



To: **Members of the Barrow in Furness Local Area Planning Committee**

Agenda

Dear Member

BARROW IN FURNESS LOCAL AREA PLANNING COMMITTEE

A meeting of the Barrow in Furness Local Area Planning Committee will be held as follows:

Date: Tuesday 28 November 2023
Time: 10.00 am
Place: Drawing Room, Barrow Town Hall

Linda Jones
Chief Legal and Monitoring Officer
Westmorland and Furness Council

Enquiries and requests for supporting papers to: Sandra Kemsley
Direct Line:
Email: Sandra.Kemsley@westmorlandandfurness.gov.uk

MEMBERSHIP

Cllr T Assouad
Cllr F Cassidy
Cllr D Edwards
Cllr L Hall

Cllr A Husband (Chair)
Cllr B McEwan (Vice-Chair)
Cllr J Murphy
Cllr D Taylor

ACCESS TO INFORMATION

Agenda and Reports

Copies of the agenda and Part I reports are available for members of the public to inspect prior to the meeting. Copies will also be available at the meeting.

The agenda and Part I reports are also available on the Westmorland and Furness website

<https://westmorlandandfurness.moderngov.co.uk/ieListMeetings.aspx?Committeeld=775>

A G E N D A

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. MEMBERSHIP

To receive details of any changes in membership.

3. DECLARATIONS OF INTEREST/DISPENSATIONS

To receive declarations of interest by Members of interests in respect of items on this Agenda, and to consider any dispensations.

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.

4. EXCLUSION OF PRESS AND PUBLIC

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

5. MINUTES OF THE PREVIOUS MEETING

To receive the minutes of the previous meeting held on 31st October, 2023 (copy enclosed)

(Pages 5 - 8)

6. PUBLIC PARTICIPATION

Any Member of the public who wishes to make representations relating to an item on the agenda for this meeting should apply to do so no later than 0:01am (one minute past midnight) three working days before the date of the meeting. Anyone wishing to make representations to this meeting should contact the officer named on the front of the agenda, providing a written summary of the issues they intend to raise.

7. PLANNING APPLICATIONS

To determine the following planning applications (Section 106 Agreements):-

Proposed Housing Development Long Lane/Newton Road, Dalton-in-Furness - Residential development of 34 no. dwellings, with landscaping, biodiversity enhancements and associated highway works.

Land at Tantabank Road/East of Brent Avenue, Dalton-in-Furness - Full planning permission for the erection of 41 dwellings associated access from Brent Avenue, landscaping and infrastructure, including demolition of existing stables.

(Pages 9 - 118)

8. URGENT ITEMS

To consider any urgent items of business.

WESTMORLAND AND FURNESS COUNCIL BARROW IN FURNESS LOCAL AREA PLANNING COMMITTEE

Minutes of a Meeting of the **Barrow in Furness Local Area Planning Committee** held on Tuesday, 31 October 2023 at 10.00 am in the Drawing Room, Barrow Town Hall

PRESENT:

Cllr T Assouad
Cllr F Cassidy
Cllr D Edwards
Cllr A Husband (Chair)
Cllr B McEwan (Vice-Chair)
Cllr J Murphy
Cllr D Taylor

Officers in attendance: Andrew Willison-Holt (Principal Planning Officer) and Sandra Kemsley (Democratic Services Officer).

Also in attendance: Ian Blinkho (Locum Solicitor)

PART I ITEMS CONSIDERED IN THE PRESENCE OF THE PUBLIC AND PRESS

43. APOLOGIES FOR ABSENCE

There were no apologies for absence.

44. MEMBERSHIP

There were no changes in membership.

45. DECLARATIONS OF INTEREST/DISPENSATIONS

There were no declarations of interest.

46. EXCLUSION OF PRESS AND PUBLIC

RESOLVED:- That the press and public not be excluded during the consideration of the item on the agenda.

47. MINUTES OF THE PREVIOUS MEETING

The Minutes of the meeting held on 10th October, 2023 were agreed as a correct record.

48. PUBLIC PARTICIPATION

Mr Ian Grimshaw, The Environment Partnership (Agent) attended the meeting and addressed the Committee.

