d) The proposal has no impact on wildlife (e.g. white or ultraviolet light) when being proposed close to sensitive wildlife receptors or areas, including where the light shines on water.

Policy DS1 - Council's commitment to sustainable development

When determining planning applications the Council will take a positive approach to ensure development is sustainable. The Council will work pro-actively with applicants to find positive solutions that allow suitable proposals for sustainable developments to be approved wherever possible.

The Council is committed to seeking to enhance the quality of life for residents by taking an integrated approach to protect, conserve and enhance the built, natural and historic

environment whilst ensuring access to essential services and facilities and a wider choice of housing. This will enable the Local Plan's Vision and Objectives to be met and to secure development that simultaneously achieves economic, social and environmental gains for the Borough.

Planning applications that accord with the Development Plan will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise, taking into account whether:

- a) Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework (or any document which replaces it) taken as a whole; or
- b) Specific policies in the Framework (or any document which replaces it) indicate that development should be restricted.

Policy DS2 - Sustainable Development Criteria

In order to meet the objectives outlined in Policy DS1, subject to other Development Plan policies which may determine the suitability of particular sites, all proposals should meet all of the following criteria, where possible, taking into account the scale of development and magnitude of impact and any associated mitigation by:

- a) Ensuring that proposed development incorporates green infrastructure designed and integrated to enable accessibility by walking, cycling and public transport for main travel purposes, particularly from areas of employment and retail, leisure and education facilities;
- b) Ensuring development does not prejudice road safety or increase congestion at junctions that are identified by the Local Highway Authority as being over-capacity;
- c) Ensuring access to necessary services, facilities and infrastructure and ensuring that proposed development takes into account the capacity of existing or planned utilities infrastructure;
- d) Ensuring that the health, safety and environmental effects of noise, smell, dust, light, vibration, fumes or other forms of pollution or nuisance arising from the proposed

- e) Respecting the residential amenity of existing and committed dwellings, particularly privacy, security and natural light;
- f) Protecting the health, safety or amenity of occupants or users of the proposed development;
- g) Contributing to the enhancement of the character, appearance and historic interest of related landscapes, settlements, street scenes, buildings, open spaces, trees and other environmental assets;
- h) Contributing to the enhancement of biodiversity and geodiversity;
- i) Ensuring that construction and demolition materials are re-used on the site if possible;
- j) Avoiding adverse impact on mineral extraction and agricultural production;
- k) Ensuring that proposals incorporate energy and water efficiency measures (in accordance with the relevant Building Regulations), the use of sustainable drainage systems where appropriate and steers development away from areas of flood risk;
- l) Ensuring that any proposed development conserves and enhances the historic environment including heritage assets and their settings; and
- m) Development must comply with Policy DS3.

Where the applicant demonstrates that one or more of the criteria cannot be met, they must highlight how the development will contribute towards the achievement of the Local Plan objectives by alternative means.

Policy DS5 - Design

New development must be of a high quality design, which will support the creation of attractive, vibrant places. Designs will be specific to the site and planning applications must demonstrate a clear process that analyses and responds to the characteristics of the site and its context, including surrounding uses, taking into account the Council's Green Infrastructure Strategy. Proposals must demonstrate clearly how they:

- a) Integrate with and where possible conserve and enhance the character of the adjoining natural environment, taking into account relevant Supplementary Planning Documents;
- b) Conserve and enhance the historic environment, including heritage assets and their setting;
- c) Make the most effective and efficient use of the site and any existing buildings upon it;

- d) Create clearly distinguishable, well defined and designed public and private spaces that are attractive, accessible, coherent and safe and provide a stimulating environment;
- e) Allow permeability and ease of movement within the site and with surrounding areas, placing the needs of pedestrians, cyclists and public transport above those of the motorist, depending on the nature and function of the uses proposed;
- f) Create a place that is easy to find your way around with routes defined by a well-structured building layout;
- g) Prioritise building and landscape form over parking and roads, so that vehicular requirements do not dominate the sites appearance and character;
- h) Exhibit design quality using design cues and materials appropriate to the area, locally sourced wherever possible;
- i) Respect the distinctive character of the local landscape, protecting and incorporating key environmental assets of the area, including topography, landmarks, views, trees, hedgerows, habitats and skylines. Where no discernible or positive character exists, creating a meaningful hierarchy of space that combines to create a sense of place;
- j) Create layouts that are inclusive and promote health, well-being, community cohesion and public safety;
- k) Incorporate public art where this is appropriate to the project and where it can contribute to design objectives;
- l) Ensure that development is both accessible and usable by different age groups and people with disabilities;
- m) Integrate Sustainable Drainage Systems of an appropriate form and scale;
- n) Mitigate against the impacts of climate change by the incorporation of energy and water efficiency measures (in accordance with the Building Regulations), the orientation of new buildings, and use of recyclable materials in construction; and
- o) Ensuring that new development avoids creating nesting sites for gulls e.g. through the provision of appropriate roof pitches.

Policy DS6 - Landscaping

Landscaping should be viewed as an integral part of the design process and should include soft and hard landscaping, street furniture, lighting and public art where appropriate.

A Landscaping Scheme and maintenance regime will be required as part of a full planning application. This is particularly relevant where development will have a significant impact upon the surrounding environment or where the development occupies a site in a prominent location. The Cumbria Landscape Character Toolkit should be used as a baseline tool to determine the impacts of new development on the landscape and the type of landscaping and/or mitigation to be put in place.

All soft landscaping, including all existing trees, shrubs and planted areas should be shown along with details of any protective measures proposed. Details of new trees, shrubs and planted areas in terms of species, density, size, spacing and position should be included. Native species should be used with decorative species used only for accent purposes in support of other design objectives. Native planting is particularly important in areas adjacent to natural habitats e.g. watercourses.

Proposals must demonstrate that any soft landscaping proposed will have a positive visual impact upon the area and is able to survive in its environment.

In terms of hard landscaping, materials used must be of a colour and texture appropriate to the locally distinctive character of the area, be durable, practical for the proposed use under a variety of weather conditions and incorporate permeable surfaces to alleviate run off.

Suitable maintenance regimes for soft and hard schemes will be the subject of planning conditions or unilateral undertakings as appropriate.

Policy EC11 - Self-catering Holiday Accommodation

Proposals for new self catering holiday accommodation, or extensions of existing units, will be approved within the built-up area of Barrow and Dalton and the development cordons identified, providing the design, siting, layout and access are satisfactory. Conditions will be attached to any planning permission to ensure that letting is on a short term basis.

In urban fringe or rural areas, proposals for the conversion of existing buildings to self catering accommodation will be approved where they meet all of the following criteria:

- a) The building is structurally sound and capable of conversion without major rebuilding, extension or modification to the existing structure;
- b) The building is served by a satisfactory access;
- c) Services are readily available on site;
- d) The buildings are well related to existing buildings or uses on the site where appropriate;
- e) The number of units is appropriate to its surroundings;

- f) The proposal will not have an adverse impact on local amenities by virtue of noise and disturbance; and
- g) The proposal complies with the relevant policies in the Development Plan.

New build self-catering holiday accommodation within urban fringe or rural areas will be accepted where it meets criteria b-g above.

Policy EC8 - Economic Diversification – Tourism

The Borough's tourism offer will be developed in a sustainable and competitive manner, to enhance its role as a high quality tourism destination. The Local Plan supports the creation, enhancement and expansion of tourist attractions and tourist infrastructure, in order to attract new visitors from outside the area.

Development should be of an appropriate scale located where the environment and infrastructure can accommodate the visitor impact, and should not result in unacceptable harm to environmental assets. This will be achieved by the following measures:

- a) Ensuring that development does not cause unacceptable levels of disturbance to nearby residents;
- b) Ensuring the proposal complies with the relevant policies in the Development Plan.

Policy EC9 - Caravan and Camping Sites

Touring caravan and camping sites and proposals for permanent caravan sites will be permitted provided that they meet all of the following criteria:

- a) Suitable access is available from primary or district distributor roads;
- b) The proposal would not result in unacceptable nuisance to sensitive neighbouring uses in terms of noise or traffic;
- c) Sites are connected to the mains foul sewer where practicable. Where it is demonstrated that this is not practicable then an appropriate non-mains drainage treatment system must be provided;
- d) The area is not at risk of flooding;
- e) Proposals for permanent caravan sites will be expected to include on-site facilities providing clean water, a sanitary disposal unit and adequate fire protection equipment;

- f) Any ancillary buildings, such as shower blocks, toilets or reception buildings are sensitively located within the site and are of an appropriate design, scale and materials; and
- g) The proposal complies with the relevant policies in the Development Plan.

Policy GI4 - Green Spaces

Green Spaces within the urban area make an important contribution to community life, streetscene character and biodiversity. They will need to be retained within the existing built up area as well as being provided for in new housing layouts.

Where development is proposed adjacent to a Green Space it will need to show how the form and character of existing spaces are to be maintained, incorporated or enhanced.

Proposals will also need to demonstrate how new green spaces are to provide a focal setting for new development as part of a wider landscaping scheme that contributes to creating a sense of place, improved accessibility and community safety.

Policy H16 - Loss of Sunlight

Extensions to dwellings will be permitted unless they adversely affect the amenities of neighbouring properties by virtue of an undue loss of sunlight or daylight or by the creation of an overbearing impact or unacceptable level of enclosure. The Local Planning Authority will refer to the standards laid out by the BRE (or any subsequent replacement standards) on sunlighting and daylighting in its assessments of applications.

Policy H17 - Protection of Residential Privacy

Proposals for extensions must demonstrate through good design that an acceptable standard of privacy can be maintained between opposing and neighbouring properties. Principal windows in the side elevations of habitable rooms at upper floor levels should be avoided where the privacy of neighbouring occupiers will be compromised. Where privacy is to be protected by distance alone, a minimum of 21 metres will be required between the facing windows of habitable rooms of opposing homes. Exceptions may be made for the facing windows of ground floor habitable rooms where adequate screening exists and in cases where normal standards of separation cannot be achieved and existing standards will not be eroded by accepting distances of less than 21 metres. In all situations the use of obscure glazing in the principal windows of habitable rooms will not be an acceptable measure to overcome the provisions of this policy as this is deemed to provide a sub-standard level of accommodation.

Habitable areas are defined as living rooms, bedrooms, studies, dining rooms, and kitchens with dining areas.

Policy HE1 - Heritage Assets and their setting

The Council will, through planning decisions and in fulfilling its wider functions, proactively manage and work with partners to protect and enhance the character, appearance, archaeological and historic value and significance of the Borough's designated and undesignated heritage assets and their setting.

Opportunities will also be pursued, to aid the promotion, understanding and interpretation of both heritage and cultural assets, as a means of maximising wider public benefits and in reinforcing Barrow's distinct identity.

Key elements which contribute to the Borough's identity, and which will therefore be a priority for safeguarding and enhancing into the future, include:

1. The Furness Abbey Scheduled Ancient Monument and its setting;
2. 14th Century castles such Piel Castle and Dalton Castle and key religious sites and their setting;
3. Barrow Town Hall, Ramsden Square and Schneider Square and associated statues as well as the streets and spaces which interconnect and provide setting for these assets;
4. Wide, Victorian, tree-lined routes into and around Barrow such as Abbey Road and Hartington Street and the grid-iron pattern of areas of terraced housing in and around Barrow town centre;
5. Remnants of the Borough's industrial heritage including sandstone workshop buildings, the imposing former worker's tenement blocks on Barrow Island, the slag bank, former iron workings and neighbourhoods of older traditional housing.
6. Coastal features including Jubilee Bridge, Roa Island jetty, pill boxes, Walney and Rampside lighthouses and Cavendish Dock;
7. Barrow Park, including the cenotaph and bandstand;
8. Conservation areas and Listed Buildings across the Borough;
9. Key cultural assets encompassing parklands, woodland, landscapes, coastlines, museums, libraries, art galleries, public art, local food and drink and local customs and traditions.

As well as fulfilling its statutory obligations, the Council will:

- a) Seek to identify, protect and enhance local heritage assets;
- b) Promote heritage-led regeneration including in relation to development opportunities;
- c) Produce conservation area appraisals and management plans;
- d) Develop a positive strategy to safeguard the future of any heritage assets that are considered to be "at risk";
- e) Adopt a proactive approach to utilising development opportunities to increase the promotion and interpretation of the Borough's rich archaeological wealth; and
- f) Develop a positive heritage strategy across the Borough.

Policy HE2 - Information required for proposals involving historic assets

When determining proposals involving heritage assets, or involving sites where there are reasonable grounds for the potential of unknown assets of archaeological interest to be, the following information shall be submitted by the applicant as part of the application:

- a) An assessment of the asset's significance including any contribution made by its setting, and an assessment of the potential impact of the proposal on that significance, using appropriate expertise. The level of information required will be proportionate to the assets significance and to the scale of the impact of the proposal and may require, where necessary, a desk based assessment and a field evaluation prior to the determination of the proposal; and
- b) A full programme of work together with proposals to mitigate any adverse impact of the proposed development. Where appropriate, work will be implemented through measures secured by planning condition(s) or through a legal agreement.

The Council has prepared a Guidance Document setting out when a Statement of Significance is required to accompany heritage applications which contains advice on its format and content.

Policy HE3 - Listed Buildings

Proposals for works to listed buildings, including alterations, extensions or change of use and development affecting setting should not cause unacceptable harm to its

significance, including those elements which contribute to their special architectural or historic interest, and setting. Opportunities to enhance and better reveal their significance will be supported.

Substantial harm to, or loss of, a Grade II listed building should be exceptional. Substantial harm to, or loss of, Grade I and II* listed buildings should be wholly exceptional.

Proposals which involve substantial harm to, or loss of, a listed building including to its setting, will be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial benefits that outweigh that harm or loss, or all of the following apply:

- a) The nature of the heritage asset prevents all reasonable uses of the site;
- b) That no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
- c) That conservation through grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- d) The harm or loss is outweighed by the benefit of bringing the site back into use.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighted against the public benefits of the proposal, including securing its optimum viable use.

Policy HE4 - Conservation Areas

Development within or affecting the setting of Conservation Areas will only be permitted where it preserves or enhances the character or appearance of the Area. Proposals for all new development, including alterations and extensions to buildings and their re-use, must be sensitive and appropriate to the character of the area. Any replacement feature should match the original where it makes a positive contribution to the Conservation Area and its setting.

Proposals must be supported by any relevant Conservation Area Appraisal or Management Plan. In particular it should respect all of the following:

- a) The character of existing architecture and any historical associations by having due

regard to positioning and grouping of buildings, form, scale, enclosure, detailing and use of traditional materials;

b) Existing hard and soft landscape features including open space, trees, walls and surfacing;

c) Traditional plot boundaries and frontage widths; and

d) Significant views into or out of the Areas.

Proposals should also avoid the loss of public and private open space which makes a positive contribution to the character and appearance of the Conservation Area and its setting.

Through Conservation Area Appraisals the Council will identify any opportunities for new development to enhance or better reveal their significance.

Policy I4 - Sustainable Travel Choices

Development will be accessible by a range of sustainable transport options, including walking, cycling and public transport. Early engagement with the Borough Council and the Local Highways Authority is encouraged. Development likely to generate significant levels of transport within isolated and poorly accessible areas will be resisted unless a clear environmental, social or economic need can be demonstrated.

Proposals should provide direct and safe access to the existing footpath and cycle network including pedestrian links between developments and bus stops to maximise use of public transport to access green space, shopping, schools, health and other amenities. Where this would require the provision of links beyond the development site, such as provision of new footpaths and cycleways or a new or enhanced bus service an appropriate planning obligation will be negotiated between the local planning authority and the applicant.

Pedestrian and cycle routes within new developments must be suitably lit so as to create a safe, attractive and useable environment for all.

Development proposals located on, or adjacent to, a proposed network of cycle routes should incorporate the appropriate section of route, and / or links to it. Where development affects the line of an existing route, the route will be required to be

reinstated, or an acceptable alternative provided. The continuing integrity of the route should be maintained through the construction process. Routes, both interim and replacement, should be constructed to a standard and design acceptable to the Council and consistent with the Green Infrastructure Strategy requirements.

Secure cycle parking provision, in accordance with the Council's adopted guidelines, will be required in all new car parks, particularly those associated with housing, employment, retail, leisure and educational developments. In addition the Authority will encourage the provision of shower facilities at employment-generating developments.

The Council will encourage the integration of vehicle charging infrastructure within new development, particularly commercial development.

Policy I6 - Parking

Proposals for new developments will be required to provide evidence to demonstrate that adequate parking provision has been provided in consultation with the Local Highways Authority and in accordance with the parking standards in the "Parking Guidelines in Cumbria" SPG or any update to it.

In areas suffering from significant on-street parking problems, greater provision will be sought where possible, or alternative arrangements will be required. When applying parking standards each site should be assessed on its own merits and, if a developer can demonstrate to the satisfaction of the authority that their proposed parking provision is sufficient, the 'Parking Guidelines in Cumbria' can be relaxed in favour of the demonstrated proposal.

The design of on and off site parking provision will be safely accessible and appropriate to the streetscene and character of the local area. Consideration should be given to Policy C3 (water management) and Policy DS6 (landscaping).

Policy N1 - Protecting and enhancing landscape character

Land use proposals should protect and enhance where appropriate, local landscape character, as defined by contemporary adopted local landscape character guidance, currently the Cumbria Landscape Character Guidance and Toolkit. In addition, major land use proposals will require an assessment of the effects of the proposed development on landscape character and visual effects at the time of submission.

Where new development will impact upon the character of the landscape, such impact will need to be minimised and priority will be given to protecting and enhancing the landscape's distinct assets. Where there is loss or damage to the assets, the applicant must submit a statement demonstrating that this is unavoidable e.g. the development cannot be sited elsewhere due to operational requirements. In cases such as these, the unavoidable damage must be mitigated, and unavoidable loss must be compensated

for, so that there is no net loss in resources.

High protection will be given to the undeveloped coast in order to maintain its openness, tranquillity, heritage and nature conservation value and to maintain the Borough's recreation and tourism appeal.

High protection will also be given to the setting of the Lake District National Park in order to maintain the valued views to and from this nationally designated area, its tranquillity and its attractiveness to tourists.

Measures to enhance the character of the Borough's landscape will be supported, with particular importance given to the following:

- a) Improved access to the landscape for recreation and tourism, including managed access to the undeveloped coast.
- b) The regeneration of unsightly brownfield sites, particularly former industrial sites.
- c) Increase in tree and woodland cover where such planting complements the scale of the landscape.
- d) Enhancement of the nature conservation value of the landscape.

Policy N3 - Protecting biodiversity and geodiversity

The Council will support development which maintains, protects and enhances biodiversity across the Borough. Proposals for new development should minimise impacts on biodiversity and provide net gains in biodiversity where possible. Proposals will be expected to improve access to important biodiversity areas, and will be required to show full details of measures to achieve this in the form of a suitable Management Plan. Consideration must be given to the Council's Biodiversity and Development Supplementary Planning Document (SPD) and any other relevant guidance.

Designated biodiversity and geodiversity sites

There is a presumption in favour of the preservation and enhancement of sites of international and national importance. Development proposals that would cause a direct or indirect adverse effect on any site of international or national importance, including its qualifying habitats and species will only be permitted where the Council and relevant partner organisations are satisfied that:

.; The adverse effect cannot be avoided (for example through locating the development on an alternative site); and

.; Any adverse impacts can be mitigated for example through appropriate habitat creation, restoration or enhancement on site or in another appropriate location, in agreement with the Council and relevant partner organisations, via planning conditions, agreements or obligations.

Where mitigation is not possible or viable or where there would still be significant residual harm following mitigation, compensation measures should be made to provide an area of equivalent or greater biodiversity value. Compensation should be secured through planning conditions or planning obligations.

Special compensation considerations apply in the case of Natura 2000 sites. If harm to such sites is allowed because the development meets the above criteria and imperative reasons of overriding public interest have been demonstrated, the European Habitats and Wild Birds Directive requires that all necessary compensatory measures are taken to ensure the overall coherence of the network of European Sites as a whole is protected.

Local wildlife sites and geological designations such as County wildlife sites, wildlife corridors and Local Geological Sites (LGS) will be afforded a high degree of protection from potentially harmful development, unless a strong socio-economic need can be demonstrated and the development cannot be situated in a less sensitive location.

Assessing the effects of development on biodiversity and geodiversity

Proposals for new development which may result in significant harm to biodiversity must be accompanied by appropriate surveys, undertaken by a suitably qualified person, to identify the potential effects of development. In such cases, the mitigation hierarchy, as referenced in the Council's Biodiversity and Development SPD should be applied and it must be demonstrated that avoidance measures have been considered and justification for ruling these out must be given. Where significant harm is avoidable, it should be adequately mitigated, or as a last resort, compensated for.

Where mitigation is required in the form of species translocation, the Council will work with partners to identify suitable sites for translocation.

Where there is evidence to suspect the presence of protected species, the planning application should be accompanied by appropriate, up-to-date surveys carried out at the correct time of year for the particular species assessing their presence to ensure that the proposal is sympathetic to the ecological interests of the site.

PLANNING COMMITTEE

14th June 2022

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Page No	Reference	Address	Proposal
2	2022/0040	Land at Rampside, Barrow-in-Furness, Cumbria	Change of Use of use of paddock to a glamping facility and the siting of 6 shepherd hut style glamping units with associated decking areas and provision of vehicular access track.
28	2022/0179	Opera Bingo, 3 Holker Street, Barrow-in-Furness, Cumbria, LA14 5RQ	Erection of flat roofed rear extension to accommodate proposed function room to serve existing bingo hall.
44	2022/0152	New Inn, Biggar Village, Barrow-in-Furness, Cumbria LA14 3YG	Listed Building Consent for alterations associated with extending habitable accommodation into the adjacent barn currently used for domestic storage/garaging and including external alterations to the front and rear elevations with rearrangement of internal room layouts. Changes to window and external door locations and removal of modern dormers with addition of rooflights.
58	2021/0646	Proposed Housing Site at Duke Street Askam	Proposed development of vacant land (Land Allocations Ref REC02 Duke Street, Askam) comprising 3 bedroom market housing - up to 8 units (outline with all matters reserved)

PLANNING COMMITTEE

14th June 2022

Extra Information Book

Page	App. No	Address
2	2022/0040	Land at Rampside, Barrow-in-Furness
28	2022/0179	Opera Bingo, 3 Holker Street Barrow-In-Furness
Deferred Book	2022/0291	Abbey Approach, Barrow-in-Furness

Planning Committee**Extra Information Item****Date of Meeting : 14th June 2022****Reporting Officer :** Development Services Manager (Planning)**Reference Number :** B20/2022/0040**Location :** Land at Rampside, Barrow-in-Furness, Cumbria**Proposal :** Change of Use of use of paddock to a glamping facility and the siting of 6 shepherd hut style glamping units with associated decking areas and provision of vehicular access track.

Report :

A petition has been received with 176 signatories objecting to the application (no specific reasons given).

Planning Committee	Extra Information Item
Date of Meeting : 14th June 2022	
Reporting Officer : Development Services Manager (Planning)	
Reference Number : B18/2022/0179	
Location : Opera Bingo, 3 Holker Street, Barrow-in-Furness, Cumbria, LA14 5RQ	
Proposal : Erection of flat roofed rear extension to accommodate proposed function room to serve existing bingo hall.	

Report :

The original report included condition 4 which required a landscaping plan to be submitted. The plans have now been updated to show the planting of 2 Cherry Trees alongside the proposed extension which is considered acceptable and will increase the biodiversity on site along with providing visual relief in the urban area.

A revised condition is now proposed which states as follows:

All planting comprised in the approved details of landscaping shall be carried out in the first planting seasons following beneficial occupation of any part of the development, or in accordance with the phasing of the scheme as agreed in writing with the Planning Authority. Any trees which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced by the landowner in the next planting season with others of a similar size and species, unless the Planning Authority gives prior written consent to any variation.

Reason: In the interests of the visual amenities of the area.

The wording of condition 2 will also need to be updated to include the revised plan references and will now read as follows:

The development hereby permitted shall be carried out in all respects in accordance with the application dated as valid on 8.3.22 and the hereby approved documents defined by this permission as listed below, except where varied by a condition attached to this consent:

22-101-DWG005 REV.C

22-101-DWG003 REV.C

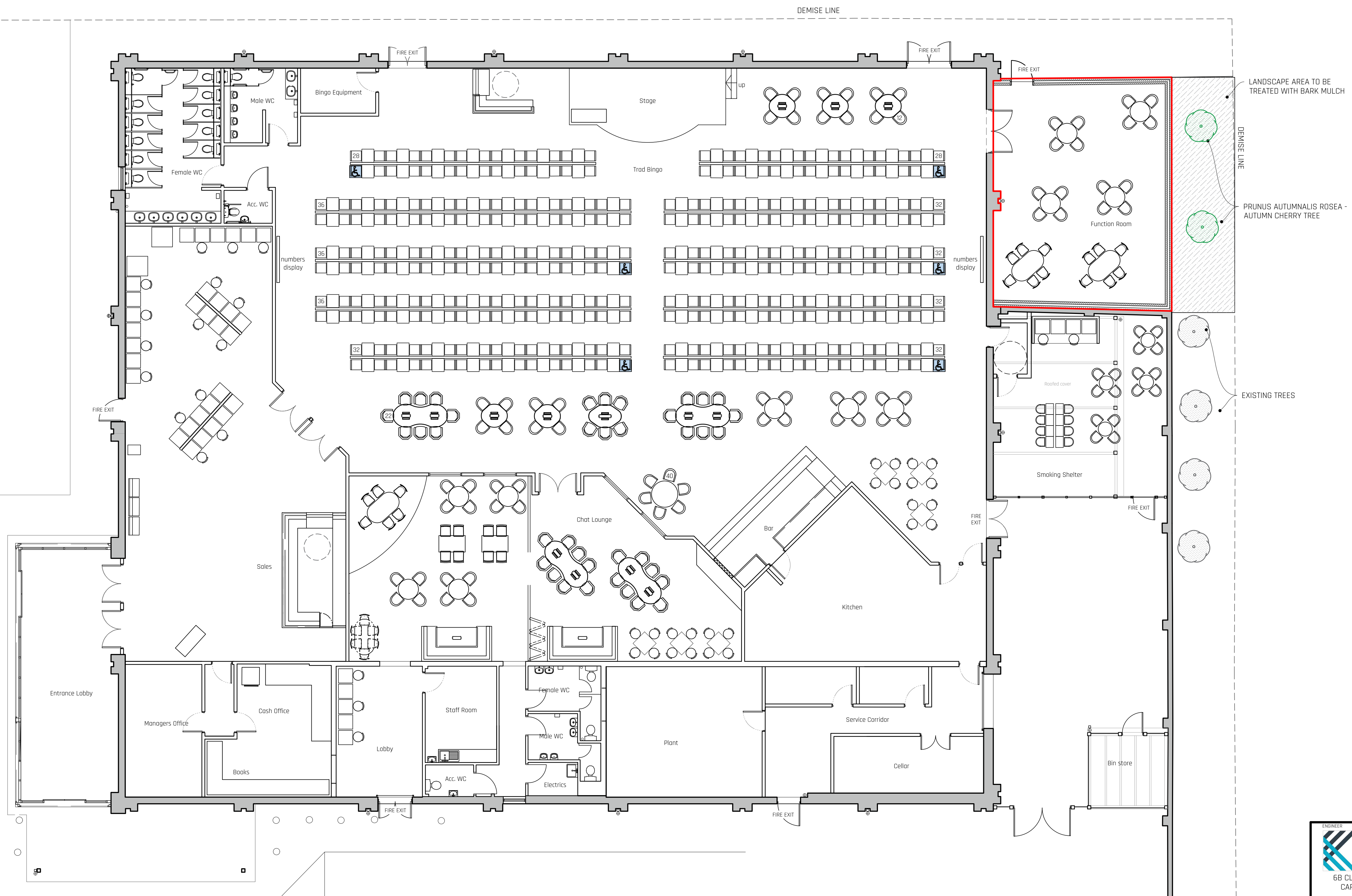
22-101-DWG006 REV.B

22-101-DWG004 REV.C

Bat Scoping Survey dated 13.5.22

Design and Access Statement dated 2.3.22

Application Form dated 7.3.22



FLOOR PLAN
SCALE 1:100

 6B CLIFFORD COURT, PARKHOUSE, CARLISLE, CUMBRIA, CA3 0JG T: 01228 915900 E: hello@kingmoorconsulting.co.uk		CLIENT
PROJECT OPERA BINGO, HOLKER STREET BARROW IN FURNESS, CUMBRIA		
TITLE PROPOSED NEW FUNCTION ROOM PROPOSED FLOOR PLAN		
SCALE AS NOTED	STATUS FOR PLANNING	
PAPER SIZE A1	DRAWN BY S LOWES	CHECKED AND APPROVED C AIMERS
PROJECT PHASE PLANNING	DATE MAR 2022	DATE MAR 2022
DRAWING NUMBER 22-101-DWG003	REVISION C	

Planning Committee	Extra Information Item
Date of Meeting : 14th June 2022	
Reporting Officer : Development Services Manager (Planning)	
Reference Number : B18/2022/0291	
Location : Furness Abbey, Abbey Approach, Barrow-in-Furness, Cumbria, LA13 0PJ	
Proposal : Installation of a statue in memory of Sir John Laing	

Report :

A The following additional comments have been received from the agent in support of the application:

1. The location for the statue is where there is an existing bench.
2. It will be in an area clear of trees and planting
3. The title of the statue will not have any reference on it to Sir John Laing; it will simply be "Prayer"
4. The work **IS** by Jim Butler and will be his final work and copy of one of the last photographs of the clay as it has gone up to the foundry is attached. We have more photographs if it would be helpful but they are rather large and may block your inbox !
5. As far as Sir John is concerned he is rightly well appreciated in Coventry, but there would not have been any LAING construction company if the Furness prayer had not been answered.....as such we would hope that Furness would find that this is a welcome "good news" story that can be shared.

B The following additional representation has been received objecting to the application:

1. I am the **nearest neighbour**, but I am not objecting on grounds of proximity – as the statue would fortunately be hidden by trees from my side.
2. **Relevance to Barrow and Furness Abbey** – very little. Sir John didn't live here or have an office here. Apparently he had a vision at Furness Abbey. So have a lot of people who have come to the Abbey to contemplate and think things over. They don't need a statue to help them. Sir John's bronze presence may even distract them. Certainly it will neither help nor add to the tranquillity of the Abbey environment.
3. There must be at least one hundred more likely candidates with a closer link to Furness Abbey:
 - Stephen Blois – the founder
 - One of the famous Abbots
 - A Cistercian Monk
 - William Wordsworth
 - J.M.W. Turner
 - E. G. Paley
 - Or a woman – for a change: Octavia Hill; Beatrix Potter, Founders of The National Trust, for example.

Sir John, with respect, will not bring additional visitors to the Abbey. Many other names would attract visitors, and have an educational purpose.

4. **Why Sir John Laing? Doesn't add to visitor experience:** the only reason is that the Laing Foundation is supporting English Heritage financially. This in itself is not sufficient reason for Barrow or Furness Abbey, though it might be for Sir John's family. The principle is all wrong. If you have enough money and influence, you can erect a statue of one of your ancestors. Sir John by repute a decent and a modest man would almost certainly not have approved.
5. **Poor piece of work:** Reg Butler RA unfortunately was deceased when this planning application was submitted. So he could never have completed it. Certainly, this is a matter of

judgement, this statue would not have been one of his best. If erected, in time, we would all be a little embarrassed by it.

6. **More suitable site:** let English Heritage put this up at a more suitable site, for example, Carlisle where Sir John was born; the new Coventry Cathedral built by Laings; or any of their post-war constructions. Please not Furness Abbey."



DEVELOPMENT MANAGEMENT

PLANNING COMMITTEE

14th June 2022

DEFERRED BOOKLET

PLANNING APPLICATION FOR DECISION

Deferred from 24th May 2022

Ladies and Gentlemen,

The applications within this report have been submitted for determination under the Town and Country Planning Acts and associated legislation.

All applications in this report are “Delegated” to this Committee but can be moved “Non-Delegated” by a Member of the Committee under the terms adopted for the Scheme of Delegation approved by Council, 16th May, 1994. Any such motion needs to be accepted by a majority of Members of the Committee present (Council, 8th August, 1995). All applications left as Delegated will be decided by the Committee and will not be subject to confirmation by Council.

The application plan numbers also refer to files for the purposes of background papers.

Any member of the public who wishes to ask a question, make representations or present a deputation or petition at this meeting should apply to do so by no later than 12 noon, three working days before the date of the Planning Committee meeting. Information on how to make the application can be obtained by viewing the Council's website www.barrowbc.gov.uk or by contacting the Planning Business Support Team at consultplanning@barrowbc.gov.uk or by telephone on 01229 876405..

Jason Hipkiss

Head of Development Management

B18/2022/0291
Planning Committee
14th June 2022



Application Number : B18/2022/0291	Date Valid :12/04/2022
Address : Furness Abbey, Abbey Approach, Barrow-in-Furness, Cumbria, LA13 0PJ	Case Officer : Maureen Smith
Proposal : Installation of a statue in memory of Sir John Laing	
Ward : Newbarns Ward	Parish : N/A
Applicant : Mr David Laing, HM Lord-Lieutenant of Northants	Agent : Mr William Assheton, GSS Architecture
Statutory Date : 07/06/2022	Recommendation : Permission be Granted with conditions
Barrow Planning Hub	

Relevant Policies and Guidance

Full details of the policies listed below are included in the appendix

Local Plan Policies

1. Barrow Borough Local Plan 2016-2031 - Policy DS1 - Council's commitment to sustainable development
2. Barrow Borough Local Plan 2016-2031 - Policy DS2 - Sustainable Development Criteria
3. Barrow Borough Local Plan 2016-2031 - Policy DS5 - Design
4. Barrow Borough Local Plan 2016-2031 - Policy HE1 - Heritage Assets and their setting
5. Barrow Borough Local Plan 2016-2031 - Policy HE3 - Listed Buildings
6. Barrow Borough Local Plan 2016-2031 - Policy HE4 - Conservation Areas
7. Barrow Borough Local Plan 2016-2031 - Policy HE6 - Scheduled Ancient Monuments and Archaeological Assets

Summary of Main Issues

Members will recall that this application was deferred for a site visit at the May meeting. Whilst recognising that public art can be a subjective matter, the main issue raised by this application is whether the proposed installation is appropriate within this historically sensitive setting and the wider landscape.

The application relates to the grounds of Furness Abbey which is a Grade I listed building as well as a scheduled ancient monument and it is also immediately adjacent to Furness Abbey Conservation Area. The key consideration is the impact on heritage assets and their setting as well as design, visual amenity and potential impact on tree roots.

Non Material Considerations

Response to Publicity and Consultations

The application has been advertised by site and press notices.

Neighbours Consulted

Street Name
Abbey Approach
Holker

Properties
Abbey Manor, Abbey Vale,
Estates Office,

Responses	Support	Object	Neutral
1	0	1	0

One local resident has objected to the application on the following grounds:

- tenuous links since Sir John Laing did not live in Barrow, other locations would be better.
- Barrow is already well served with Victorian statues and the idea of erecting statues seems outdated.
- English Heritage have not commented.
- the grounds of the Abbey are not a suitable location, being a nationally important heritage site.
- could set a precedent for anyone being able to erect a statue for a grand parent in historically sensitive location.

Organisations Consulted

Consultee

Barrow Borough Council (Building Control)
Cumbria County Council (Archaeology)
English Heritage
Heritage Trust For The North West
Historic Buildings & Places

Historic England (North West)
Joint Committee of the National Amenity Society

List of Organisation Responses

14/04/2022

Cumbria County Council (Archaeology)

"Thank you for consulting me on the above application.

Whilst the proposal is modest in its scope, it will impact upon the legally protected scheduled monument of Furness Abbey. The applicant will need to seek scheduled monument consent from Historic England for the statue. I therefore recommend that Historic England are consulted on the planning application and I defer to any forthcoming comments that they may make.

Please do not hesitate to contact me if you have any queries regarding the above."

13/04/2022

Historic England (North West)

"Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request"

Officers Report

1.Site and Locality

1.1 This application relates to land within the grounds of Furness Abbey and includes the siting of a sculpture in an area to the north of the principal Abbey remains, south of the visitor centre and immediately west of the railway line, just to the west of an existing curved stone boundary wall. There is an existing bench on the site and this is to be replaced with a bench and sculpture on the same footprint. The bench is currently enveloped by trees and planting such that it is not readily visible from public view. The site is managed by English Heritage and is contained by a boundary fence with access being through the visitor centre. Immediately to the north of the site is the visitor car park with the land being contained by Abbey Approach along the western boundary and the railway line to the east.

1.2 The area is of high historic and archaeological value being within the boundary of a scheduled ancient monument and the setting of a number of important listed buildings: Furness Abbey (Grade I), the Abbey wall (Grade I), Abbey Tavern (Grade II), the Capella Portas and wall (Grade I) and the Furness Abbey Conservation Area envelopes the site.

2. Proposal Details

2.1 The application relates to the installation of a statue in memory of Sir John Laing.

2.2 Supporting information submitted with the application advises: "*it was here that John Laing, 1879-1976, the Cumbrian businessman and building contractor, prayed for the saving of his company in a time of trouble. The firm survived and later thrived and attributed this to a response to his prayers. He consequently felt forever indebted to Furness Abbey and his grandson is leading efforts to memorialise this event and the memory of his grandfather by erecting a statue of Sir John Laing in the grounds of the Abbey.*" Research suggests Mr Laing was a champion of workers' rights giving his employees share options, paid holidays and pensions at a time when such things were rare.

2.3 The chosen design is a bronze figure in contemplative pose on a wooden bench using life size proportions. The siting is in the centre of a semi-circular stone wall on the eastern edge of an open space with trees and the railway line beyond as the backdrop and partly wrapping around the sculpture.

2.4 The plans illustrate a hardcore and concrete foundation base with local stone paving surrounding the bench.

3. Relevant History

3.1 No history revealed for this application

4. Officer Assessment

National Guidance

4.1 National guidance in relation to heritage is set out in Chapter 16 of the NPPF: *Conserving and Enhancing the Historic Environment*. Paragraph 197 recognises that new development has the potential to make a positive contribution to local character and distinctiveness.

4.2 Paragraph 199 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. In this case I am of the view that harm to significance would not arise and any impact is assessed as neutral. Since harm is not identified in this case paragraphs 201 (substantial harm) and 202(less than substantial harm) are not relevant.

4.3 Paragraph 206 advises that Planning authorities should look for opportunities for new development within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. In this case, the proposed statue has the potential to enhance the setting of the adjacent heritage assets.

Other relevant Legislation

4.4 In addition to the planning framework which is primarily set out in the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest and the Ancient Monuments and Archaeological Areas Act 1979 provides specific protection for monuments of national interest. Any decisions where listed buildings and their settings and conservation areas are a factor must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 (in particular section 66 and 72) as well as applying the relevant policies in the development plan and the National Planning Policy Framework.

Local Plan Policies

4.5 The policy background for one off public art installations such as this is quite limited locally, relating more to the incorporation of art within wider developments. There are elements in other policies however to help guide such decisions.

4.6 DS2 states generally (that development should be) *“Contributing to the enhancement of the character, appearance and historic interest of related landscapes, settlements, street scenes, buildings, open spaces, trees and other environmental assets”*

4.7 DS5 aims to *“Incorporate public art where this is appropriate to the project and where it can contribute to design objectives.”*

4.8 DS6 relates to landscaping stating that, *“Landscaping should be viewed as an integral part of the design process and should include soft and hard landscaping, street furniture, lighting and public art where appropriate.”*

4.9 In national policy, within the context of the National Planning Policy Framework (NPPF), it is stated that public art *“contributes to strong, vibrant communities through the creation of quality places and relating health, social and cultural well- being benefits”*

4.10 Specifically in relation to heritage, Policy HE1 recognises the importance of Furness Abbey scheduled ancient monument and its setting and Policy HE3 advises that development within the setting of listed buildings should not cause unacceptable harm. Opportunities to enhance and better reveal significance are supported. Policy HE4 supports development within the setting of conservation areas which preserves or enhances the character or appearance of the area and Policy HE6 does not permit development that would cause unacceptable harm to scheduled monuments.

Impact on Heritage Assets

4.11 Scheduled monument consent (SMC) will be required through Historic England and the applicants are aware of this. Archaeology would be addressed at this stage and mitigation measures put in place; a planning condition is also recommended.

4.12 The proposal is modest in scale and located within a landscaped area with trees as a backdrop such that it will be partly hidden by existing planting; it is not considered to impact on or cause harm to the heritage assets in the locality or their setting. A bench already exists in the same position and any impact, when viewed from any principal public viewpoints, is likely to be no greater than that of a person sat on a bench.

Design and visual amenity

4.13 The more primary issues raised relate to landscape impact, appearance/design and visual amenity, which are all linked to some degree. In assessing this impact, consideration of the immediate area is a key consideration.

4.14 Art installations are commonly divisive given the subjective nature of art/sculptures. However, the scale in the wider context is minimal and when considered locally it should provide a focal point of interest alongside the immediate setting of the visitor centre. Any landscape impact is considered minimal given it is located within an enclosed area accessed via the visitor centre and partially screened by existing planting, thus avoiding a more isolated open position which may be considered to be more harmful.

4.15 Barrow has a long history of town statues and public art is generally seen as a good thing, although like all art it can be viewed subjectively. In this case, the proposal is modest and sensitively sited and should have a positive impact on visual amenity.

Impact on trees

4.16 The proposed siting is adjacent to a number of mature trees and a landscape belt and since concrete can be poisonous to tree roots it is recommended that an Arborical Method Statement for the construction of the sculpture is required by condition to ensure that the method of construction does not impact on the adjacent trees.

Representations received

4.17 The County archaeologist has advised of the need for scheduled monument consent.

4.18 One objection has been received from a nearby resident which has triggered the application being considered by planning committee. However, the concern about tenuous links with Barrow is not a planning consideration but something for the land owner to consider. The resident also raises the concern that a sculpture is inappropriate for a nationally important heritage site. However, the applicants have given careful consideration to setting and propose to position the sculpture in a landscaped area where it will not directly impact on the setting of the important heritage assets. Historic England and English Heritage will give this further consideration in both their heritage consent (in relation to SMC) and land owner capacities.

5. Conclusions

5.1 The proposed sculpture is considered to be of modest proportions and sensitively located to mitigate any harm to heritage assets and their setting such that impact is likely to be neutral, although conditions around archaeology and trees are recommended. The proposal is considered to be compliant with national and local plan policy and the requirements of the Act in relation to heritage assets and their setting and it should add visual interest to the area and potentially attract visitors in its own right.

6. Recommendation

I recommend that Planning Permission be **GRANTED** subject to the Standard Duration Limit and the following conditions : -

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

Compliance with Approved Plans

2. The development hereby permitted shall be carried out in all respects in accordance with the application dated as valid on 13.4.22 and the hereby approved documents defined by this permission as listed below, except where varied by a condition attached to this consent:

Plan 1 location plan

Plan 2 proposed block plan

Plan 3 proposed statue

Plan 7 sketch plan
Design and Access Statement WFA/DMV/L084A R01
Drawing SK03 proposed elevations and section.
Application form dated 4.4.22

Reason

To ensure that the development is carried out only as indicated on the drawings approved by the Planning Authority.

Pre-commencement Conditions

3. Prior to the commencement of the development hereby approved, an arborical method statement shall be submitted to and be approved in writing by the Local Planning Authority giving full details of how the sculpture and in particular the foundations, can be constructed without damage to any of the adjacent trees and mature planting surrounding the sculpture. The development shall proceed in accordance with the method statement.

Reason

In order to ensure a satisfactory method of construction that would not cause harm to any of the adjacent trees.

4. Prior to the commencement of the development hereby approved, full details of an archaeological watching brief shall be submitted to and be approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved brief.

Reason

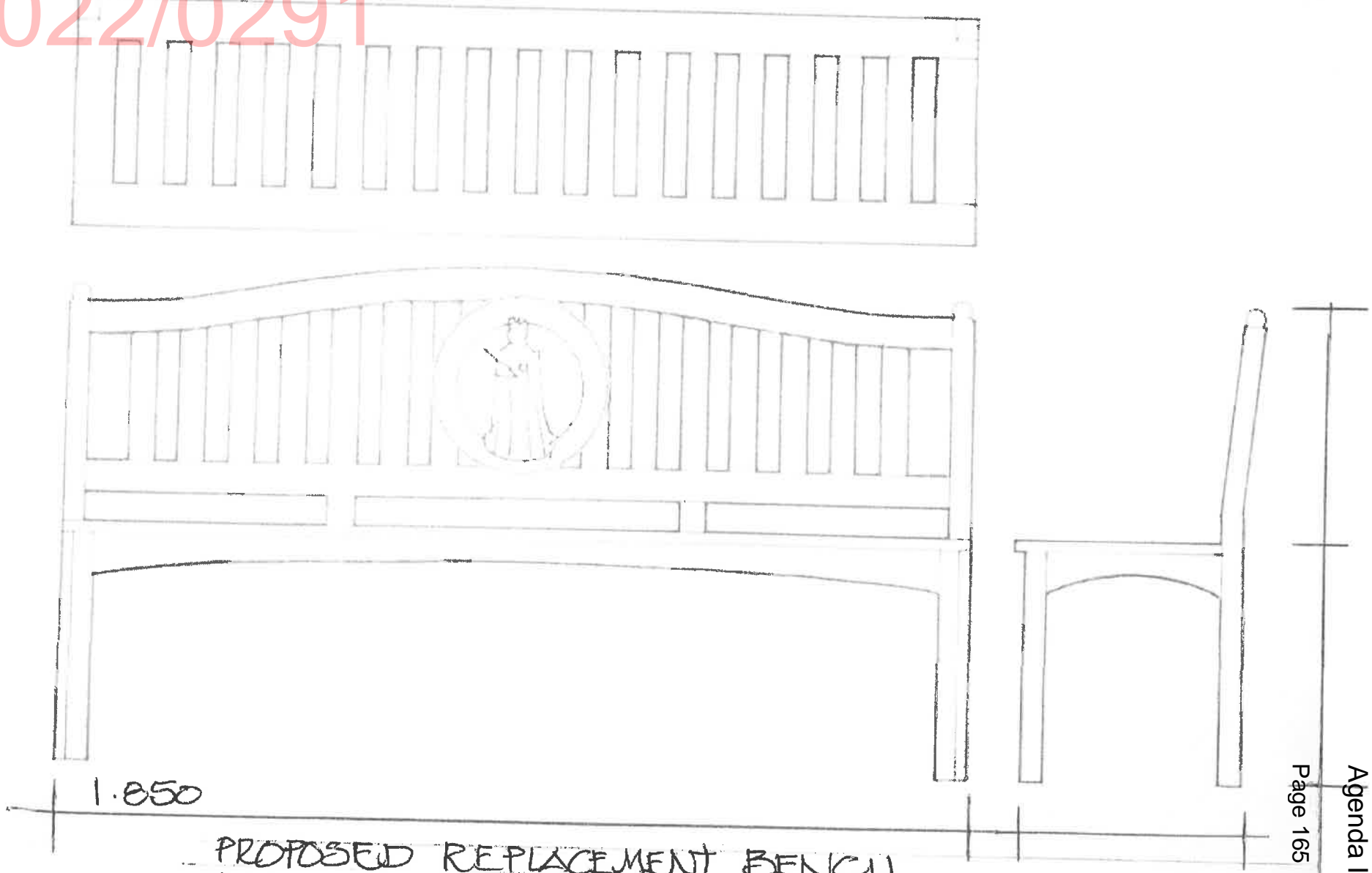
The site falls within a scheduled monument which is of archaeological interest and the condition is required to minimise any harm to archaeology as a result of construction and foundation works.