49. PLANNING APPLICATION NO. B12/2023/0407 - SANDSCALE PARK HELIPAD, SANDSCALE PARK, BARROW-IN-FURNESS

From Miss S. Groth Larson, Orsted in respect of the change of use from a temporary heliport to a permanent training facility at Sandscale Park Helipad, Sandscale Park, Barrow-in-Furness as shown on plan number 2023/0407.

The results of consultations were reported.

The Committee had undertaken a site visit prior to the meeting.

Mr Ian Grimshaw, The Environment Partnership (Agent) attended the meeting and addressed the Committee.

Amended wording for Condition No. 4 had been included in the Extra Information Booklet.

Delegated authority was requested for the Head of Development Management (Barrow) to add an additional condition to secure the removal and restoration of the helipad runway within 6 months of the commencement hereby permitted.

It was moved by Councillor Cassidy and seconded by Councillor Assouad, and

RESOLVED:- It was unanimously agreed that:

- (a) The conclusions of the submitted shadow Habitat Regulation Assessment be adopted by the Council;
- (b) Planning permission be granted subject to the conditions in the report, but replacing Condition 4 with amended wording as set out in Extra Information Booklet; and
- (c) Delegated authority be given to the Head of Development Management (Barrow) to add an additional condition to secure the removal and restoration of the helipad runway within 6 months of the commencement of the development hereby permitted.

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 the Section 51 of the Planning and 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 09/06/23 and the hereby approved documents defined by this permission as listed below, except where varied by conditions attached to this consent.

G9407.003 Site Location Plan
D9407.001C - Orsted Sandscale Park Training Facility Site Layout
D9407.002B - Orsted Sandscale Park Training Facility - Wider Context Plan
118442-SHF-504 - Heliport Facility Hangar External Elevations

Reason

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

3. No additional floodlighting or other form of external lighting shall be installed unless it is in accordance with details that have previously been submitted to and approved in writing by the Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any such lighting shall at all times be directed and shielded so as to minimise light spillage outside of the application site, and shall not thereafter be altered, other than for routine maintenance which does not change its details, without the prior consent in writing of the Planning Authority.

Reason

To minimise light pollution in order to protect the ecological interests of the area.

Before Occupation (amended wording)

4. Prior to the beneficial use of the training facility hereby approved, the hibernaculum and a minimum of 2 swift and 2 sparrow bird boxes must be installed within the site in accordance with details and positions first submitted to and approved by the Planning Authority and thereafter permanently retained.

Reason

In the ecological interests of the area and to contribute to a biodiversity net gain.

Operational Conditions

5. The premises shall be used for a training facility (Class F1[a]) and for no other purpose (including any other purpose in Class F1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), and the Town and Country Planning (General Permitted Development Order) (England) 2015 (as amended) or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting those Orders with or without modification).

Reason

To ensure that inappropriate uses do not take place on the site due to the location at the edge of the urban settlement and proximity to designated sites of ecological interest.

6. The 'Grassland Management and Restoration Plan (ref 9407.009)' will be retained and followed throughout the lifetime of the development to enhance and safeguard biodiversity on the site.

Reason

In the ecological interests of the area and to ensure the ecological enhancements previously secured remain for the lifetime of the development.

50. URGENT ITEMS

There were no urgent items for consideration on this occasion.

The meeting ended at 10.14 am



DEVELOPMENT SERVICES

PLANNING COMMITTEE

FOR DECISION

28th November 2023

Ladies and Gentlemen,

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

Jason Hipkiss

Head of Development Management (Barrow)



Application Number: B07/2022/0083	Date Valid: 23/02/2022
Address: Proposed Housing Development Long Lane / Newton Road Dalton-in-Furness Cumbria	Case Officer: Andrew Willison-Holt
Proposal : Residential development of 34 no. dwellings, with landscaping, biodiversity enhancement and associated highway works	
Ward: Dalton South Ward	Parish: Dalton Town with Newton Parish Council
Applicant: Mullberry Homes Ltd	Agent : Mr Rawdon Gascoigne Emery Planning
Statutory Date: 25/05/2022	Recommendation: Subject to the completion of a s.106 Agreement relating to affordable housing provision, management and maintenance of public open spaces, and a financial contribution to off-site highways improvement (Long Lane/Newton Lane junction), then Planning Permission be GRANTED with delegated authority given to the Head of Development Management to finalise Conditions.
Barrow Planning Hub	

1. Introduction

1.1 This application is reported back to the Area Planning Committee chiefly because a significant aspect of the case that framed the Committee’s original resolution at the 4th July 2023 Meeting is recommended to be revised; specifically the amount of the financial contribution requested in respect of necessary off-site highways works, in this instance the improvement of the Long Lane/Newton Road junction.