Informative

- Please note that any additional external alterations required under the Building Regulations may also require prior planning consent. Please speak to the Planning Officer before any such works are carried out
- This development may require approval under the Building Regulations. Please contact your Building Control department on 01229 876356 for further advice as to how to proceed.

- Please be aware of the Safe Dig service from United Utilities by contacting United Utilities at; UUSafeDig@uuplc.co.uk
- The applicant/agent are reminded of the need to apply for Scheduled Monument Consent (SMC) and no work should commence in advance of this. Further information is available on the attached link: <https://historicengland.org.uk/advice/planning/consents/smc/>

2022/0291



1.850

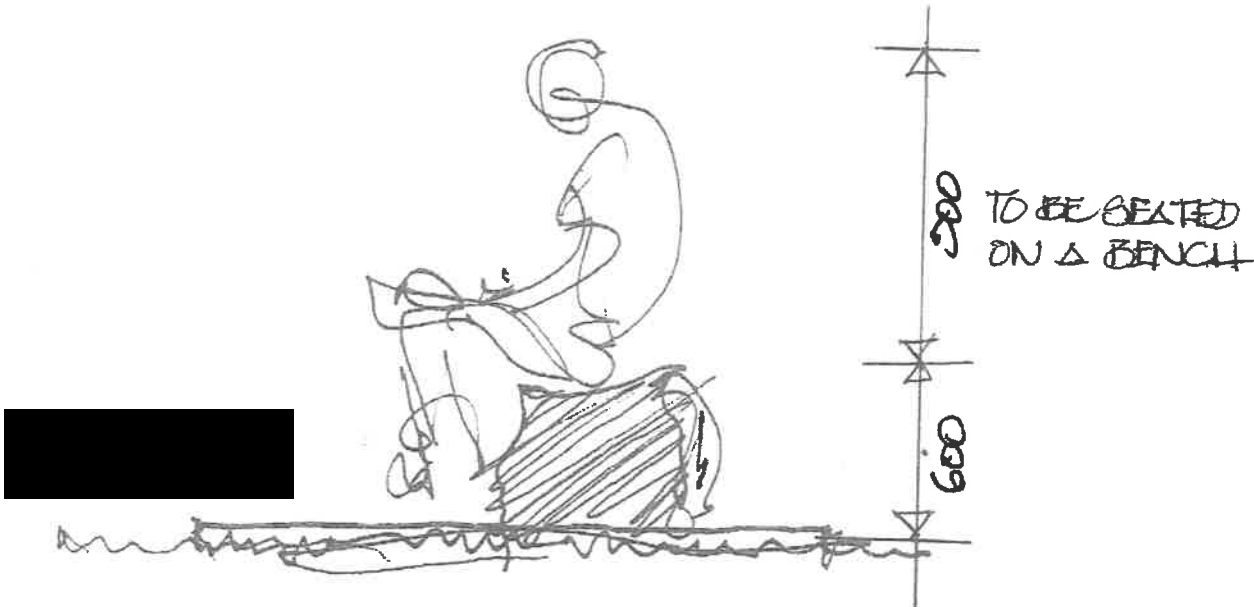
PROPOSED REPLACEMENT BENCH
FURNESS ABBEY.

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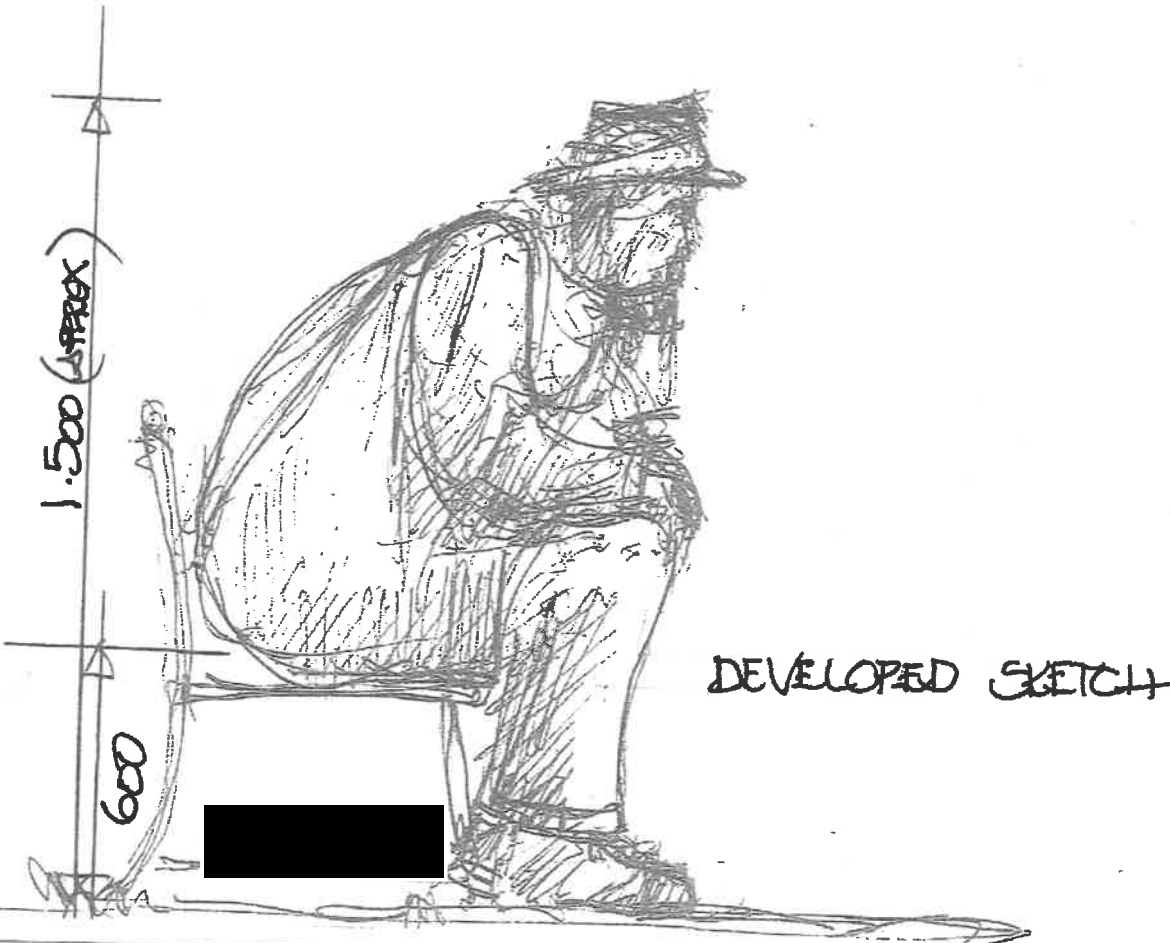
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2022/0291



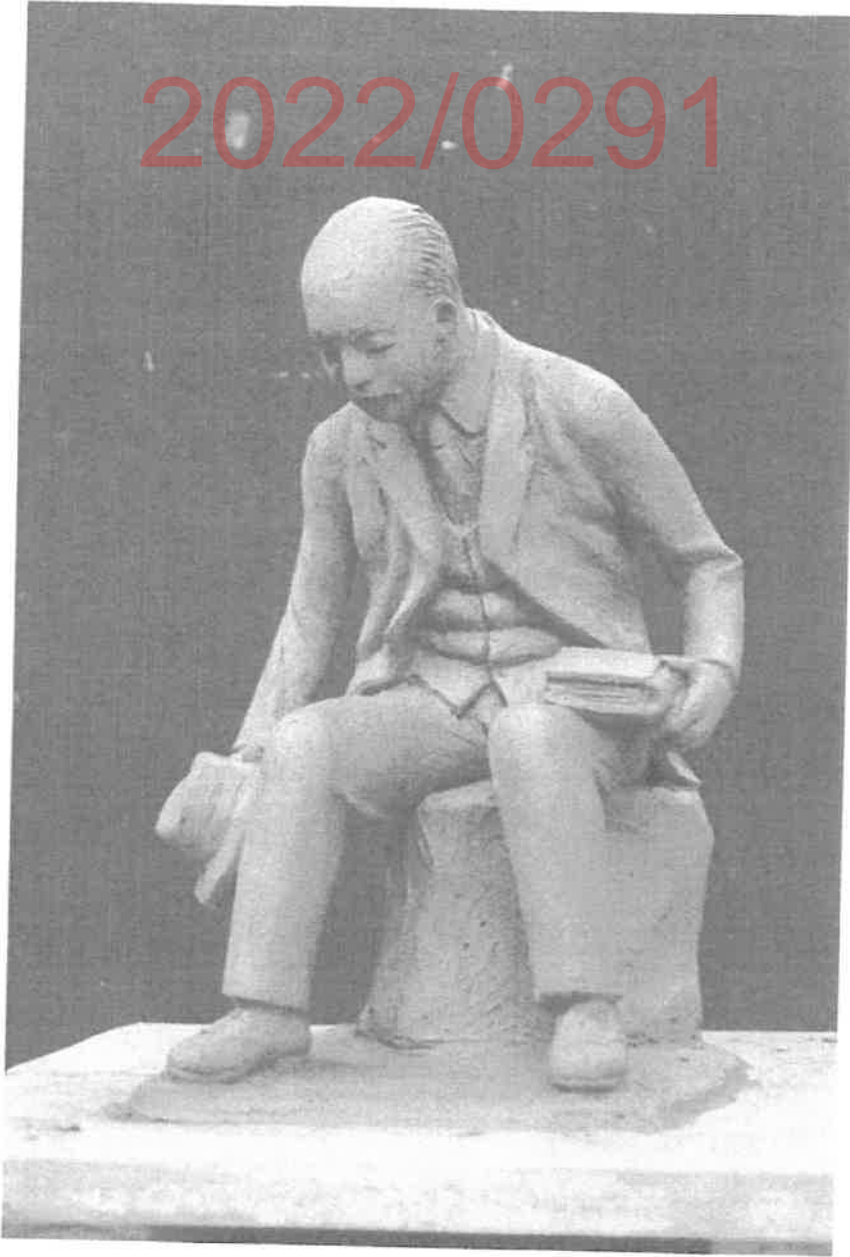
INITIAL SKETCH

SIRUJOHN LAING



DEVELOPED SKETCH

2022/0291



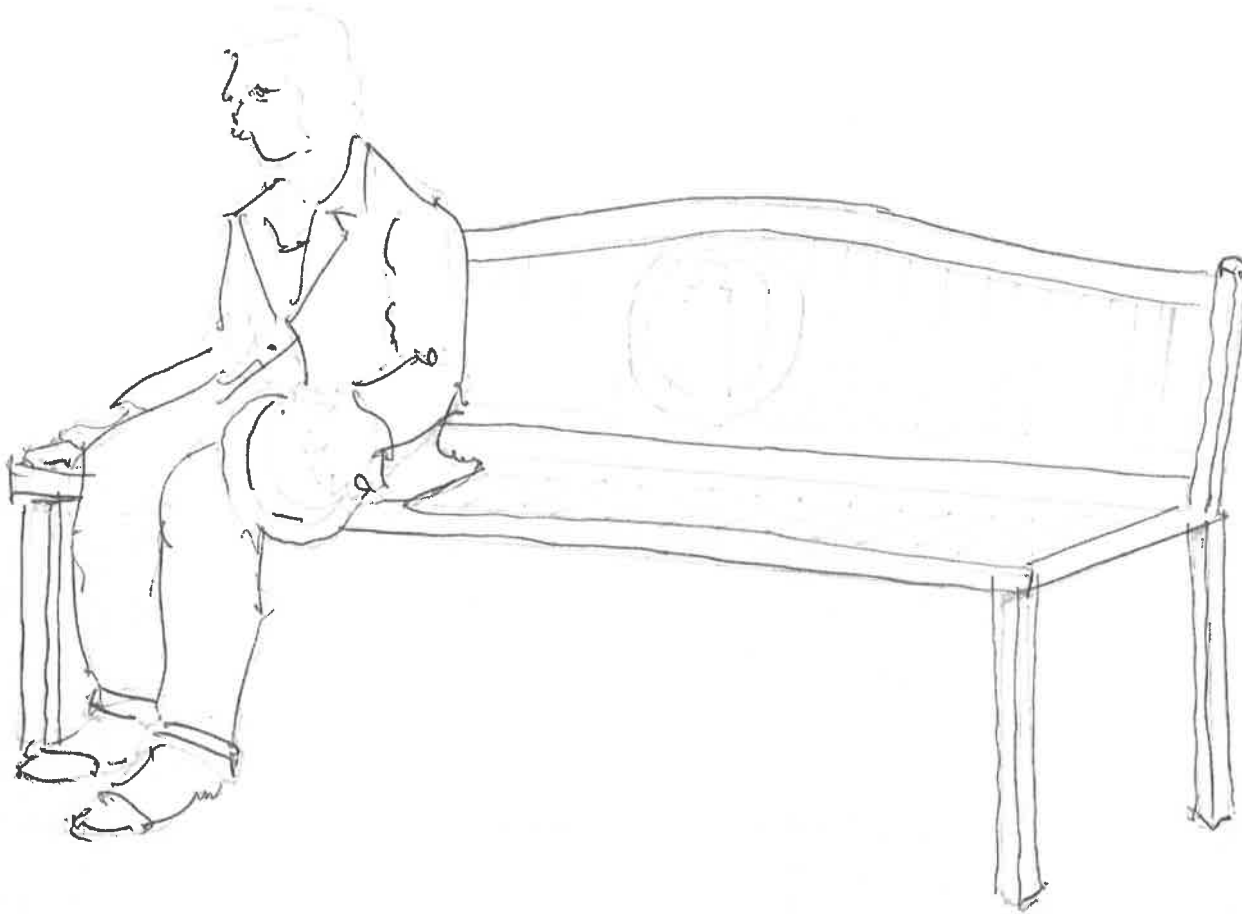
TO BE SEATED
ON A BENCH

PROPOSED STATUE
FRONT

SIR JOHN LAING

03⁷

2022/0291



PROPOSED STATUE SEATED ON BENCH

4.0 LAYOUT

The layout is simple, the figure on a bench on the edge of open space with the railway line and trees behind as a backdrop.



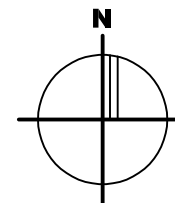
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PRELIMINARY ISSUE

Project Title:

Statue of Sir John Laing,
Furness Abbey

Client:

David Laing Foundation

Drawing Title:

Existing Plan:
Bench & Garden Feature Wall

File Number: L084A

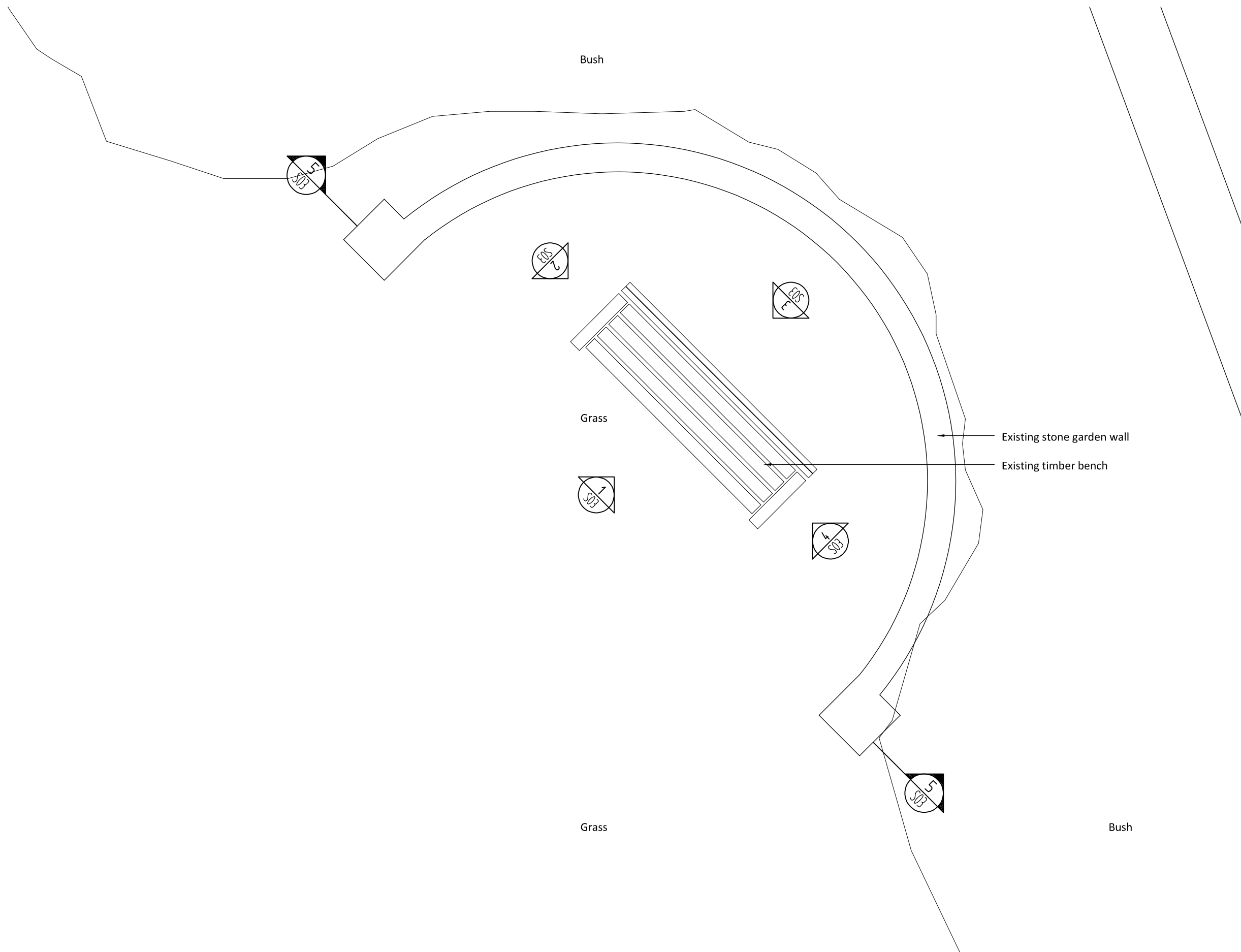
Drawn By: SXP

Checked By: JPW

Scale@A3: 1:20 **Date:** 16/05/22

Dwg No: S02 **Rev:**

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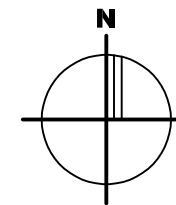


1. EXISTING PLAN: GARDEN FEATURE WALL
1:20@A3

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Proposed Plan:
Bench & Statue of Sir John Laing

File Number: L084A

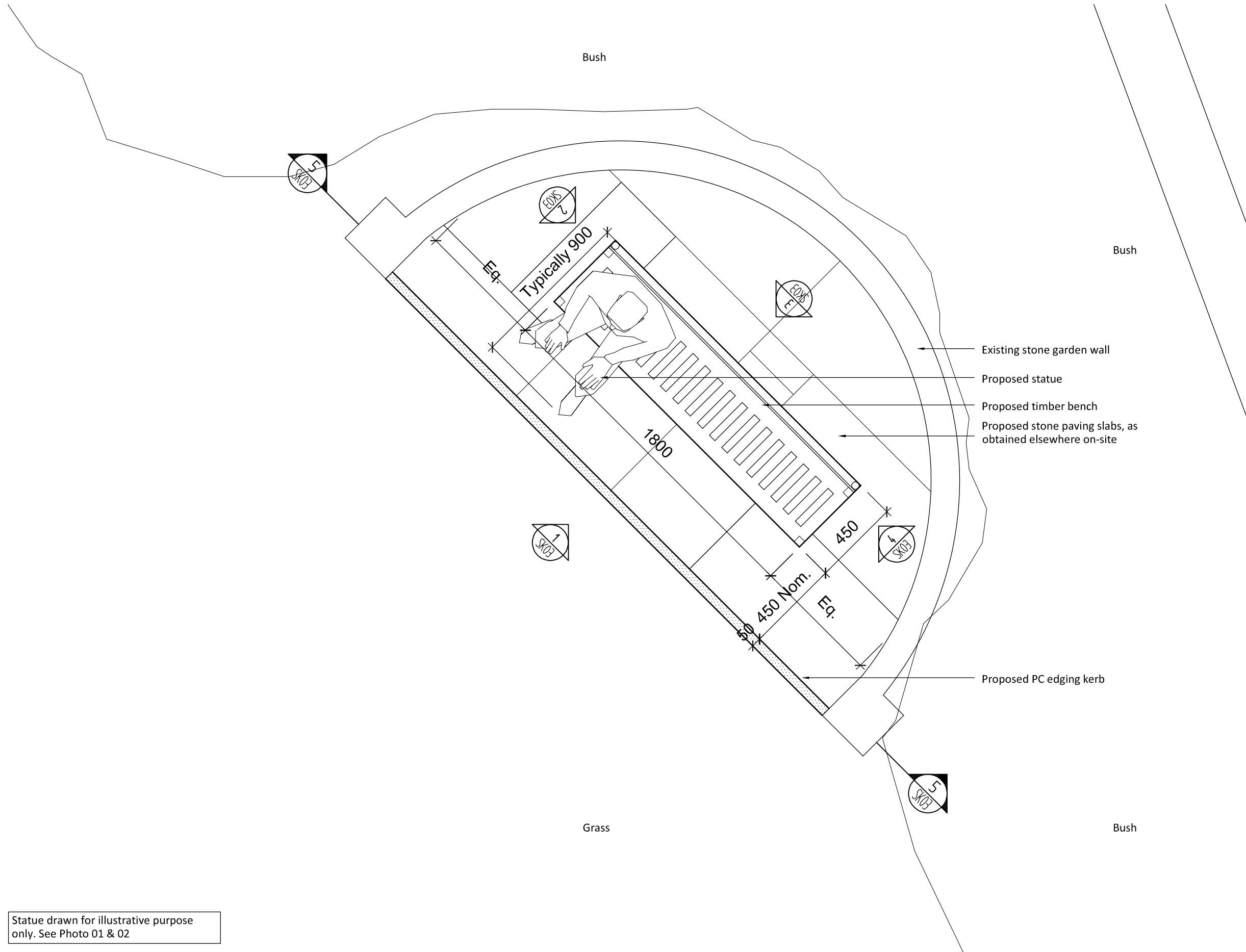
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Dwg No: SK02 **Rev:**

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Page 171



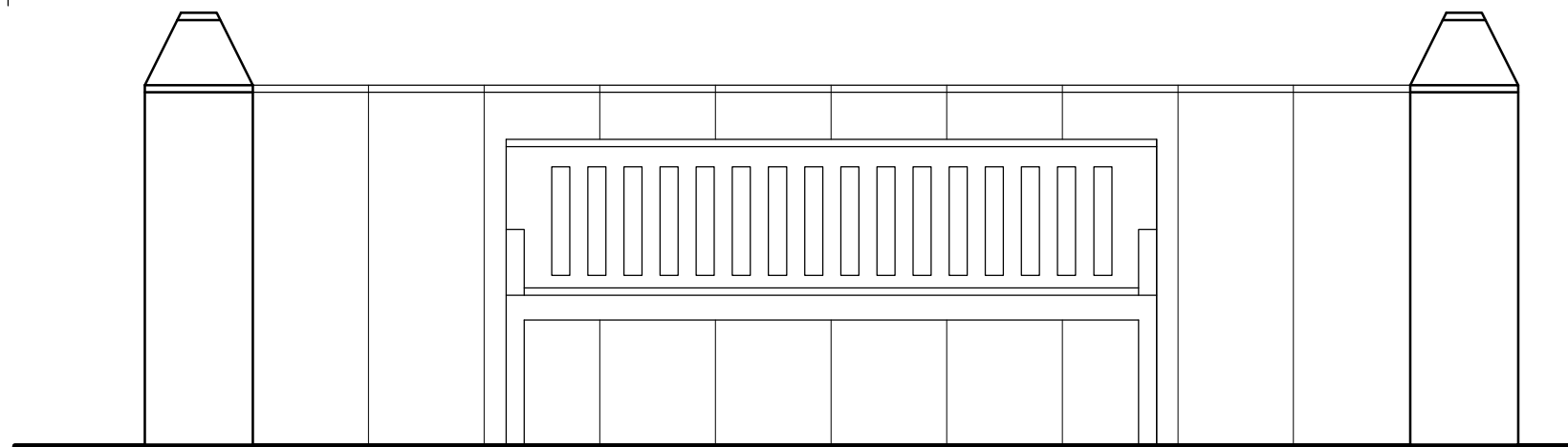
Statue drawn for illustrative purpose only. See Photo 01 & 02

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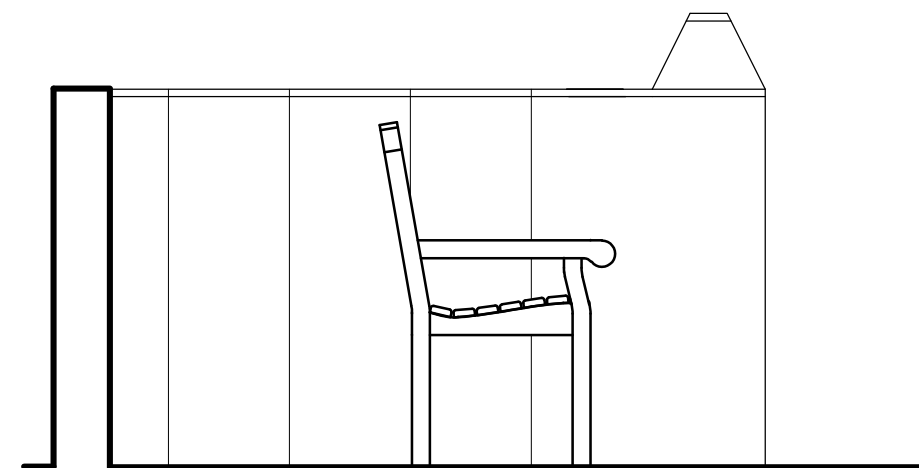
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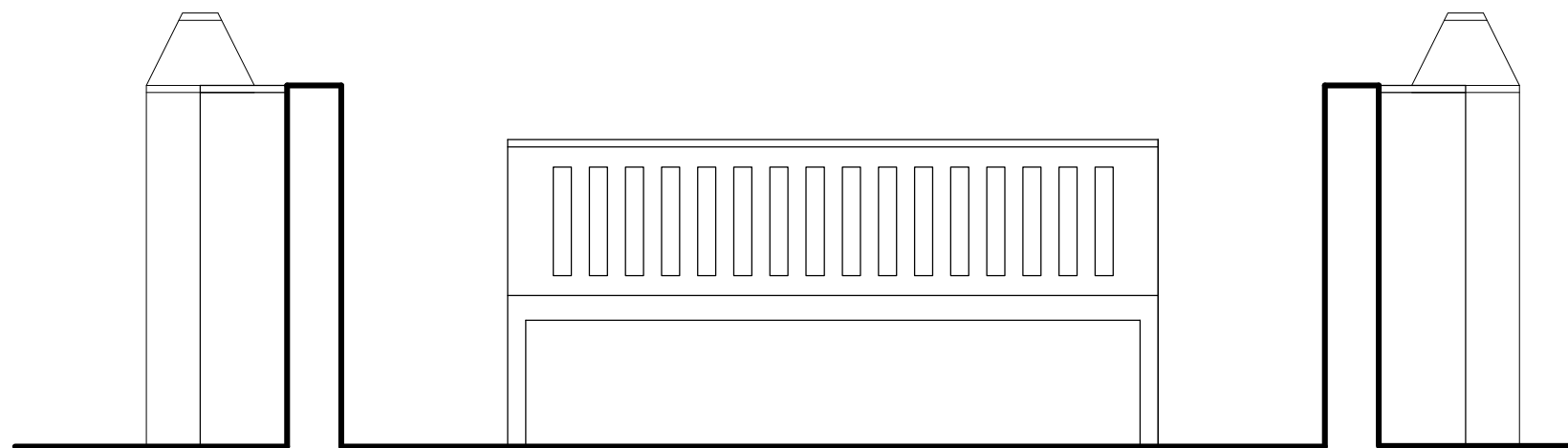
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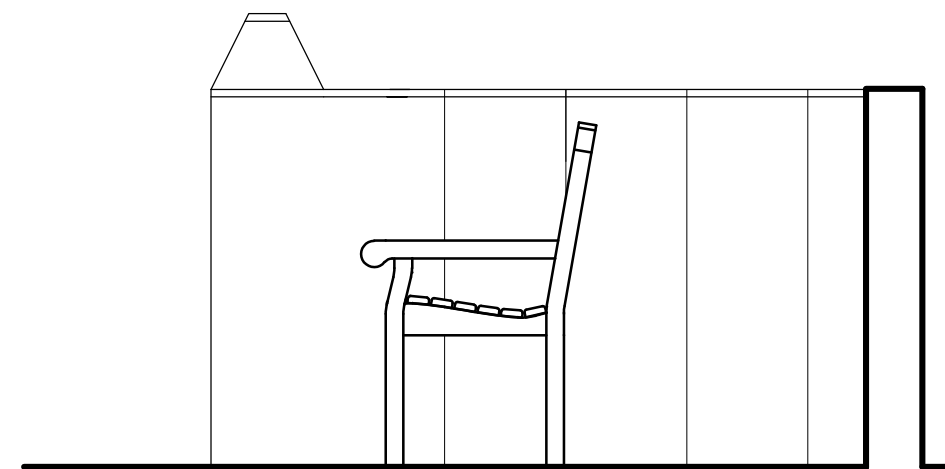
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1:20@A3



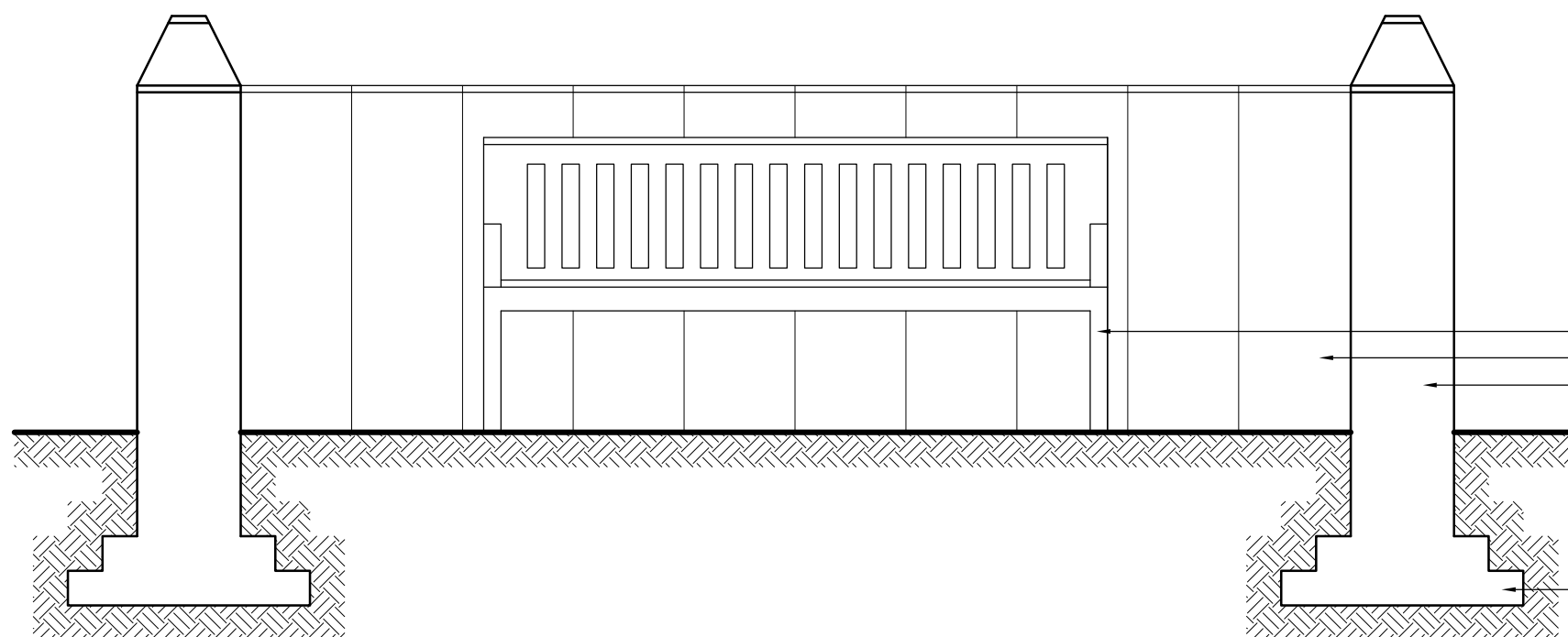
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1:20@A3



3. EXISTING NORTH EAST ELEVATION: BENCH
1:20@A3



4. EXISTING SOUTH EAST ELEVATION: BENCH
1:20@A3



5. EXISTING SECTION: BENCH/GARDEN FEATURE WALL
1:20@A3

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Furness Abbey

Client:
David Laing Foundation

Drawing Title:
Existing Elevations & Section:
Bench & Garden Wall

File Number: L084A

Drawn By: SXP

Checked By: JPW

Scale@A3: 1:20 **Date:** 16/05/22

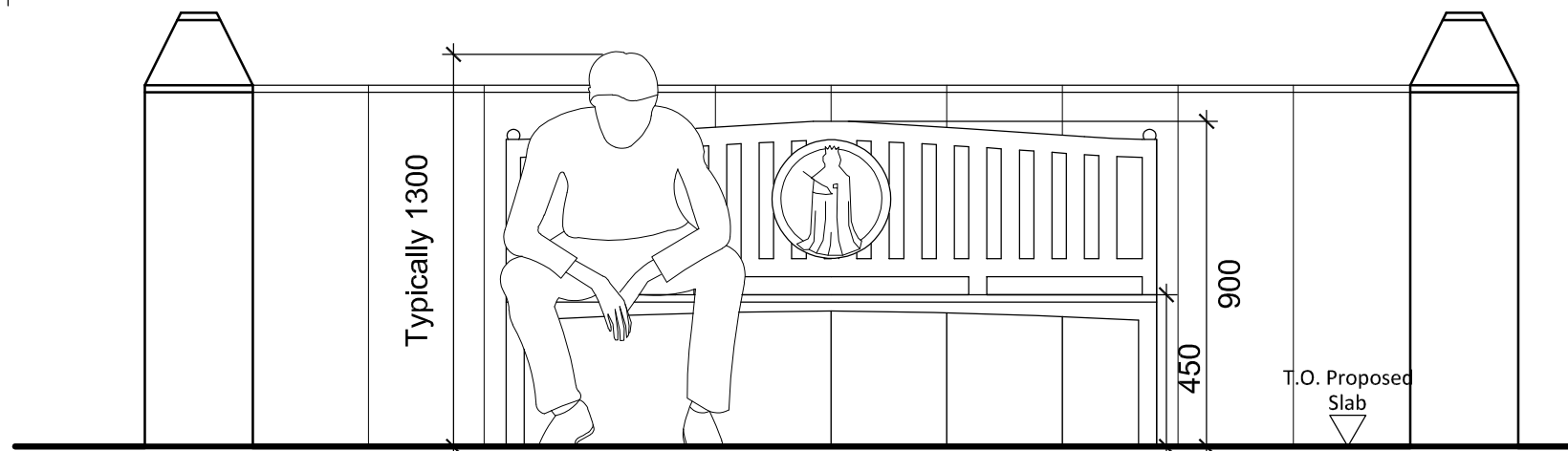
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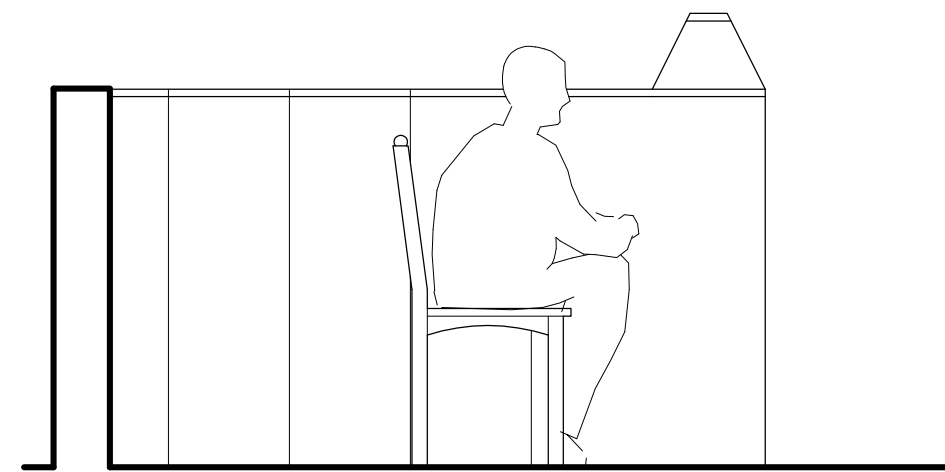
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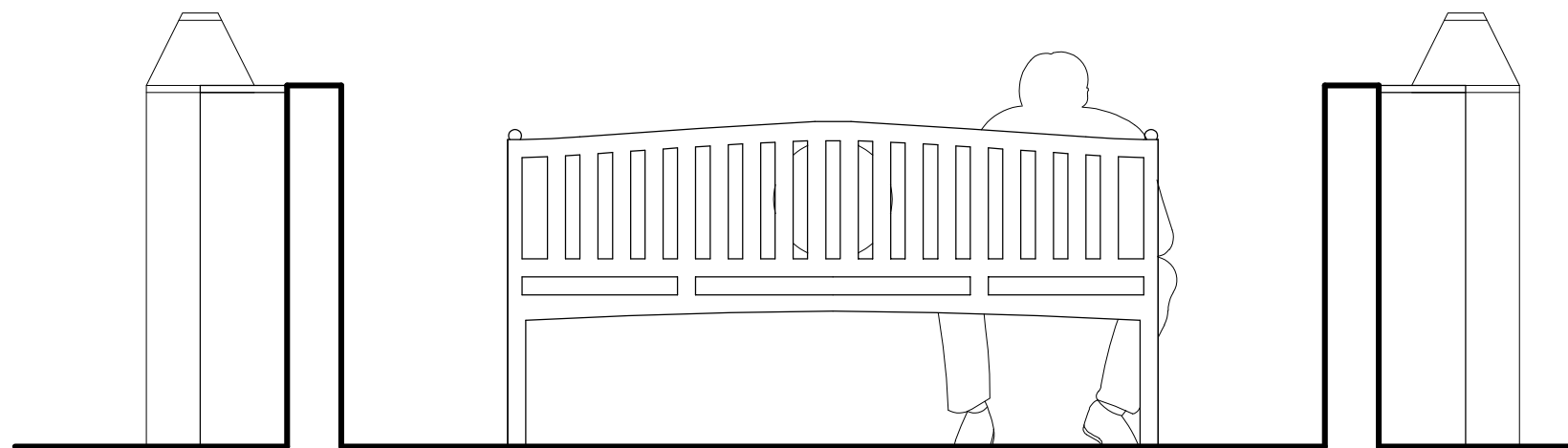
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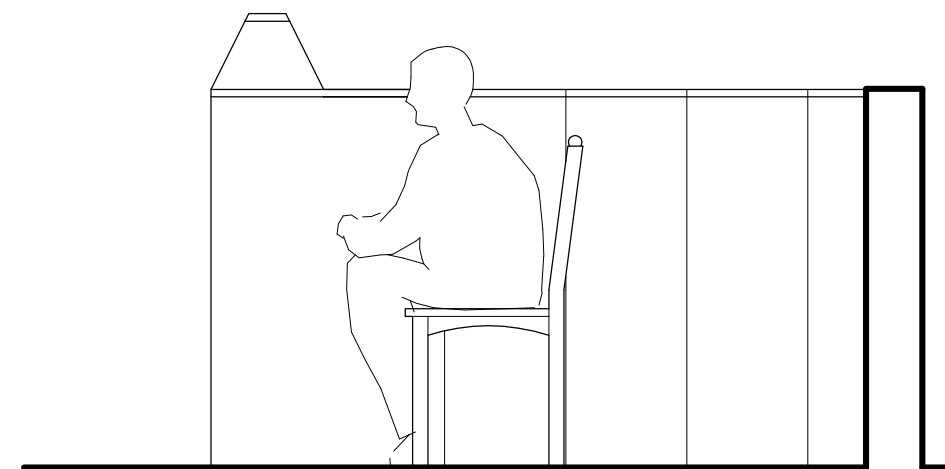
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1:20@A3



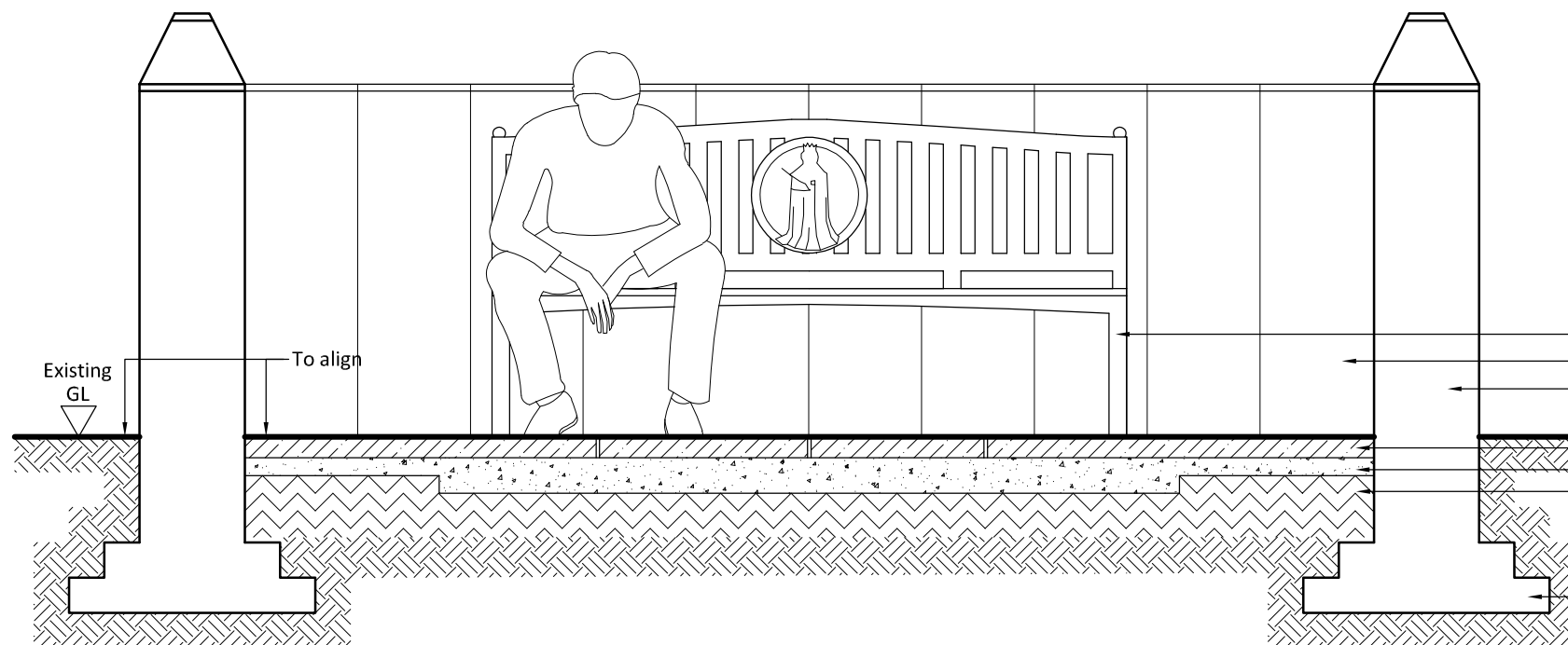
2. PROPOSED NORTH WEST ELEVATION: BENCH
1:20@A3



3. PROPOSED NORTH EAST ELEVATION: BENCH
1:20@A3



4. PROPOSED SOUTH EAST ELEVATION: BENCH
1:20@A3



5. PROPOSED SECTION: BENCH/EXISTING GARDEN FEATURE WALL
1:20@A3

- Proposed timber bench and bronze statue
- Existing curved stone wall, unchanged by proposal
- Existing end stone pier, unchanged by proposal
- Proposed stone paving slabs, as obtained elsewhere on-site
- Proposed concrete base
- Proposed Hardcore
- Assumed existing footing, unchanged by proposal

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Statue of Sir John Laing,
Furness Abbey

Client:
David Laing Foundation

Drawing Title:
Proposed Elevations & Section:
Bench & Statue of Sir John Laing

File Number: L084A

Drawn By: SXP

Checked By: JPW

Scale@A3: 1:20 **Date:** 16/05/22

Dwg No: SK03 **Rev:** 0

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PART ONE**Barrow Borough Council****Planning Committee****14 June 2022****Affordable Housing and Developer Contributions SPD**

Report from: Helen Houston, Head of Regeneration & Planning Policy

Report Author: Matthew Park, Planning Policy Officer

Wards: All Wards

1.0 Summary and Conclusions

1.1 The purpose of this report is to note the preparation of the Affordable Housing and Developer Contributions Supplementary Planning Document (SPD) for Barrow and provide feedback prior to adoption. The SPD sets out the Council's proposed approach to the delivery of affordable housing and to seeking financial contributions from developers for infrastructure and services. The document has been prepared under the Town and Country Planning (Local Planning) (England) Regulations 2012.

2.0 Recommendation

2.1 It is recommended that Committee:-

1) Note the content of the Affordable Housing and Developer Contributions SPD and the consultation which has been undertaken and provide any feedback on the document.

2) Agree that the SPD be submitted to Executive Committee followed by Full Council for adoption.

3.0 Background and Proposals

3.1 The Affordable Housing and Developer Contributions Supplementary Planning Document (SPD) sets out the Council's proposed approach to the delivery of affordable housing and the approach to seeking financial contributions from developers for a variety of infrastructure and services.

3.2 The requirement for affordable housing delivery is set out in Policy H14 of the Local Plan. The type of contributions a developer may be expected to make for other infrastructure and services is set out in Policy I1. This policy links to the

Council's Infrastructure Delivery Plan, which sets out as far as possible the infrastructure and services that are required to support the development proposed in the Local Plan.

- 3.3 The SPD will support Policies H14, I1 and other relevant Local Plan policies by providing greater clarity and certainty to developers, landowners and the community on how affordable housing should be delivered and what contributions will be expected from new development for infrastructure.
- 3.4 The SPD does not present every possible circumstance where developer contributions may be sought. Rather, it focuses on the following themes:
- Affordable Housing
 - Highway Infrastructure
 - Cycling and Walking Infrastructure
 - Public Transport
 - Travel Plans
 - School Places
 - Children's Play Areas
 - Green Infrastructure
 - Health Services.

Engagement

- 3.5 Several internal meetings were held with representatives from Planning and Housing during the preparation process to discuss how to implement the affordable housing policy in the Local Plan. This has informed the affordable housing section of the SPD.
- 3.6 The Council's Infrastructure Delivery Plan (IDP) was used as the starting point for the remaining sections of the SPD. The IDP was informed by the results of extensive meetings and consultation with infrastructure and service providers and was considered during the Local Plan Examination. More recently, meetings have been held with the County Council and the Morecambe Bay CCG. In particular, a number of meetings have been held with the Local Highway Authority to discuss contributions for junction improvements.
- 3.7 Informal consultation took place on the SPD with Housing and Planning last year, and the SPD was updated accordingly. Informal consultation with the County Council also took place.
- 4.0 Consultation**
- 4.1 Public consultation took place on the SPD for six weeks from Tuesday 14th December 2021 to Tuesday 25th January 2022. The SPD was available to view on the Council's website and in hard copy at The Forum, Barrow, Dalton Town Hall and libraries in the Borough during their normal opening times.

4.2 Responses to the consultation were received from the following bodies:

- CITB
- Cumbria County Council
- Department for Education
- Environment Agency
- Historic England
- Homes England
- Natural England

4.3 The main comments received were from Cumbria County Council, who suggested that clarity be provided regarding the general approach to viability. They also expressed concern over the use of thresholds to determine when contributions should be requested (e.g. housing development of more than 10 dwellings may be required to contribute towards highway improvements), preferring for these to be removed. The SPD was therefore updated to accord with these comments. The Consultation Statement is included in Appendix 2.

4.4 Members of Planning Policy Working Group have reviewed the document at each draft stage and the consultation responses received.

4.5 Members of Overview & Scrutiny Committee have considered the document.

5.0 Alternative Options

5.1 That Members do not approve the Affordable Housing and Developer Contributions SPD.

6.0 Contribution to Council Plan Priorities

6.1 The SPD will help to deliver the Council's Place Priority by supporting the delivery of a diverse housing offer, where everyone can expect a decent home they can afford to live in; and also in promoting enhanced greener spaces. It will also help to deliver the Prosperity Priority by supporting the delivery sustainable public transport, walking and cycling to promote and improve active travel.

7.0 Implications

7.1 Financial, Resources and Procurement

7.1.1 No financial implications are associated with the proposals set out in this report.

7.1.2 The contributions are held separately within the Council's accounts.

7.2 Legal

7.2.1 No legal implications are associated with the proposals set out in this report. Supplementary planning guidance is intended to build upon and provide more detailed guidance about policies in the Local Plan. Whilst they are not subject to

independent examination they are material considerations in determining planning applications.

7.3 Local Government Reorganisation

7.3.1 It is expected that the SPD will continue to guide decisions beyond the establishment of Westmorland & Furness Council.

7.4 Equality and Diversity

7.4.1 The SPD considers contributions for a wide variety of themes as set out in the document, including families and older people, access to education, health and services and provision of sustainable development, cycling and walking infrastructure. Consultation was undertaken with a wide range of stakeholders on the views of the groups and individuals they represent including specialist groups.

Risk

Risk	Consequence	Controls required
Not to approve the Affordable Housing and Developer Contributions SPD.	Developers and officers will lack clarity on the delivery of affordable housing and the seeking of financial contributions.	The SPD may be reviewed if government guidance regarding affordable housing and developer contributions is updated.

Contact Officers

Helen Houston, hhouston@barrowbc.gov.uk
Matthew Park, mpark@barrowbc.gov.uk

Appendices Attached to this Report

Appendix No.	Name of Appendix
1	Affordable Housing and Developer Contributions SPD (May 2022)
2	Consultation Statement (May 2022)

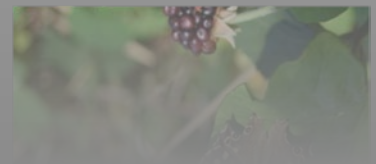
Background Documents Available

Name of Background document	Where it is available
Barrow Borough Local Plan 2016-2031	https://www.barrowbc.gov.uk/residents/planning/planning-policy/local-plan/



Affordable Housing and Developer Contributions

Supplementary Planning Document (SPD)



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1.0 Introduction

- 1.1 This Supplementary Planning Document sets out Barrow Borough Council's (the Council's) approach to the delivery of affordable housing and the approach to seeking financial contributions from developers for a variety of infrastructure and services. The document has been prepared under the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.2 Developer contributions are essential in providing the funds required to provide the necessary infrastructure and services to support new development. Such contributions may take the form of a Planning Obligation by means of a Section 106 agreement (or Section 278 agreement for works to be carried out on the public highway).
- 1.3 This guidance does not present every possible circumstance where developer contributions may be sought. Rather, it focuses on the following themes:
- Affordable Housing
 - Highway Infrastructure
 - Cycling and Walking Infrastructure
 - Public Transport
 - Travel Plans
 - School Places
 - Children's Play Areas
 - Green Infrastructure
 - Health Services.

Barrow Borough Local Plan 2016-2031

- 1.4 Policy I1 of the Local Plan sets out the type of contributions a developer may be expected to make to assist in mitigating the effect of the proposed development in the existing community. The policy states that the types of infrastructure that developments may be required to provide contributions towards include, but are not limited to:
- Utilities and waste;
 - Flood prevention and sustainable drainage measures;
 - Transport (highway, rail, bus and cycle / footpath network and any associated facilities);
 - Community Infrastructure including health, education, libraries, public realm, heritage and geological assets and other community facilities;
 - Green Infrastructure (such as outdoor sports facilities, open space, parks, allotments, play areas, enhancing and conserving biodiversity and management of environmentally sensitive areas); and
 - Climate change and energy initiatives through allowable solutions.

- 1.5 This SPD supports Policy I1 by providing greater clarity and certainty to developers, landowners and the community on what contributions will be expected from new development.
- 1.6 The Local Plan contains a number of specific policies which could result in developer contributions being requested. These include:
- Policy I3 – Access to Community Facilities
 - Policy I4 – Sustainable Travel Choices
 - Policy I5 – Travel Plans
 - Policy EC3 – Managing the development of Employment Land
 - Policy H7 – Housing Development
 - Policy H14 – Affordable Housing
 - Policy N3 – Protecting Biodiversity and Geodiversity
 - Policy GI1 – Green Infrastructure
 - Policy GI4 – Green Spaces
 - Policy HC10 – Play Areas
 - Policy HC15 – Education Provision.
- 1.7 It should be noted that some infrastructure and service providers have policies that are relevant to assessing developments and requesting developer contributions. For example, Cumbria County Council will have regard to the Cumbria Planning Obligations Policy when requesting contributions.

Identifying Infrastructure Requirements

- 1.8 The Infrastructure Delivery Plan (IDP) establishes what additional infrastructure and service needs are required to support the level of development proposed in the Barrow Borough Local Plan. This has been produced through engagement with infrastructure and service providers, including the Local Highway Authority and the Local Education Authority. The IDP will be updated to take account of more recent evidence, such as new transport assessments and updated information from service providers. The IDP will help to ensure that the additional infrastructure and services that are needed to support development are identified and delivered in a timely, co-ordinated and sustainable way. It is a mechanism for improving delivery of facilities and services for the benefit of local communities and will provide a robust framework that will support bids for funding and assist decision making.
- 1.9 The IDP is supported by the Barrow Transport Improvement Study 2016 (Stages 1 and 2 Assessments). This sets out traffic modelling results and recommends a number of improvements at junctions in the Borough, including designs and costs. In 2020, a Stage 3 Assessment was produced which prioritises schemes and provides detailed designs and updated costs. The IDP will be updated to take account of the Stage 3 Study.
- 1.10 The Barrow Transport Improvement Study 2016 (Stages 1 and 2 Assessments) also sets out recommendations for walking, cycling and public transport infrastructure /

service improvements to support the Local Plan. More recently, a Local Cycling and Walking Infrastructure Plan (LCWIP) is being prepared by Cumbria County Council, in partnership with Barrow Borough Council, and this will include a Cycling Priority Network with infrastructure improvements taking place over several phases. There is an intention to include the routes and improvements within the Barrow LCWIP priority network within the next iteration of the IDP to facilitate delivery

Affordable Housing

- 1.11 The requirement for affordable housing delivery is set out in Policy H14 of the Local Plan. In line with the NPPF, this policy expects that 10% of dwellings on sites of ten units or over should be affordable. Alternatively, contributions to the provision of affordable housing off-site will be considered where justified. The Council's Strategic Housing Market Assessment is the key evidence in terms of identifying local housing needs. Further clarification on the application of Policy H14 is provided in this SPD.

Approach to Securing Planning Obligations

- 1.12 Paragraph 57 of the NPPF and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 state that planning obligations must only be sought where they meet all of the following tests:
- a) Necessary to make the development acceptable in planning terms;
 - b) Directly related to the development; and
 - c) Fairly and reasonably related in scale and kind to the development.
- 1.13 Dates will be identified within planning obligation agreements when financial contributions will be provided. These dates are known as 'trigger points'. For larger developments, financial contributions may be linked to each stage of the development. In all cases, the Council will liaise with the developer to agree appropriate trigger points.
- 1.14 Planning obligation agreements will also include dates by which the Council must spend any financial contributions they have received from developers. Any contribution that is not spent by the specified date will be returned to the developer, along with any interest accrued in that time period. For larger improvement schemes that will be delivered over time, this will normally be ten years. For large developments where staged payments are made as the development progresses, the timeframe for spending the contribution will be calculated from the date of the last scheduled payment.

Viability

- 1.15 There may be planning applications where the total cumulative cost of affordable housing provision and / or the requested developer contributions will undermine the deliverability of the development. In such cases, each planning application will be assessed on its individual merits. Paragraphs 2.16, 2.20 and 2.28-2.32 sets out more detail on affordable housing viability and viability appraisals.

- 1.16 In terms of infrastructure, the local planning authority will work with other infrastructure and service providers to determine which infrastructure requirements created by a proposal will take priority, taking account of the relevant policies of the Local Plan. In cases where the applicant is seeking the reduction in the level of financial contributions, an independent viability appraisal will be required from the applicant. The local planning authority will engage with Cumbria County Council in reviewing this appraisal.
- 1.17 If it is determined that viability and deliverability concerns are justified, material and reasonable, joint consideration will be given to the potential to reapportion contributions or seek revision to the proposal. Regard will be had to the most important agreed priorities and outcomes for a locality and the requirement that a scheme suitably and sustainably integrates with local communities and services. Where necessary planning obligations are not provided without an appropriate and demonstrable justification, the planning application will be refused. In such cases, the request for a contribution towards the provision of infrastructure should be recorded for consideration by a Planning Inspector in the event of a planning appeal.

Pre-Application Advice

- 1.18 The Council operates a Pre-Application Advice service, and it is advised that this is used prior to the submission of a planning application. This will help the Council to understand the proposed scheme in advance of a planning application and will enable consultation with the County Council and other key stakeholders, so as to provide an indication of the level of contributions that could be required as a result of the proposed development.

2.0 Affordable Housing

Types of Affordable Housing

2.1 The NPPF Glossary provides the following definition of affordable housing:

Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

- a) **Affordable housing for rent:** meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).
- b) **Starter homes:** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.
- c) **Discounted market sales housing:** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.
- d) **Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.

2.2 In May 2021, the government introduced its requirements and guidance for First Homes. First Homes are a specific kind of discounted market sale housing and

should be considered to meet the definition of 'affordable housing' for planning purposes. Specifically, First Homes are discounted market sale units which:

- a) Must be discounted by a minimum of 30% against the market value;
- b) Are sold to a person or persons meeting the First Homes eligibility criteria (see below);
- c) On their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and,
- d) After the discount has been applied, the first sale must be at a price no higher than £250,000 (or £420,000 in Greater London).

Planning Policy Requirements

National Planning Policy

2.3 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England. It requires at least 10% of homes for major housing developments to be affordable. Paragraph 62 of the NPPF expects the provision of affordable housing to be met on-site unless:

- a) Off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
- b) The agreed approach contributes to the objective of creating mixed and balanced communities.

2.4 See paragraphs 61-64 of the NPPF for further information.

Local Planning Policy

2.5 The Barrow Borough Local Plan 2016-2031 sets out the local authority's planning policies for Barrow Borough. Policy H14 of the Local Plan expects that 10% of dwellings on sites of ten units or over should be affordable as defined in the NPPF. Contributions to the provision of affordable units off-site will be considered where justified.

Exempt Development

2.6 Local Plan Policy H14 Affordable Housing applies to all residential new-build developments and conversions, apart from the following exceptions:

- Residential Care / Nursing Homes (not including Extra Care or similar independent older persons' schemes)

- Hostels (providing supported accommodation)
- Student accommodation – where this is provided by, or directly linked to, a local further or higher education establishment, such as the University of Cumbria or Furness College.

Delivery of Affordable Housing

- 2.7 As set out above, the provision of affordable housing is expected to be met on-site. The delivery of affordable housing provision will be secured through a Section 106 Agreement. Triggers for the delivery of affordable housing will be included in the Section 106 Agreement to ensure their timely delivery. The Council will expect all affordable housing units to be ready for occupation prior to the occupation of 70% of the open market dwellings within a defined phase.
- 2.8 The provision of affordable housing will be rounded down to the nearest whole unit. For example, a scheme of 27 units would require 2.7 units to be affordable (10%), with this being rounded down to a requirement of two affordable units.
- 2.9 The provision should meet the housing need identified in the SHMA and / or any more recent evidence of need. The SHMA Update 2016 sets out affordable housing preferences across the Borough for existing households in need and newly-forming households by tenure. Overall, this gives a tenure split of 27.6% intermediate tenure and 72.4% social/affordable rented across the Borough. It would be appropriate to round this to a 30/70 split.
- 2.10 The introduction of the First Homes requirement means that a minimum of 25% of affordable units should be for First Homes. Paragraph 14 of the MHCLG First Homes guidance states that the social rent should be delivered in the same percentage as set out in local policy. The remaining affordable housing tenures should also be delivered in line with the proportions set out in local policy. Taking account that First Homes are the government's preferred discounted market tenure, it would be appropriate to require 30% First Homes. Subsequently, the required affordable housing tenure split is as follows:
- 30% Intermediate (First Homes)
 - 70% Affordable / Social Rented
- 2.11 For smaller sites it would be difficult to meet the 30/70 tenure e.g. A development of 20 houses would only require two affordable units. It is considered unreasonable to require a 50/50 split i.e. one "First Home" unit and one affordable/social rented unit. Therefore, development of 50 or more units would be required to meet the above tenure split and / or any more recent evidence of need. Development of less than 50 dwellings would require all affordable units to be affordable/social rented.
- 2.12 In terms of discounted provision, the Council is considering introducing a discounted sales scheme to manage the sale of Low Cost Home Ownership (LCHMO)

properties. Such a scheme would relate to new build housing schemes, plus the subsequent resale of a LCHO property. If such a scheme is implemented, guidance will be prepared that will be separate to this SPD.

Off-Site Provision

- 2.13 Off-site provision will only be agreed where it can be robustly justified that there would be obvious benefits in providing the affordable housing on an alternative site. In such cases, the 10% requirement for affordable housing will be applied across both sites to ensure a pro-rata contribution.
- 2.14 The provision must meet the housing need identified in the SHMA and / or any more recent evidence of need. Completed affordable units on the alternative site would need to comply with the equivalent property type and tenure requirements had they been on the application site.
- 2.15 The preferred location for off-site provision is in the same settlement as the proposed development. The site should be identified by the applicant and either:
- Already have planning permission for housing. In such cases, the Council will need to be satisfied that the site can accommodate the off-site provision; or
 - Be acceptable to the Council for housing in principle. In this case, the site will need to be the subject of a concurrent planning application. The two planning permissions will be tied together by means of a Section 106 agreement.
- 2.16 In cases where the value of properties on the application site is considered to be significantly higher than on the alternative site, then an economic viability assessment should be undertaken. This could potentially lead to additional units and / or a commuted sum being required. See paragraphs 2.29 – 2.33 for information on viability assessment requirements.
- 2.17 Affordable units on any alternative site should be completed prior to the completion of development on the application site. If this is not possible, the Council would require a guarantee of an equivalent financial payment towards the delivery of affordable housing. This guarantee would be to an agreed timescale, in case the affordable scheme was not developed for any reason.

Financial Payments

- 2.18 A financial payment would only be considered for one of the following scenarios:
- It had been agreed that the application site was not suitable for affordable housing, but no alternative site was immediately available. In such cases, a financial contribution would be required in lieu of on-site provision; or
 - The provision of affordable housing or off-site provision is robustly demonstrated to be unviable. In such cases, the applicant will be required to submit a viability

assessment to the Council. See paragraphs 2.29 – 2.33 for information on viability assessment requirements.

- 2.19 The Council would only agree to such an arrangement on condition that the Council had up to ten years to spend the payment on an alternative affordable housing provision. In the event of phased payments, this would apply from the date of the receipt of the final payment. The total payment would be equivalent to the cost of providing the affordable units on site.
- 2.20 There may be cases where the provision of affordable housing or off-site provision (completed units or financial contribution in lieu) is robustly demonstrated to be unviable. Where a viability appraisal is considered acceptable, a lesser financial contribution will be negotiated and secured. See paragraph 2.29 – 2.33 for information on viability assessment requirements.
- 2.21 Offsite payments would normally be paid at the commencement of work. However, phasing of payment may be considered where it would enable delivery of the overall development. In such cases, a payment schedule will be agreed with the Council and incorporated into the Section 106 agreement.

Calculating Financial Contributions

- 2.22 The contribution will be based on the affordable housing provision as calculated in paragraph 2.25 and will be the difference between the value of 100% market housing on the site and the value of a policy compliant scheme.

Transfer Values

- 2.23 It is proposed that the Council leaves it to the discretion of Registered Providers of affordable housing to make an offer on affordable housing units being developed as part of new housing schemes. The proposed transfer value must be based on an independent valuation carried out by a suitably qualified (RICS) local valuer, the cost of which should be met by the applicant. It is therefore important that developers discuss the transfer of housing to Registered Providers at early in the process as possible and preferably prior to the submission of a planning application. Where such matters are not resolved to the satisfaction of the Council within the set period for determining an application such proposals will be recommended for refusal unless an extension of time can be agreed.

Calculating the Financial Contribution

- 2.24 Financial contributions will be calculated using the following method:

1. Calculate the Gross Development Value of the scheme with 100% market housing.

Example:

A development of 100 dwellings with the following Gross Development Value:

No. Beds	No. Units	OMV per unit	GDV per dwelling unit type
1 bed	10	£100,000	£1,000,000
2 bed	30	£130,000	£3,900,000
3 bed	60	£160,000	£9,600,000
	100		£14,500,000

2. Calculate the number of affordable units by dwelling type, i.e. 30% First Homes, 70% Affordable / Social Rented.

Example:

No. Beds	No. Units	Total Number of Affordable Units (10%)	Social Rented	First Homes
1 bed	10	1	1	0
2 bed	30	3	2	1
3 bed	60	6	4	2
	100	10	7	3

3. Calculate the development value of the affordable units.

Example:

For the proposed development, the proposed transfer value is based on an independent valuation carried out by a suitably qualified (RICS) local valuer. Both the social rented and First Homes are valued at 70% of OMV.

No. Beds	No. Units	Total Number of Affordable Units (10%)	Social Rented (70% OMV)	First Homes (70% OMV)
1 bed	10	1	£70,000	£0
2 bed	30	3	£182,000	£91,000
3 bed	60	6	£448,000	£224,000
	100	10	£700,000	£315,000

4. Calculate the development of a policy compliant scheme.

Example:

Market Homes (90%)

No. Beds	Market Units	Market Value
1 bed	9	£900,000
2 bed	27	£3,510,000
3 bed	54	£8,640,000
	100	£13,050,000

Affordable Homes (30%)

No. Beds	Total Number of Affordable Units (10%)	Social Rented (70% OMV)	First Homes (70% OMV)
1 bed	1	£70,000	£0
2 bed	3	£182,000	£91,000
3 bed	6	£448,000	£224,000
	10	£700,000	£315,000

GDV of Policy Compliant Scheme: £13,050,000 + £700,000 + £315,000 =
£14,065,000

5. Calculate the Commuted Sum

Step 1 – Step 4 = **£1,450,000**

How the Council will use Financial Contributions

- 2.25 In circumstances where a financial contribution is secured and there is no suitable alternative site, contributions will be paid into a ring-fenced Housing Enabling Fund. This fund will be used to contribute to the overall affordable housing provision in the Borough through a range of projects. The focus will be to bring empty properties back into use. This would take place by means of a housing association who would

purchase empty properties and fund renovation works, before being rented to people in need of social housing.

- 2.26 Where the owner of an empty property does not want to sell, the housing association would help the owner to fund repair works. The housing association will lease the property from the owner and will rent it out at an affordable rate to people on the local authority's waiting list for a set number of years. The housing association will manage the property and the owner will receive rental income, minus management costs.
- 2.27 Funds may also be used for other projects that involves the provision of new affordable housing, such as: enabling specialist housing provision, such as supported housing; use in gap funding schemes; and improving tenure mix / affordability.

Viability Assessments

- 2.28 Paragraphs 2.17 and 2.19 above set out when a viability assessment will be required to accompany a planning application. Where a viability assessment is submitted, this should be based upon and refer back to the viability assessment that informed the plan; and the applicant should provide evidence of what has changed since then.
- 2.29 The assessment should include details of the amount of affordable housing (%) that could be provided against a diminishing scale of profit levels, to the level of full affordable housing provision. The developer will send its viability assessment to the Council, robustly justifying why the required affordable housing or contribution (whichever is relevant) is not viable. The Council will consider whether the benefits of the proposed development would outweigh the disadvantages of a more limited planning obligation, or no planning obligation at all. The Council will in turn send the viability assessment to its chosen independent surveyor for financial appraisal. If the viability appraisal is considered to be unacceptable by its chosen independent surveyor, then the affordable housing or contribution (whichever is relevant) will be required to be provided, otherwise the planning application will be refused.
- 2.30 The viability assessment will need to include a full financial appraisal with a breakdown of development costs. This should include the following information:
1. The methodology used in the Viability Assessment.
 2. Anticipated sale prices or lease rents with evidence of values of similar schemes in the locality.
 3. Land purchase price/costs and anticipated profit / profit margins and minimum profit level assumptions.
 4. Cost of the land and associated fees including residual land value (RLV) and gross development value (GDV).
 5. Build costs (per sq m), of dwellings and infrastructure supported by independent quantity surveyor estimates.
 6. Full details of any abnormal building costs, for example, unusual ground conditions may mean that deeper and more expensive foundations are needed.

These should be accompanied with supporting reports and independent estimates which justify them design and project management fees.

7. The interest rate / lending costs plus programme and cash flow.
 8. Costs of geotechnical and environmental surveys with a summary of the findings.
 9. Interim development financial calculations with any details from of the loan facility from the provider.
 10. Details of the costs for the provision of local infrastructure / services, and other planning obligations /agreements.
 11. Costs for marketing and sales (including legal fees) as a % of the GDV.
 12. Costs for other professional fees.
 13. References to the sources of data used, including those used for evidence of local property market values. To include market evidence for both market and affordable housing and benchmark or refer to BCIS rates for build costs.
 14. The expected sales price for each dwelling proposed on the site.
 15. Details of whether the land is owned by the applicant or whether it is subject of an option or other arrangement.
 16. Whether any grant / other source of income will be available to augment the finance needed for the affordable units.
 17. Ground rents and service charges for flats if relevant.
 18. Anticipated price paid for the affordable dwellings by the registered provider.
 19. All viability assessments and reports will be published on our website in accordance with the requirements of paragraph 57 of the National Planning Policy Framework.
- 2.31 There is a separate fee payable, in addition to the standard planning fee, for applications requiring a viability assessment. The fee is to cover the Council's costs in appointing an independent professional to evaluate the assessment submitted. Price will be on a case-by-case basis.
- 2.32 Viability can be reassessed over the lifetime of the development, although the NPPG (Viability, para 009) states that this would be to "ensure policy compliance and optimal public benefits through economic cycles." It adds: "Where contributions are reduced below the requirements set out in policies to provide flexibility in the early stages of a development, there should be a clear agreement of how policy compliance can be achieved over time. As the potential risk to developers is already accounted for in the assumptions for developer return in viability assessment, realisation of risk does not in itself necessitate further viability assessment or trigger a review mechanism. Review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities' ability to seek compliance with relevant policies over the lifetime of the project."

Design and Tenure

- 2.33 Affordable housing should be well designed to comply with Policy DS5 of the Barrow Borough Local Plan 2016-2031. Such provision must also be integrated with and not visually distinguishable from the rest of the development on the site.
- 2.34 The tenure mix should meet the needs identified in the Council's Strategic Housing Market Assessment, which currently identifies a social/affordable rented and intermediate provision ratio of 70:30 (rounded). If there is clear evidence that no Registered Provider is willing to take the affordable stock with that tenure mix then the Council would explore, alongside the developer and Registered Providers, the possibility of amending the tenure ratio or house types to ensure on-site delivery. Any proposed amendments to the tenure mix should reflect, as far as possible, the need identified in the most up to date Strategic Housing Market Assessment and / or any more recent evidence of need.

Vacant Building Credit

- 2.35 The NPPF states that where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount. The accompanying planning practice guidance states that where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought.
- 2.36 This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution for off-site provision is being provided.
- 2.37 The vacant building credit applies where the building still exists and its use has not been 'abandoned'.
- 2.38 The policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In considering how the vacant building credit should apply to a particular development, local planning authorities are advised to have regard to the intention of national policy.
- 2.39 In doing so, it may be appropriate for authorities to consider:
- Whether the building has been made vacant for the sole purposes of re-development.
 - Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.

Pre-Application Planning Advice

- 2.40 The Council offers a pre-application advice service. It is recommended that anyone intending to submit a planning application makes use of this service in order to rectify any issues or problems at an early stage. Further information on this service can be found on the Council's website at the following link
<https://www.barrowbc.gov.uk/residents/planning/development-control/pre-application-advice/> .

Affordable Housing Statement

- 2.41 Applicants will be required to provide an Affordable Housing Statement with any planning applications that need to provide affordable housing, in accordance with Policy H14 "Affordable Housing" of Barrow's Local Plan.
- 2.42 The Affordable Housing Statement should clearly set out the following:
1. How the proposed development complies with national and local affordable housing planning policies.
 2. The number of dwellings proposed, including the mix and percentage split of market and affordable units (e.g. market housing, affordable rent, intermediate / shared housing etc), along with justification for this provision.
 3. The estimated open market value for the affordable units, ideally provided by a local RICS qualified surveyor.
 4. A site layout plan showing the location and property types of the affordable units. Different affordable housing tenures should be made explicit on the plan.
 5. How the affordable units will be fully integrated within the development, so that the development is "tenure blind" as far as possible.
 6. The arrangements for ensuring that the properties remain affordable to successive occupiers.
 7. How the affordable housing units will be managed, including details of the preferred Housing Association partner involved in the development (where applicable).
 8. Details of affordable units, numbers of bedrooms and property types across all tenures to demonstrate a representative mix of unit types and size.
 9. Details of the affordable unit space standards and floor areas (sq m) for the development.
 10. Details of the type of affordable dwellings in the development (e.g. house, flat, studio, duplex, etc).

- 2.43 All of this information may not be available for Outline Planning Applications, particularly for points 2, 3 and 4 above. In the case of Outline applications, it is recommended that a headline summary of the likely provision should be included in relation to these points, with the final detail then provided with the Reserved Matters application. The Statement should confirm that a legal agreement will be entered into in order to comply with Policy H14 of Barrow Borough Local Plan. It should include details of any discussions with Registered Providers; you are advised to engage with Registered Providers at an early stage.
- 2.44 It may be appropriate, especially for larger schemes, to set the information out in the form of a schedule of accommodation. In some instances it may be helpful to include additional information, for example number of habitable rooms. An example table is set out below:

Table 1: Schedule of Accommodation - Example

Unit	Type	Tenure	Total Bedrooms	GIA (sq m)
1	House	Market	3	85
2	House	Affordable	2	67
3	Bungalow	Affordable	2	68
4	House	Market	3	87

- 2.45 It is expected that the applicant will have thoroughly tested the viability of their scheme to ensure that it can satisfactorily meet the required policy compliant levels of affordable housing, in accordance with paragraphs 2.29 – 2.32 above.

3.0 Highway Improvements

- 3.1 The impact of the development of the sites proposed in the Local Plan will result in a requirement to improve some highways and junctions to achieve safe access into the sites and to ensure that the highway network can accommodate development. Access arrangements would normally be negotiated with the developer at an early stage in the planning process. Where access to a proposed site is particularly difficult, or the highway is not able to accommodate the amount of traffic that would be generated by development, developer contributions may be required to support development.

Section 278 Agreements

- 3.2 The County Council normally requests Section 278 Agreements for works that are required to be carried out on or to a highway. These agreements can be either for the County Council to carry out the works at the developer's expense, or allow the developer to provide the works directly, subject to an approval and inspection process. A Section 278 Agreement is generally used in lieu of a Section 106 Agreement where the highway improvements to be delivered are associated with a single development, for example, where there are frontage works or a single junction upgrade is to be constructed as opposed to a larger scheme where multiple funding sources are required to be pooled to allow for construction by the County Council at some point in the future. The County Council's Cumbria Planning Obligations Policy contains further information regarding Section 278 Agreements
- 3.3 Section 278 Agreements are normally secured by a condition attached to a planning permission granted by the Borough Council. This will require the agreement of the design of the works by the Borough Council in consultation with the County Council, but also the signing of Section 278 Agreement setting out the funding arrangements directly between the County Council and developer. The condition will normally require the design of the works to be agreed and the Agreement signed before any of the development approved commences. In any event, works associated with any planning proposal will not be permitted by the County Council within the limits of the publicly maintained highway until the Agreement is completed and the bond (if applicable) is secured.

Section 106 Highways Contributions

- 3.4 Section 106 Agreements are preferable to enable pooling of contributions from multiple developments towards larger improvement schemes or for securing Travel Plans, walking and cycling infrastructure and bus infrastructure and services. The pooling of contributions enables the provision of infrastructure required to meet the cumulative impact of development where a single contribution would not fairly or reasonably be able to meet that cost.
- 3.5 The Infrastructure Delivery Plan (IDP) identifies additional infrastructure and services that are required to support the level of development proposed in the Barrow

Borough Local Plan. In terms of highway infrastructure, the IDP was informed by the Barrow Transport Improvement Study (TIS). The TIS identifies the impacts of future growth and identifies a range of sustainable transport improvements, including potential highways improvements at roads and junctions. The IDP summarises the key findings and recommendations of the TIS, and the two documents are intrinsically linked. New development will be required to contribute towards the delivery of the identified schemes in the IDP / Transport Improvement Study (and / or any more recent evidence of need).

- 3.6 The TIS was produced in three stages. More information on these is provided in the sections below. The Stage 1 and 2 Assessments informed the IDP and the Stage 3 Assessment was undertaken after the preparation and publication of the IDP and effectively provides supplementary and updated information.

Barrow Transport Improvement Study

- 3.7 The three stages of the Barrow Transport Improvement Study comprise of:

- Stage 1 Assessment 2016 – Summary of the traffic modelling results
- Stage 2 Assessment 2016 – Identification of transport schemes
- Stage 3 Assessment 2020 – Detailed design of priority schemes

Stage 1 Assessment

- 3.8 The Stage 1 Assessment, undertaken by Cumbria County Council in 2016, sets out the results of the traffic model of the Barrow urban area and the surrounding district. The model has been used to assess the impact of the Local Plan development proposals on the highway network, and is a SATURN traffic model of the morning and evening weekday peak periods. The model outputs include traffic flows, queues, delays and the ratio of flow to capacity, which is a measure of congestion. The results show that the number of over-capacity junctions is forecast to increase in the future as a result of additional development.

Stage 2 Assessment

- 3.9 The modelling work was followed-up by a Stage 2 Assessment by WSP/Parsons Brinkerhoff (WSP/PB). Baseline sustainable travel infrastructure has been reviewed as part of this study with the aim of identifying potential location specific interventions. Having identified areas for potential improvement on the transport network, a range of sustainable infrastructure measures have been recommended with the target of further improving viable alternatives to car-based trips.
- 3.10 The report sets out the details of the improvement works for each of the junctions along with a cost estimate for each improvement. A breakdown of the costs is also set out in the report. Note that the design and costs are indicative and will be subject to change. The costs also do not take account of land take.

Transport Improvement Schemes – Stage 3 Design Improvement Report 2020

- 3.11 Cumbria County Council identified two schemes for further appraisal, and this was set out in the Stage 3 Design Improvement Report, which was published in 2020. The two schemes, both in Barrow, are:
- Risedale Road
 - Ironworks Road gyratory.
- 3.12 Please refer to the Stage 3 Report for more information about these schemes, including more detailed layout designs and updated costings. Again, note that design and costs are indicative and will be subject to change.

Developer Contributions for Highway Improvements

- 3.13 It is expected that the contributions requested will primarily support the delivery of highway improvements identified in the IDP / Barrow Transport Improvement Study 2016 (and / or any more recent evidence of need), in consultation with the Local Highway Authority. Contributions will only be sought where the tests of need are met, as set out in paragraph 53 NPPF or any document which replaces it. If the payment of contributions is robustly demonstrated to be unviable, a lesser financial contribution will be negotiated and secured.
- 3.14 Substantial weight will be applied to the IDP and Transport Improvement Study in determining where developer contributions will be sought. The information contained in the IDP and Transport Improvement Study is considered to be a strong basis to meet the statutory tests in paragraph 53 of the NPPF or any document which replaces it.
- 3.15 Contributions will take account of the person trip rate of the development. The person trip rate is based upon the number of cars expected per 100 m² gross floor area, and will be considered in consultation with Cumbria County Council using the TRICS database. Contributions will be secured on a site-by-site basis, taking account of the IDP and Transport Improvement Study (and / or any more recent evidence of need), in consultation with the Local Highway Authority.
- 3.16 The TRICS database utilises a large number of sample / example developments which vary considerably in mix of uses, scale and geographic location. It is important in using the TRICS database to use wholly comparable developments to that which is proposed. Developments in different regions, for example highly urbanised areas, can have significantly different trip characteristics to those which aren't. Similarly, a development with high accessibility to other sustainable modes of transport (walking, cycling and public transport) can have very different trips characteristics to those that don't. It should also be noted that TRICS may not include similar sites for all development types, and some bespoke or unique sites may need to take a different approach to trip generation.

- 3.17 Whilst the TRICS database is used in assessing trip generation and resultant impacts on infrastructure from developments, it is important that appropriate trip rates are established and agreed early in the planning application process. Where trip rates used to support the development proposal are calculated using TRICS, the sample selected within TRICS should be appropriate and in line with best-practice guidance developed by the TRICS Consortium. This would include taking into account development type, size, geographic location, nearby population, and sustainable and active travel accessibility.

4.0 Cycling and Walking Infrastructure

- 4.1 A large proportion of residents within Barrow live and work within the town and surrounding business parks and industrial estates. The compact nature of the town and small travel to work area creates ideal conditions for cycling and walking, with most trips to work occurring within the urban area to a small number of major employers. The greatest density of cycle networks is located in Barrow town centre, however there are notable gaps between Askam, Dalton and other residential areas away from Barrow town centre.
- 4.2 To support the delivery of the Barrow Borough Local Plan, a Barrow Transport Improvement Study: Stage 2 Assessment was produced in 2016. The Study proposes new cycle routes, connecting Local Plan sites throughout the Borough to existing routes and the town centres. This study was followed-up by a Stage 3 Assessment in 2020 which focussed on two of the identified routes, setting out indicative designs and costings.
- 4.3 More recently, Cumbria County Council has been working with the Borough Council and other partners to produce a Local Cycling and Walking Infrastructure Plan (LCWIP) for Barrow, and this will include a priority network for cycle and walking infrastructure improvements. The LCWIP will be delivered over several phases, and these are expected to be partly delivered by means of government funding (particularly the early Phases) and also through developer contributions where the identified walking and cycling infrastructure supports the development identified in the Barrow Borough Local Plan. Making effective provision to facilitate an increase in the levels of walking and cycling is fundamental to the success of the plan. Further details of both the LCWIP and the Barrow Transport Improvement Study are provided below.

Local Cycling and Walking Infrastructure Plan (LCWIP)

- 4.4 Cumbria County Council and Barrow Borough Council are working together to deliver the shared ambition to increase cycling and walking in the Barrow area in line with the Government's 'Gear Change: A Bold Vision for Cycling and Walking' (July 2020) document. As part of this partnership working the County Council is facilitating a Local Cycling and Walking Infrastructure Plan (LCWIP) for Barrow. This will identify a

cycling and walking network, with the improvements identified making walking and cycling easier. The partnership recognises that there is significant potential in Barrow for more journeys to be made by walking and cycling if the right infrastructure is put in place.

4.5 Delivery of the Barrow LCWIP is planned in the following phases:

- Phase 1: Bridge Road and Michaelson Road (Funding secured through the Active Travel Fund). Delivery by Spring 2022.
- Phase 2: Abbey Road, Roose Road and Barrow Town Centre Improvements (£4m funding investment identified as part of Barrow Town Deal Cycling and Walking Project with a Business Case required to release the funding). Delivery is expected to begin in 2023.
- Phase 3: Delivery of other improvements identified as part of the Barrow Cycling and Walking Infrastructure Plan (Subject to securing funding).
- Phase 4: Delivery of leisure routes (Subject to securing funding).

Barrow Transport Improvement Study: Stage 2 Assessment

4.6 The Barrow Transport Improvement Study: Stage 2 Assessment (2016) identifies new cycle routes to support the proposed housing and employment sites in the Barrow Borough Local Plan.

4.7 The Local Plan employment allocations are heavily concentrated to the North West of the town of Barrow. Whilst the sites in this area are currently served by a cycle route, they would benefit from wider connections to residential areas. The proposed housing allocations are not currently served by nearby cycle lanes. Cycle infrastructure would need to be delivered to provide a coherent link between the town centres and these sites. The Stage 2 Assessment recommends that this should be a requirement of planning permission for new housing sites, through Section 106 agreements.

4.8 To increase the mode share of cyclists in the Borough, the Study identifies a number of new potential cycle routes. The delivery of the new routes has been designed to provide cycle access between the proposed Local Plan sites and the town centres. They have also been designed to connect to the existing cycle network. The improvements are linked to new development sites and therefore are targeted at new trips, for which sustainable behaviours could be influenced at the outset. The new potential network provides completeness to many pre-existing gaps in the network and provides significant expansion to provide near complete connections between all major residential and employment sites in the Borough.

4.9 With the widespread locations of development allocations across the Borough, the Study proposes twelve cycle routes to increase the accessibility by cycling in the area.

Barrow Transport Improvement Study – Stage 3 Assessment

- 4.10 The Stage 2 Assessment, summarised above, was followed by a Stage 3 Assessment which prioritised schemes at Roose Road and Leece Lane. Further details are set out in the Study. Improvements at Roose Road have also been included as part of the LCWIP's Cycle Priority Network, under Phase 2 of the LCWIP.

Developer Contributions for Cycling and Walking Improvements

- 4.11 Contributions received will primarily support the delivery of cycling and walking infrastructure improvements in the Barrow Transport Improvement Study 2016 and / or any more recent evidence of need, in consultation with the Local Highway Authority. Contributions will only be sought where the tests of need are met, as set out in paragraph 53 NPPF or any document which replaces it.
- 4.12 The Barrow Transport Improvement Study recommends that the walking and cycling schemes identified within the Study should be primarily be secured through developer funding mechanisms such as through Section 106 or 278 Agreements. Such contributions will be negotiated on a site-by-site basis in liaison with the local highway authority. Development may also be expected to contribute to schemes identified in the LCWIP's Priority Cycle Network and Core Walking Zones. Account will be taken of cycle and walking infrastructure improvements that have already secured funding, such as through the Active Travel Fund or the Barrow Town Deal.

5.0 Public Transport

- 5.1 Bus travel is a key contributor to economic growth, with many people relying on bus services to access shopping, leisure, work, education and training. Development in the Local Plan may generate a need for bus services to be rerouted or for new routes to be created to serve new development. Also, the frequency of services may also need to be increased where current services are close to capacity.

Barrow Transport Improvement Study: Stage 2 Assessment

- 5.2 The bus stops are made up of shelters, particularly in the town centre with many stops outside of the town centre consisting of no more than a flag pole. Due to the simplicity of the stop, waiting for a bus – particularly in poor weather – is likely to be a key factor that discourages bus use across Barrow. New bus stops would also benefit of real time information which help the traveller to make an informed decision of how, and when to travel.
- 5.3 Bus routes in Barrow are typically radial and pass through the town centre. The list of services are as follows. A list of services is provided in the Infrastructure Delivery Plan, although it should be noted that these were services as assessed in the Transport Improvement Study in 2016 and have been subject to change since.

- 5.4 Working alongside the County Council Bus Services Officer, a gap analysis of the existing public transport provision and future development locations has been undertaken with new routes being identified for future consideration. The Stage 2 Assessment proposes that bus services in the area are extended to serve potential developments identified in the Local Plan. In particular, there appears to already be potential demand for a bus route to serve the industrial estates and business parks along Park Road, as currently there is no direct bus route that runs through this area other than a school bus. Service frequency would also expect to increase as buses begin to exceed capacity with greater demand.
- 5.5 As local sites come forward in the planning process, developers should seek to engage with local bus operators to identify the specific requirements of public transport provision to manage sustainable travel. It should be ensured that new development sites are within easy access of a bus stop.
- 5.6 In light of this, and to align with Local Plan development sites, the Stage 2 Assessment recommends that routes 1, 3 and 4 should be extended (or new routes created) to capture the demand from new and existing sites.
- 5.7 To include new bus stops it is anticipated that new stops near Local Plan sites could receive developer contributions. Many of the bus stops across Barrow will also be subject to an upgrade. It has been estimated that this would cost £6k-8k per bus stop (2016). An estimate of cost for a new bus service operating with a 20 minute frequency would expect to cost £240k per annum (2016), however, a diverted service would be anticipated to cost around half of this sum. It should be noted that these were services as assessed in the Transport Improvement Study in 2016 and have been subject to change since.
- 5.8 The frequency of service that is achievable will to some extent be dependent on how far a development site is from Barrow Town Centre and will vary across the Barrow Borough Council area. Notwithstanding, it remains broadly the case that in Barrow on a route where two buses are operating, the 20-minute frequency should be achievable during the day Monday to Saturday, with a minimum frequency of a bus every 30 minutes achievable for areas such as Dalton-in-Furness.
- 5.9 A detailed cost breakdown of potential proposed bus infrastructure relating to new bus stops and extensions of existing routes has not been prepared due to the detailed nature of these requirements usually developed during masterplanning or a planning application. It should be required that contributions from developers fund these sustainable bus measures.
- 5.10 The recommendations from the Stage 2 Assessment are as follows:
- Extensions of routes and increase of frequency to allow improved accessibility to current and Local Plan sites.
 - Enhancements to bus stop infrastructure in residential areas, where appropriate they should include upgrading flag poles to shelters and seating, raised curbs for wheelchair and pushchair access.

- Ensure all bus stops have printed timetables and to consider real time information, particularly for major routes, with sustainable funding sources.
 - Secured funding arrangements for ongoing maintenance of new bus infrastructure.
 - New Local Plan sites should be planned with the consideration to have a layout that accommodates easy access to bus stops.
 - Improved bus connectivity to Dalton Rail Station in addition to existing Route 6.
- 5.11 Contributions will be negotiated on a site-by-site basis in liaison with the local highway authority, based upon the Barrow Transport Improvement Study and / or any more recent evidence of need.

6.0 Travel Plans

- 6.1 A Travel Plan is a long-term management strategy for a development that seeks to deliver sustainable transport objectives through positive action. Development which generates a significant amount of movement will require the submission of a Travel Plan, to comply with Policy I5 of the Local Plan. By helping to reduce single occupant car use, Travel Plans can encourage effective use of current highway and transport networks, help support sustainable economic growth, encourage healthy lifestyles, promote social inclusion, manage travel demand, and assist in reducing the impacts of climate change.
- 6.2 Travel Plans will be secured via planning obligations to guarantee the provision of sustainable travel options that will result in social, economic and environmental benefits. The NPPF, paragraph 111, states that “all developments that will generate significant amounts of movement should be required to provide a Travel Plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.”
- 6.3 Where the trip reductions proposed to be achieved through a Travel Plan are to be considered as the mitigation measure in order to make the development impact acceptable, Policy I5 of the Local Plan requires a developer contribution equal to the cost of providing the highway infrastructure improvements in the form of a bond.
- 6.4 In the event that the Travel Plan objectives are not being met, the bond monies will be used to provide the necessary infrastructure. In exceptional circumstances, should a developer be unwilling to commit to including an Action Plan within the Travel Plan, or the development proposals are at such a preliminary stage that it is unrealistic to draw up a list of measures, then it will be necessary to secure the outcome of the Travel Plan through a developer contribution.
- 6.5 In line with the Cumbria Planning Obligations Policy, the County Council will seek to secure the implementation of Travel Plans (and the achievement of the stated objectives) through Section 106 Agreements to encourage the effective use of current transport networks and promoting sustainable travel choices. This includes

meeting the targets agreed such as trip reductions in the Travel Plans over a consistent period of time, typically five years, in lieu of providing highway infrastructure improvements to mitigate the impacts of the development. A contribution will be required from a development alongside the Travel Plan to enable further mitigating measures to be implemented by the County Council should the identified targets not be achieved by an agreed date. Further information regarding Travel Plan requirements can be obtained from the County Council's Cumbria Planning Obligations Policy.

7.0 Schools

- 7.1 Education services in Barrow are managed by Cumbria County Council, which has a statutory responsibility for the provision of sufficient school places in the County. Pressure for additional school places can be created by an increase in birth rate, new housing developments, greater inward migration and parental choice. A new housing development can have an adverse impact on the educational infrastructure of its local community if local schools are close to capacity and unable to meet this demand.

Education Responsibilities

- 7.2 Cumbria County Council, as required by Section 14 of the Education Act 1996, must ensure it has secured the provision of sufficient primary and secondary school places for its area. The provision of these places can be in Education Authority maintained schools or, with their support, academies.
- 7.3 In performing this role, the County Council must ensure it complies with the requirements of the 2006 Education and Inspections Act. This requires that local authorities promote choice and diversity in relation to the provision of school places. In practice, this means parents are able to express a preference for which school they wish their child to attend. Providing there are places available in that school, the admission authority is required to allocate a place.
- 7.4 Linked to these responsibilities, the County Council is required to provide home to school transport where the nearest school with a place available is more than two miles from a child's home where children are under eight, and a distance of three miles for children aged 8 and over, or where there is no safe walking route to school.

Planning Policy

National Planning Policy Framework

- 7.5 Good quality and accessible education is an essential element in the creation of sustainable communities. This principle is reflected in the National Planning Policy Framework (NPPF), paragraph 95, which states:

“It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education”.

Local Plan

- 7.6 Policy I1 of the Local Plan states that were development will create additional need for improvements or provision of services, contributions will be sought to ensure that the appropriate enhancements / improvements are made, including for education.
- 7.7 Policy HC15 supports proposals for the development or expansion of new educational facilities where they are well related to the catchment that they will serve. Proposals for the development of education facilities should be located within existing education sites where possible. Where there is a need for a new educational site, the location should be close to the intended catchment in order to minimise travel.

Cumbria Planning Obligations Policy

- 7.8 Cumbria County Council has a Planning Obligation Policy which sets out a methodology and approach to assessing the effects of new development upon County Council infrastructure.

Assessing Yield and Capacity

- 7.9 Each year the County Council provides to the Department for Education (DfE) an assessment of surplus capacity in each school it maintains. The latest, agreed ‘net capacity’ figure (based on standard formulae provided by DfE) would be the capacity figure used by the County Council to decide whether the pupil yield from housing development can be accommodated.
- 7.10 New housing development can place additional pressure on school places, either through inward migration from outside the County, or by redistributing the existing population into areas where the schools are full to capacity. When considering whether there is sufficient capacity in schools in the area of any new housing, the anticipated number of school aged children that the development will give rise to must be assessed. This assessment of the “pupil yield” of development has been undertaken using a “population-led” model.
- 7.11 The population-led model uses Census data to calculate the average number of school aged children living in each household in Cumbria. This average figure is then multiplied by the total number of houses in a new development to provide a pupil yield figure. When the County Council considers detailed planning applications, a more refined, “dwelling-led” model is used. This utilises census information to derive a pupil yield based on the size of homes proposed in a scheme. These approaches are established within the Cumbria County Council Planning Obligations Policy, which ensures the effects of development are considered in the most consistent and balanced manner across the County.

Outline Housing Planning Applications

- 7.12 In the case of outline planning applications where there is no indication of the likely dwelling mix, the County Council will provide an estimate of pupil yield based on a population-led model. An example of the population led model, using the Cumbria Planning Obligations Policy, is reproduced below:

Fig 9: Calculation of pupil yield using a dwelling led model

<p>Number of households in Cumbria – 209,027</p> <p>Number of children aged 4-15 living in households in Cumbria = 72,149</p> <p>Number of children per household (72,149/209,027) = 0.345</p> <p>Outline application for 50 units:</p> <p>Pupil Yield (50 units x 0.345 children per unit) = 17.25</p> <p>Primary Yield [(17.25 x 7 primary year groups)/12 total year groups] = 10.06</p> <p>Secondary Yield [(17.25 x 5 secondary year groups)/12 total year groups] = 7.19</p> <p>Pupil yield figures will be generally rounded up or down to the nearest whole pupil number.</p>

Full Housing Planning Applications

- 7.13 The dwelling-led model is used for full housing planning applications and for outline applications where there is an indication of the likely dwelling mix. An example of the dwelling led model, using the Cumbria Planning Obligations Policy, is reproduced below:

Fig 10: Calculation of pupil yield using a dwelling led model

<p>50 Dwellings:</p> <ul style="list-style-type: none"> • 10 2-bed houses • 30 3-bed houses • 10 4-bed houses <p>Pupil yield:</p> <ul style="list-style-type: none"> • 10 2-bed houses x 12.9% = 1.29 school age children • 30 3-bed houses x 39.9% = 11.97 school age children
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- 10 4-bed houses x 50.2% = 5.02 school age children

Total Pupil Yield = 18.28 school age children

Primary Yield = 18.28/12 (total year groups) x 7 primary year groups = 10.66 children

Secondary Yield = 18.28/12 (total year groups) x 5 secondary year groups = 7.62 children

Pupil yield figures will be generally rounded up or down to the nearest whole pupil number.

Assessing the Capacity of Local Schools

- 7.14 Together with an assessment of the projected pupil yield associated with a development, in considering whether or not a contribution would be required regard needs to be had to the capacity of local schools.
- 7.15 The County Council provides to DfE each year an assessment of surplus capacity in each school it maintains. That assessment includes the latest, agreed 'net capacity' figure, based on standard formulae provided by DfE. This will be the capacity figure used to decide whether the pupil yield from housing development can be accommodated, taking into account any changes in capacity since the previous measurement was undertaken.
- 7.16 The net capacity of the catchment area school, the average projected pupil numbers (informed by data collected annually from General Practitioner Register showing all children aged 6 and under living in any given school catchment area) and the identified pupil yield of a development will all be considered to determine how many places, if any, will be available and therefore, whether or not a developer contribution would be required. To give a fuller understanding when considering the projected pupil numbers, the County Council will have regard to the school roll across the coming years (for which data is available).

Providing Additional Capacity at Existing Schools

- 7.17 Where housing developments or the cumulative impact of a number of housing developments in an area give rise to the need for extensions, refurbishment and/or remodelling to provide additional capacity (including nursery capacity, as appropriate) at existing schools. The County Council will look to the landowner/developer or a consortium of landowners/developers to fund the full cost of providing the additional capacity at existing schools at the appropriate time, including the cost of acquiring additional land if necessary.
- 7.18 Where developers/landowner(s) are required to fund the cost of additional capacity at existing schools, the County Council will, as a general rule, require the full actual or estimated cost of the specific additional capacity to be used to determine the contribution. This would be subject to appropriate indexation to reflect the cost at the time the additional capacity is built.

- 7.19 It may not always be practicable or desirable to utilise development contributions to provide additional capacity at the school closest to the development. For example, the school site nearest to development may be fully developed, or the expansion of the school may result in an overdevelopment/loss of essential school facilities. In these cases contributions would be sought towards the cost of providing additional capacity through extensions, refurbishment and/or remodelling of existing schools where the need would be best met. The use of contributions would be monitored by the County Council.
- 7.20 Where a school is in a rural location and additional capacity is required but cannot be provided at the school due to site or other constraints, a contribution may be sought towards the provision of school transport and additional capacity at another nearby school which has capacity or may be expanded to provide such capacity. This is to ensure sites are sustainable. As part of this process consideration would be given to the nearest available school and to where children travel to already. The calculation of school transport will be based on that set out in the Highway's and Transport Section of this document. This is not the desired approach however, and should not be considered as appropriate mitigation in every circumstance and should be viewed as a last option.

Calculating Developer Contributions

- 7.21 Where additional school capacity is to be funded by the landowner/developer, if practical to identify costs, the County Council will seek that the developer/landowner to fund the full actual cost of new provision or a detailed estimate.
- 7.22 Where it is not practical for such information to be derived (e.g. in the case of some outline or smaller scale proposals or in the absence of detailed assessment of what works can be done at a school), the County Council will use Department for Education (DfE) construction cost multipliers (as amended/available/appropriately updated) to determine the cost of providing additional school places and thus the level of contribution to be provided. These multipliers are linked to location factors, which adjust the base multiplier to reflect the differing costs of building nationwide.
- 7.23 In these occasions, the cost of the additional school places will be calculated as follows:

<p>Pupil Yield</p> <p>x</p> <p>DfE primary and/or secondary cost multiplier at the time the additional places are calculated</p>
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- 7.24 The multipliers exclude ICT equipment, site abnormalities, site acquisition, VAT and other associated costs. Where appropriate these costs will be sought in addition to the multiplier applied.

Cumulative Development

- 7.25 For cumulative, separate proposed developments that impact on school places and that are to come forward in conjunction, contributions will be sought that are proportionate to the cost of additional facilities and the expected pupil yield from each individual development, as follows.

Development A – Pupil Yield = 25 primary-age pupils

Development B – Pupil Yield = 50 primary-age pupils

Development C – Pupil Yield = 100 primary-age pupils

Total Pupil Yield = 175 primary-age pupils

- Existing local primary school(s) assessed as requiring an additional 90 places to accommodate all pupils arising from the three developments.

Where actual costs or a cost plan is available the cost multiplier will be determined by dividing the actual cost of funding additional capacity by the number of additional spaces required.

Alternatively, in the absence of such actual cost information, the DfE multiplier may be utilised:

- Developer A Contribution: $(\text{DfE multiplier} \times 90 \text{ places}) \times (25/175) = \text{£A}$
- Developer B Contribution: $(\text{DfE multiplier} \times 90 \text{ places}) \times (50/175) = \text{£B}$
- Developer C Contribution: $(\text{DfE multiplier} \times 90 \text{ places}) \times (100/175) = \text{£C}$

- New 1-form-entry (210 place) primary school required; estimated cost, £Y:

- Developer A Contribution: $\text{£Y} \times (25/175) = \text{£A}$
- Developer B Contribution: $\text{£Y} \times (50/175) = \text{£B}$
- Developer C Contribution: $\text{£Y} \times (100/175) = \text{£C}$

8.0 Children's Play Areas

- 8.1 Policy HC10 of the Barrow Borough Local Plan states that where deemed appropriate through lack of provision or other limiting factor such as access, proposals for residential development will be required to provide well designed and located children's play space. Further detail on the delivery of children's play space is provided below.

- 8.2 A number of housing allocations in the Local Plan are located on the edge of settlements. This may mean that they are located at a significant distance from existing children's play areas within the urban areas. New development may also place additional demand on existing play areas.
- 8.3 Fields in Trust is the operating name of the National Playing Fields Association (NPFA) and offers guidance for practitioners on open space provision. 'Guidance for Outdoor Sport and Play' (2015), published by Fields in Trust, recommends Benchmark Standards as a tool for assisting in the development of local standards. The standards for play areas are set out in the tables below:

Table 2: Accessibility Standards for Children's Playing Space
(Planning and Design for Outdoor Sport and Play, Field in Trust, 2015)

Type of Space	Walking Distance (metres from dwellings)
Local areas for playing and informal recreation (LAP)	100
Local equipped areas for playing and informal (LEAPs)	400
Neighbourhood equipped areas for play (NEAP)	1000

- 8.4 At this stage it is recommended that the Planning and Design for Outdoor Sport and Play guidance should be used as a basis for requiring provision. Specifically, it is considered appropriate to primarily base the need for new play space on the distance of new development to existing play space, rather than quantity (ha per 1,000 population) guidelines, taking account of the criteria set out in Tables 2 and 4. New development should also provide children's playing space in accord with Table 3.
- 8.5 A judgement should be made as to whether existing play space within the thresholds set out in Table 4 is of good quality at the time a planning application is being determined. For example, there may be play space within the thresholds that is very small or has a very limited amount of play equipment. Is this play space suitable to serve an additional new housing development? Each case will be judged on an individual basis until a detailed open space assessment is undertaken by the local planning authority.
- 8.6 The table below sets out the recommended application of quantity benchmark guidelines, as recommended by Fields in Trust:

Table 3: Quantity Benchmark Guidelines
 (Guidance for Outdoor Sport and Play, Field in Trust, 2015)

Scale of Development	Local Area for Play (LAP)	Locally Equipped Area for Play (LEAP)	Neighbourhood Equipped Area for Play (NEAP)	Multi-Use Games Area (MUGA)
5-10 dwellings	✓			
11-200 dwellings	✓	✓	Contribution	Contribution
201-500 dwellings	✓	✓		✓
501+ dwellings	✓	✓	✓	✓

8.7 Recommended minimum sizes for children's play space is set out in the table below:

Table 4: Recommended Minimum Sizes – Formal Outdoor Space
 (Guidance for Outdoor Sport and Play, Field in Trust, 2015)

Type of Space	Minimum Sizes	Minimum Dimensions	Buffer Zones
Local areas for playing and informal recreation (LAP)	0.01ha	10 x 10 metres	5m minimum separation between activity zone and the nearest dwelling
Local equipped areas for playing and informal (LEAPs)	0.04ha	20 x 20 metres	20m minimum separation between activity zone and the habitable room façade of dwellings
Neighbourhood equipped areas for play (NEAP)	0.1ha	31.6 x 31.6 metres	30m minimum separation between activity zone and the boundary of the nearest dwelling
Multi-Use Games Area (MUGA)	0.1 ha	40 x 20 metres	30m minimum separation between activity zone and the boundary of the nearest dwelling

8.8 Account should be taken of the following quality guidelines when planning for formal outdoor space:

- Quality appropriate to the intended level of performance, designed to appropriate technical standards.
- Located where they are of most value to the community to be served.
- Sufficiently diverse recreational use for the whole community.

- Appropriately landscaped.
- Maintained safely and to the highest possible condition with available finance.
- Positively managed taking account of the need for repair and replacement over time as necessary.
- Provision of appropriate ancillary facilities and equipment.
- Provision of footpaths.
- Designed so as to be free of the fear of harm or crime.

8.9 Developers will be expected to provide a commuted sum for a minimum of five years maintenance, or contributions for off-site provision within a suitable and safe walking distance, in accord with Policy HC10 of the Local Plan.

9.0 Biodiversity Net Gain

9.1 Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development. Biodiversity net gain can be achieved on-site, off-site or through a combination of on-site and off-site measures.

9.2 Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by providing net gains for biodiversity. Policy N3 of the Barrow Local Plan 2016-2030 states that development proposals should minimise impacts on biodiversity and provide net gains in biodiversity where possible. The Council's Biodiversity SPD also supports the delivery of Net Gain, stating that opportunities which provide a net gain in biodiversity should always be sought.

9.3 Mandatory biodiversity net gain as set out in the Environment Act applies in England by amending the Town & Country Planning Act (TCPA) and is likely to become law in 2023. The Act sets out the following key components to mandatory biodiversity net gain:

- Minimum 10% gain required calculated using Biodiversity Metric & approval of net gain plan
- Habitat secured for at least 30 years via obligations/ conservation covenant
- Habitat can be delivered on-site, off-site or via statutory biodiversity credits
- There will be a national register for net gain delivery sites
- The mitigation hierarchy still applies of avoidance, mitigation and compensation for biodiversity loss
- Will also apply to Nationally Significant Infrastructure Projects
- Does not apply to marine development
- Does not change existing legal environmental and wildlife protections.

9.4 A new Biodiversity Metric 3 was launched in July 2021. The Biodiversity Metric is designed to provide ecologists, developers, planners and other interested parties with a means of assessing changes in biodiversity value (losses or gains) brought

about by development or changes in land management. The metric is a habitat-based approach to determining a biodiversity value.

- 9.5 Although development sites will be considered on a case-by-case basis, the expectation is that net gain is provided on-site. Where it has been demonstrated that it is not possible to achieve a 10% Net Gain for biodiversity on-site, there will need to be consideration of off-site measures. There may be instances where it would be appropriate for off-site financial contributions to be provided based on the Biodiversity Units required to deliver the Net Gain. Further local guidance on the delivery of Biodiversity Net Gain will be provided in due course. Such guidance will also help to ensure that Gain is undertaken to a high standard and that habitats are created or enhanced to achieve Net Gain are managed, maintained, and monitored for the long-term.

10.0 Green Infrastructure

- 10.1 In accord with policies GI1 to GI9 of the Barrow Borough Local Plan 2016-2031, new development is required to incorporate green infrastructure as an intrinsic part of the design of new development. Further guidance will be provided in a Green Infrastructure SPD. Contributions may be required for the ongoing maintenance of green infrastructure on a development site.
- 10.2 Contributions may also be required for the maintenance of nearby public open space, including provision / repair of fencing, pathway maintenance and the provision of signage. Contributions will be negotiated on a site-by-site basis in liaison with the Property Services department of the Local Authority.

11.0 Healthcare

- 11.1 In accord with Policy I1 of the Barrow Borough Local Plan, new developments may be required to provide contributions towards community infrastructure, which includes health facilities. The paragraphs below are based upon the Morecambe Bay Clinical Commissioning Group's (CCG) Section 106 Monies & Community Infrastructure Levy Funding Policy for Health Facilities. This sets out how the CCG calculates the contributions which they expect from new housing development, to ensure health infrastructure needs are taken into account when planning applications for new housing development are received. It also highlights the importance of the CCG engaging with Local Planning Authorities during this process.
- 11.2 Contributions will only be sought where the tests of need are met, as set out in paragraph 53 NPPF or any document which replaces it.

Morecambe Bay Clinical Commissioning Group

- 11.3 The Morecambe Bay Clinical Commissioning Group (CCG) is a statutory consultee whose views will be a material consideration in the decision-making process. The CCG will work with the local planning authority to secure contributions and ensure their expenditure in accordance with Section 106 agreements, as set out in the CCG's Section 106 Policy mentioned above.
- 11.4 Healthcare contributions will allow the following improvements to health facilities:
- The reconfiguration or expansion of health premises to provide additional facilities and services to meet increased patient or user numbers;
 - New health premises or services at the local level to provide additional facilities and services to meet increased patient or user numbers;
 - Any new facility required to compensate for the loss of a health facility caused by the development.
- 11.5 Prior to 2013, the processes for allocating Section 106 health funding was via the Primary Care Trust (PCT). The PCT was responsible for maintaining an Estates Strategy and managing any health allocation as a contribution to delivering against that strategy. The process for securing healthcare contributions was based on a simple formula applied to the number of dwellings proposed in each planning application.
- 11.6 In April 2013, PCTs were disbanded and Clinical Commissioning Groups (CCG) were established. NHS England North was made accountable for primary care whilst the CCGs retained responsibility for acute and community care. NHS Property Services (NHSPS) took over all PCTs and Strategic Health authorities estates interests. Where PCT properties were classed as "critical clinical infrastructure" and a Foundation Trust or another NHS provider was the majority occupier, ownership was offered to those NHS bodies initially rather than NHSPS.

Impact of New Development on Health Services

- 11.7 When assessing the impact of new development on healthcare infrastructure, the CCG will undertake a criteria-based assessment for each development proposal. This will be assessed by the Primary Care Committee before being submitted to the NHS Governing Body with a recommendation prior to any submission to the local planning authority.
- 11.8 There will be no distinction between the types of residential provision attracting a contribution. Residential park homes, affordable housing schemes, projects for specialist accommodation for the elderly, extra care homes and assisted living will be subject to obligations. Such forms of housing generate a high percentage of dependent patients reliant upon NHS Services and places high demands on local clinical services where infrastructure needs to respond to such pressures.

Worked Example

- 11.9 The example below has been reproduced from Section 106 Monies and Community Infrastructure Levy Funding Policy for Health Facilities, produced by the Morecambe Bay Clinical Commissioning Group. The example is based on a residential scheme in Lancashire, for up to 480 dwellings. For the purpose of this SPD, the location of the proposed development will be called “Town A.”
- 11.10 The development is based on the average household size in the UK (ONS 2017) of 2.4 per dwelling, which would result in an increased patient population of approx. 980.
- 11.11 The calculation below shows the likely impact of the new population in terms of number of additional consultations per year. This is based on the Department of Health calculation in HBN11-01: Facilities for Primary and Community Care Services.

Table 5: Consulting room requirements

Proposed population	980
Access rate	5260 per 1000 patients
Anticipated annual contacts	$0.980 \times 5260 = 5154.80$
Assume 100% patient use of room	5154.80
Assume surgery open 50 weeks per year	$5154.80/50 = 103.09$
Appointment duration	15 mins
Patient appointment time per week	$103.09 \times 15/60 = 25.77$ hrs per week

Table 6: Treatment room requirements

Proposed population	980
Access rate	5260 x1000 patients
Anticipated annual contacts	$0.980 \times 5260 = 5154.80$
Assume 20% patient use of room	$5154.80 \times 20\% = 1030.96$
Assume surgery open 50 weeks per year	$1030.96/50 = 20.61$
Appointment duration	20 mins

Patient appointment time per week	$20.61 \times 20 / 60 = 6.87$ hrs per week
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- 11.12 New residents in the area are likely to register with the GP practice within “Town A.” The “Town A” practice is at full capacity, with any current limited plans to expand surgery facilities focusing on meeting existing deficiencies. An assessment has been undertaken, of the GP surgery based on issues relating to standards, capacity and workload which would impact on the practices ability to manage increased numbers of patients. This has resulted in a rating of Red for the practice.
- 11.13 The practice would be seeking to expand their facility accordingly through internal alterations.
- 11.14 The building costs have been established using the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors (RICS) costs for healthcare premises depending upon the type of project undertaken. For the “Town A” practice to expand to meet their share of the population increase the total cost has been identified below.

Additional patients to be accommodated – 980
X
Standard area m2/person based on total typical list size of approx. 6000 – 0.11
X
Cost of build including fees £/m2 – £1,902
 Total cost $980 \times 0.11 \times £1902 = \mathbf{£205,035.60}$

- 11.15 The building costs have been established using the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors (RICS) costs for healthcare premises depending upon the type of project undertaken. The costs are set out below:

Table 7: Building Costs

Project Types	Gross Internal Floor Area (m ²)		
	<500	500 – 1500	>1500
	£/m ²	£/m ²	£/m ²

Project Types	Gross Internal Floor Area (m ²)		
	<500	500 – 1500	>1500
	£/m ²	£/m ²	£/m ²
New Build excl land	£2,250.00	£2,064.00	£2,094.00
New Build incl land	£3,150.00	£2,964.00	£2,994.00
Extension (Clinical excl treatment rooms)	£1,782.00	N/A	N/A
Extension (Clinical incl treatment rooms)	£1,902.00	N/A	N/A
Extension (Admin areas only)	£1,662.00	N/A	N/A
Alterations (excludes replacement furniture)	£1,002.00	N/A	N/A
Alterations including replacement furniture	£1,044.00	N/A	N/A

- 11.16 In order to release the healthcare contribution (to the CCG) for each Section 106 agreement the CCG will need to submit to the Developer a proposal detailing the works to be undertaken with costs and timescales for implementation and incorporation into the planning obligation.
- 11.17 To enable submission to the CCG, the CCG will request completion of a Section 106 proposal template by the relevant practice(s). Where one or more practices may receive funding from a specific Section 106 agreement the CCG will manage an open and transparent process through discussion with the practices to agree the projects to be supported through the available healthcare contribution. This will not usually involve 'bidding' for a share of the funding. There may be circumstances such as on large new strategic development sites where the development of a new practice or other models of care may be more appropriate. When such circumstances exist, the CCG will conduct a thorough and transparent procurement process to work with new providers for the delivery of such a scenario.

12.0 Section 106 Monitoring Fees

- 12.1 There is a need to use resources to monitor Section 106 (s106) legal agreements in order to ensure that monies are spent on the delivery of the necessary infrastructure. The NPPG (Planning Obligations, paragraph 36) states: "Authorities can charge a monitoring fee through section 106 planning obligations, to cover the cost of monitoring and reporting on delivery of that section 106 obligation. Monitoring fees can be used to monitor and report on any type of planning obligation, for the lifetime

of that obligation.” Local authorities are also required to report on such obligations at least annually through an Infrastructure Funding Statement.

12.2 Larger scale developments tend to have a greater number and complexity of obligations within an agreement, therefore a set of fees based on a scale of development is considered to be appropriate. The starting point is based on a planning officer spending eight hours per planning obligation, with a percentage increase as the scale of the development increases.

12.3 The following monitoring fees apply:

	1 - 10 dwellings or up to 1 ha of land	11 – 50 dwellings or up to 3 ha of land	51+ dwellings or more than 3 ha of land
% increase	0	40%	80%
Monitoring fee per agreement	£150	£210	£270

12.4 There are two aspects to monitoring Section 106 legal agreements:

- Financial monitoring and management of the monies associated with receiving developer contributions towards local infrastructure and mitigation measures; and
- Physical monitoring of compliance with the terms of the agreement, e.g regarding buildings and infrastructure.

12.5 This monitoring includes:

- Updating and maintaining a planning obligations database;
- Ensuring that all the financial and non-financial obligations in agreements are met;
- Keeping track of site/application progress and dependent S106 triggers;
- Providing calculations of financial contributions, sending invoices and receiving payments;
- Ensuring financial contributions are used for specific purpose outlines in the obligation;
- Keeping and maintaining transparent accounting procedures;
- Providing regular updates for Members, Committees and the wider community
- On-site open space, green infrastructure and bio-diversity quality inspections
- Affordable housing triggers – ensure meeting correct specifications and location.

12.6 The fees set out in the table above are indicative and will be subject to change, in accord with planning officer salaries and the amount of time expected to undertake the required monitoring. Some planning obligations will require monitoring over an extended time period, such as those relating to biodiversity net gain. In such cases

there will be additional fees to enable the local planning authority to recover its costs for the additional monitoring, as set out in the respective Section 106 agreement. Costs will be based on the hourly salary of the planning officer undertaking the monitoring and the expected number of hours that will be required for monitoring.

- 12.4 Monitoring fees for Section 106 agreements should be secured by way of a contractual covenant in the Section 106 agreement itself. Payment shall be made in full at the time of the completion of the Section 106 agreement. A summary of the fees will be published in the Infrastructure Funding Statement.

Unilateral Undertakings monitoring fees

- 12.5 Where an applicant submits a unilateral undertaking, there is an administration and monitoring fee of £200.

Other Monitoring Fees

- 12.6 It should be noted that this SPD relates to monitoring fees that may be sought by Barrow Borough Council. Other authorities, such as Cumbria County Council, may separately seek to charge a monitoring fee.

13.0 Reporting on Developer Contributions

- 13.1 Local authorities are required to produce an Infrastructure Funding Statement each year which summarises the developer contributions obtained, allocated and spent by the Council. This is a new annual reporting requirement that was introduced as part of the recently amended CIL regulations in 2019 (CIL Regulations: Schedule 2).
- 13.2 The first Statement summarises the contributions agreed, received and spent during the period 1st April 2019 to 31st March 2020 for Barrow Borough. It contains information on Section 106 Agreements only. Section 278 Agreements are not considered in this document. Further Statements will be produced in subsequent years. All Statements published to date can be found on the Barrow Borough Council website.

Development Services

Barrow Borough Council
Town Hall
Duke Street
Barrow-in-Furness
Cumbria
LA14 2LD

Website: www.barrowbc.gov.uk/residents/planning/



Working together to support sustainable development within the Borough of Barrow-in-Furness



Consultation Statement

May 2022

Affordable Housing and Developer Contributions Supplementary Planning Document

Working together to support sustainable development within the Borough of Barrow-in-Furness



- 1.0 Barrow Borough Council has consulted on the draft Affordable Housing and Developer Contributions Supplementary Planning Document (SPD). The consultation was for six weeks from Tuesday 14th December 2021 to Tuesday 25th January 2022. The draft SPD has been prepared under the Town and Country Planning (Local Planning) (England) Regulations 2012. This document summarises who was consulted during the consultation, the main issues raised, and how the Council has addressed these issues in the SPD.
- 2.0 The consultation was for six weeks from Tuesday 14th December 2021 to Tuesday 25th January 2022. The SPD was available to view on the Council's website and in hard copy at The Forum, Barrow, Dalton Town Hall and libraries in the Borough during their normal opening times.
- 2.0 A list of consultees can be found in the appendix. Responses to the consultation were received from the following bodies:
 - CITB
 - Cumbria County Council
 - Department for Education
 - Environment Agency
 - Historic England
 - Homes England
 - Natural England
- 3.0 A response was also received from a local resident who stated that affordable homes on brownfield sites are needed rather than more executive homes on green fields.
- 4.0 The Environment Agency, Homes England and Natural England stated that they do not have any comments on the draft SPD. The comments from the remaining bodies are summarised the table below, along with the Council's response to the comments.

General Comments		
Consultee	Summary of Comments	Council Response
CITB	Having employment and skills included in this SPD (or as a specific SPD) would allow the construction industry locally to create more employment opportunities to better serve the pipeline of projects in the Borough of Barrow and surrounding area, generating economic benefit that stays within the borough. It also provides Barrow people with the opportunity to find employment and training locally, rather than having to travel elsewhere to find work.	Comments noted, however it is considered that employment and skills is beyond the remit of this draft SPD. Nevertheless, the Council will consider the possibility of a separate SPD on this matter.
Cumbria County Council	<p>Consideration needs to be given to including a section about how viability will be considered relative to overall provision of infrastructure and services and how decisions will be made about what infrastructure contributions take priority over others.</p> <p>Consideration should be given to clarifying whether Barrow Borough Council will expect an 'open book' independent development appraisal to be undertaken to support any request for reduced contributions. Additionally, clarity should be provided about whether the County Council would be involved in jointly reviewing the appraisal and consideration of the infrastructure priorities.</p> <p>The County Council would wish to see that appropriate weighting / prioritisation is given to the infrastructure and services it is responsible for when considering viability relative to other infrastructure contributions that are being requested.</p>	A new "Viability" section has been added to the SPD, in accord with the County Council's comments and the Cumbria Planning Obligations Policy, in order to provide greater clarity on how the Council will consider viability. See new paragraphs 1.15 – 1.18 of the updated SPD.
Historic England	Local plan policy I1 in the adopted Barrow Borough Local Plan 2016-2031 provides for the historic environment as being a type of infrastructure that development may be required to provide contributions towards. It is noted that the intention of the SPD is not to set out all circumstances where infrastructure contributions will be sought. Therefore the absence of the historic environment from the document is	Comments noted.

	accepted as it does not preclude contributions being sought on occasion where necessary.	
1.0 Introduction		
Consultee	Summary of Comments	Council Response
Cumbria County Council	Include in the Introduction a statement recognising that other authorities and bodies that are responsible to the delivery of infrastructure and services will have policies that are relevant to assessing developments and requesting developer contributions. For example, the County Council will have regard to the Cumbria Planning Obligation Policy.	A statement has been added to the SPD that recognises the policies of other authorities, in accord with the County Council's comments. See paragraph new paragraph 1.7 of the updated SPD.
Cumbria County Council	Further explanation should be included in the SPD about how the IDP will be applied relative to the TIS, noting that the IDP in large part 'calls up' / links to the TIS in setting out the infrastructure required to support / mitigate the impact of development to be delivered through the Local Plan.	The SPD has been updated to clarify the roles of the IDP and the TIS, in accord with the County Council's comments. See new paragraphs 3.5 and 3.6 of the updated SPD.
Cumbria County Council	Consideration should be given to including a statement that substantial weight will be applied to the IDP / TIS in determining where developer contributions will be sought and that the use of the information contained in the TIS / IDP is considered to be a strong basis to meet the statutory tests.	A new paragraph has been added to clarify the roles of the IDP and TIS. See new paragraph 3.14 of the updated SPD.
Cumbria County Council	In paragraph 1.9 it is suggested that the reference to the "Local Cycle and Walking Infrastructure Strategy" should be changed to "Local Cycle and Walking Infrastructure Plan (LCWIP)" to ensure consistency of terminology within the SPD.	Amendment has been made in accord with this comment (now paragraph 10).
Cumbria County Council	In paragraph 1.13, consideration should be given to including clarification that for larger developments, where staged payments are made as the development progresses, that the timeframe for spending the contribution may be calculated from the date of the last scheduled payment. It is suggested that a timeframe is set for expenditure / refund of contributions	Paragraph has been amended to provide clarity regarding timescales for spending contributions, in accord with the County Council's comments (now paragraph 1.14).

	in the SPD for larger improvement schemes that will be delivered over time (preferably 10 years).	
3.0 Highways		
Consultee	Summary of Comments	Council Response
Cumbria County Council	Earlier comments reiterated regarding the weight that will be applied to the IDP / TIS in determining where developer contributions will be sought.	A new paragraph has been added to clarify the roles of the IDP and TIS. See new paragraph 3.14 of the updated SPD.
Cumbria County Council	Suggest that further clarifying text is provided to clarify the use of Section 278 Agreements. Suggested wording is provided by the County Council.	Paragraph 3.2 is amended in line with the suggested wording from the County Council. See paragraph 3.2 of the updated SPD.
Cumbria County Council	It is suggested that the draft SPD is expanded to provide further commentary about when Section 106 Agreements are preferred to secure highways contributions.	A new paragraph has been added to provide further commentary on the use of Section 106 Agreements, in accord with the comments from the County Council. See new paragraph 3.4 of the updated SPD.
Cumbria County Council	Suggest that Paragraph 3.4 should include a reference to public transport.	This paragraph has been reworked in line with earlier comments, and therefore no longer includes reference to infrastructure types.
Cumbria County Council	It is unclear where the 10 dwelling and 100m2 additional gross floor area thresholds in paragraph 3.12 have come from and how they have been determined. The thresholds are not consistent with any thresholds that are used by the County Council and therefore could fetter the County Council's ability to request a developer contribution. It is therefore requested that the thresholds are removed from the SPD.	Former paragraph 3.12 has been deleted in line with these comments, and therefore no longer includes thresholds. For consistency, the thresholds that were included 11.2 regarding healthcare contributions have also been deleted from the updated SPD.
Cumbria County Council	Detailed comments provided that suggest adding more information and clarity regarding the use of the TRICS database for calculating trip rates and when they should be established in the planning process.	New paragraphs 3.16 and 3.17 added to provide further information about the use of the TRICS database, in accord with the comments from the County Council.

Cumbria County Council	Paragraph 3.6 – it is suggested that the reference to “the Local Highway Authority” is changed to “Cumbria County Council”.	Change made accordingly (now paragraph 3.8).
4.0 Cycling and Walking		
Consultee	Summary of Comments	Council Response
Cumbria County Council	Wording is suggested to clarify that developer contributions will be required to secure the delivery of cycling and walking infrastructure identified within the LCWIP.	Paragraph 4.3 has been amended in accord with the comments from the County Council.
Cumbria County Council	Reflecting the County Council's role, it is recommended that the word “developing” is changed to “facilitating” in Paragraph 4.4. It is also suggested that the final sentence of this paragraph is amended to read, “The partnership recognises that there is significant potential in Barrow for more journeys to be made by walking and cycling if the right <u>infrastructure</u> is put in place.”	Paragraph 4.3 has been amended in accord with the comments from the County Council.
5.0 Public Transport		
Consultee	Summary of Comments	Council Response
Cumbria County Council	Bus services referred to in paragraphs 5.3 and 5.8 have been subject to change.	Paragraphs 5.3 and 5.8 have been amended to take account of the changes to the bus services.
Cumbria County Council	Clarification is provided on the frequency of bus services. Costs were also assessed in 2016 and have been subject to change.	New paragraph 5.8 is added to take account of the frequency of bus services and that the cost of providing bus services has been subject to change.
6.0 Travel Plans		
Consultee	Summary of Comments	Council Response
Cumbria County Council	It is recommended that further explanatory text is included in Section 6.0 about the County Council’s role and that further	New paragraph 6.5 added to provide more information on the County Council’s role in the assessment and approval of

	information regarding Travel Plan requirements can be obtained from the County Council's Cumbria Planning Obligations Policy.	Travel Plans.
7.0 Schools		
Consultee	Summary of Comments	Council Response
Cumbria County Council	It is noted that Section 7.0 Schools aligns with the County Council's Cumbria Planning Obligations Policy and therefore there are no further comments at this time.	Comment noted.
Department for Education	The department welcomes the support provided within paragraph 7.7 of this SPD which supports "the development or expansion of new educational facilities where they are well related to the catchment that they will serve", and via Policy HC15 of the local plan	Comments noted. Cumbria County Council is the Local Education Authority (LEA), and DfE's comments will subsequently be forwarded to the LEA for their consideration.
Department for Education	Paras 7.9 to 7.11 – We would recommend that the SPD reference the DfE guidance on securing developer contributions for education, in particular paragraph 8 which recommends that pupil yield factors are based on up-to-date evidence from recent local housing developments. Paragraph 34 of the guidance encourages local authorities to take account of the higher pupil yields generated by new housing developments compared to the wider population.	Comments noted. Cumbria County Council is the Local Education Authority (LEA), and DfE's comments will subsequently be forwarded to the LEA for their consideration.
Department for Education	Paras 7.14 to 7.16 – When education needs from very large developments are assessed and there are plans to utilise capacity in existing schools, instead of, or in addition to a new onsite school, we recommend that you only consider the capacity of primary schools within the statutory walking distance.	There are no "very large" housing allocations in the Barrow Borough Local Plan, therefore it is not considered necessary to make this amendment.
Department for Education	The provision of SEND places is not addressed. We would recommend that the SPD be amended to include a section outlining how the need for SEND places generated by new developments will be calculated, and how developer	Comments noted. Cumbria County Council is the Local Education Authority (LEA), and DfE's comments will subsequently be forwarded to the LEA for their consideration.

	contributions to support these places will be calculated	
Department for Education	Para 7.5 – the reference to paragraph 94 of the NPPF should be changed to paragraph 95.	Paragraph 7.5 has been amended accordingly.
Department for Education	The department welcomes the policy approach set out within the Cumbria County Council’s planning obligations policy (paragraph 6.2.2) asserts that both land and funding for the provision of schools will be required, and which is in turn the approach advocated by this SPD – this approach accords with our guidance and Planning Practice Guidance.	Comments noted.
9.0 Biodiversity Net Gain		
Consultee	Summary of Comments	Council Response
Cumbria County Council	The approach to biodiversity net gain is supported. There is further guidance expected from Defra to support the national roll-out of LNRS across the whole of England, and which may help further inform development of the “local guidance”.	Comments noted.
10.0 Green Infrastructure		
Consultee	Summary of Comments	Council Response
Cumbria County Council	The provision and enhancement of green networks through developer contributions is supported. The draft SPD indicates that further guidance will be provided in a “Green Infrastructure SPD”. It is important that the further SPD supports a site responsive design approach that in the first instance seeks to retain, as far as is practicable, areas of natural value e.g. vegetation and systems such as riparian areas, in-line with the mitigation hierarchy of avoidance, mitigation and compensation for biodiversity loss. In preparing the guidance it will also be important to integrate flood mitigation / drainage and active transport considerations, including ensuring that the guidance aligns with relevant	Comments noted.

	policies and design standards.	
12.0 Section 106 Monitoring Fees		
Consultee	Summary of Comments	Council Response
Cumbria County Council	It would be beneficial to clearly state that Section 12.0 relates to monitoring fees that may be sought by Barrow Borough Council and that other authorities may separately seek to charge a monitoring fee.	New paragraph 12.6 added to clarify that other authorities may separately seek to charge a monitoring fee.

Appendix

List of consultees

Specific

The specific consultation bodies include:

- Cumbria County Council
- Cumbria Police Authority
- Department for Communities and Local Government
- Environment Agency
- Historic England
- Home and Communities Agency
- Natural England
- North West Regional Leaders Board
- North Western Inshore Fisheries and Conservation Authority
- The Coal Authority
- The Secretary of State for Transport

Neighbouring Local Authorities

- Copeland Borough Council
- South Lakeland District Council

Parish Councils

- Askam and Ireleth Parish Council
- Dalton with Newton Town Council
- Lindal and Marton Parish Council

Neighbouring Parish Councils

- Aldingham Parish Council
- Kirkby and Ireleth Parish Council
- Millom Town Council
- Millom without Parish Council
- Pennington Parish Council
- Urswick Parish Council

Owners/controllers of electronic communications apparatus

- Arqiva Services Limited
- EE
- Three
- Vodafone and O2

Organisations which provide electricity, gas or water, or deal with sewerage

- Electricity North West Limited (ENW)
- Northern Gas Networks
- United Utilities Water Limited

General

The general consultation bodies include:

- Active Cumbria
- Age UK Barrow and District
- Askam Road Resident Group
- Associated British Ports
- AWAZ Cumbria
- Barrow and District Disability Association
- Barrow and District Society for the Blind Ltd
- Barrow Civic and Local History Society
- Barrow Gypsy Group
- Barrow Island Community Trust
- Barrow Tenant's with Disability Forum
- Barrow Tenants' Forum
- Barrow Traders Association
- Bluesky Planning
- Cadet Gas
- Centrica
- Chetwynde School
- Churches together in Barrow
- Churches together in Dalton
- Churches Trust for Cumbria
- CLA North (Country Land and Business Association)
- Cumbria Clinical Commissioning Group
- Cumbria County Council
- Cumbria Deaf Vision
- Cumbria Disability Network
- Cumbria Local Enterprise Partnership
- Cumbria Partnership NHS Foundation Trust
- Dalton Local History Society
- Dalton Residents Stakeholder Group
- Dalton Traders Association
- DARE Dance Studio
- Department for Education
- Devonshire Road Residents and Tenants Association
- Feet First in Furness
- Four Groves Community Association
- Furness Academy
- Furness Building Society
- Furness Multi-Cultural Community Forum
- Furness Ramblers Association
- Furness Rugby Union Football Club
- Grange and Cartmel Crescent Residents and Tenants Association
- Hindpool Community Association
- Keep Our Future Afloat Campaign
- Marine Management Organisation Northern Office

- MIND in Furness
- Morcambe Bay Partnership
- National Federation of Gypsy Liaison Groups
- NHS England
- NHS Property Services Ltd
- North Walney Residents' Association
- North West Ambulance Service
- North West Regional Leaders Board
- Openreach Newsites (British Telecom)
- Ormsgill Youth and Community Association
- OutReach Cumbria
- PC Lettings
- Phil Collier Associates
- Residents of Netherby Drive
- Rosegate Residents and Tenants Association
- St Bernard's Catholic High School
- Stoneleigh Close Residents Association
- Strategic Investment and Property, Cumbria County Council
- Street Voice for Barrow Island
- The National Federation of Liaison Groups
- Thomas Eggar LLP
- United Utilities Property Services
- University Hospitals of Morcambe Bay NHS Foundation Trust
- University Hospitals of Morcambe Bay Trust
- University of Cumbria Head Office
- Vulcan Road Tenants and Residents Association

Other

Other consultation bodies include:

- Accent North West
- Adult and Local Services
- Anchor Trust
- Applethwaite Limited
- Barrow and District Council for Voluntary Service
- Barrow Borough Sports Council
- Barrow Golf Club
- Barrow Sixth Form College
- British Astronomical Association
- British Horse Society
- CALC
- Children's Services
- Citizen's Advice Bureau
- Civil Aviation Authority
- Country Land and Business Association
- Cumbria and Lancashire Community Rehabilitation Company
- Cumbria Constabulary
- Cumbria Fire and Rescue Service

- Cumbria GeoConservation Group
- Cumbria Local Access Forum
- Cumbria Partnership Forum
- Cumbria Playing Fields Association
- Cumbria Tourism
- Cumbria Wildlife Trust
- Design Council
- Diocese of Carlisle
- Eamont Close Sheltered Housing Forum
- Fair oak Housing Association
- Federation of Small Businesses
- FFT Planning
- Fields of Trust
- Friends of the Earth
- Friends of the Lake District (CPRE)
- Furness College
- General Aviation Awareness Council
- Health and Safety Executive
- HM Revenue and Customs
- Home Builders Federation
- Home Group
- Impact Housing Association
- Inspira Cumbria
- Invest in Cumbria (CIIA)
- Jobcentre Plus
- Lake District National Park Authority
- Local Flood Risk Management Team, Cumbria County Council
- Maritime and Coastguard Agency
- National Farmers Union
- National Grid
- National Highways
- Network Rail
- NHS North West
- North of England Civic Trust
- North Western Inshore Fisheries and Conservation Authority
- Office of Nuclear Regulation
- Ramblers Association
- Road Haulage Association – Northern Region
- Royal Mail Group PLC
- Royal Yachting Association
- RSPB
- Sport England
- Street Voice for Lord Street Area
- Sure Start (Cumbria)
- The Campaign for Real Ale
- The Crown Estate
- The Gypsy Council
- The Lawn Tennis Association

- The National Trust
- The Planning Inspectorate
- The Princes Trust
- The Sea Cadets (Barrow)
- The Theatres Trust
- The Woodland Trust
- University Hospitals of Morcambe Bay NHS Trust
- Victoria Junior School
- Voluntary Action Cumbria

Development Services

Barrow Borough Council

Town Hall

Duke Street

Barrow-in-Furness

Cumbria

LA14 2LD

Website: www.barrowbc.gov.uk/residents/planning/



Working together to support sustainable development within the Borough of Barrow-in-Furness