1.2 Moreover the strategic significance surrounding this revision – involving other allocated Housing sites within this locality from which commensurate contributions have been and will be requested - is a matter of wider public interest warranting consideration by this Committee.

1.3 During this intervening period the opportunity has been taken to review the future management and maintenance of the public spaces within the development site, and in tune with national policy and guidance as well as the Council’s adopted policies and approved supplementary planning provisions it is recommended that such be added to the terms of the s.106 Agreement.

1.4 There have been no other material changes in circumstances.

1.5 A copy of the Report to the 4th July 2023 'Committee Meeting and the relevant approved Minutes are included in the Appendices.

2. Policy and Legislative framework

2.1 NPPF para.57 (2023) provides 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.

2.2 In my view this is normally articulated through relevant local and national policy.

b) directly related to the development;

2.3 In my view there should be a material geographic or functional link/relationship between the development and the subject of the Obligation.

c) fairly and reasonably related in scale and kind to the development.

2.4 In my view this refers to providing or contributing to the provision of that which is deemed necessary in land-use planning terms as a result of carrying out the proposed development or would not otherwise have been necessary but for the proposed development.

* Set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

2.5 In furtherance of s.38(6) of the Planning & Compensation act 2004 (as currently amended), the adopted Barrow Borough Local Plan (2016-2031) is the primary governing consideration when determining this planning application unless (other) material considerations, including national policy and local supplementary planning documents, indicate otherwise.

A. Off-Site Public Highway Improvement – *Housing Developer Contributions*

2.6 The Council commissioned studies and analyses in 2016 and 2018, and a metric was formulated requiring financial contributions from a list of allocated Housing Sites within the locality toward, chiefly in this instance, the improvement of the Long Lane/Newton Road junction to accommodate the expected increased traffic generated by these Sites that would in due course, according to forecasts, exceed current network capacity.

Evidence Base

2.7 The Barrow Transport Improvement Study (TIS), which subsequently informed the Infrastructure Delivery Plan (IDP), assessed and evidenced the necessary highway infrastructure improvements required to support (Housing) development committed through the adopted Barrow Borough Local Plan 2016-2031 (adopted June 2019).

2.8 Together the TIS and the IDP formed part of the Evidence Base that supported the Local Plan preparation and the examination of the 2016-2031 Barrow Borough Local Plan; specifically with reference to Section 5. (Infrastructure).

2.9 Applying forecasted yields from the allocated Housing Sites, the TIS assessed impacts and identified necessary improvements essentially aimed at increasing local network capacity, and developed designs for those improvements which were retested / modelled, including costs of provision.

2.10 In respect to Dalton-in-Furness, the TIS evidenced that the planned development sites (allocated housing sites) in the town will result in a significant cumulative effect on certain junctions. The modelling for the design year of 2031, when all committed development is planned to be delivered by, shows that the Long Lane / Newton Road junction and the Abbey Road / Market Street junction will operate over capacity.

2.11 The Local Highway Authority (LHA) is of the view that the information contained in the TIS and IDP provides a properly evidenced and robust basis to request a contribution from developers, having regard to the statutory tests set out in Regulations 122 of the Community Infrastructure Regulation 2010.

2.12 It should be noted that the forecasted yields for allocated Housing Sites are just that. For Long Lane, the indicated (estimated) yield was for 28 dwellings. The current application is for 34 dwellings.

2.13 As a result the impacts of respective housing developments and their cumulative impact will inevitably vary from that which is published in the adopted Local Plan and modelled in the TIS. Generally, published expected yields within adopted 'Plans tend to be 'conservative' and inclined more to offer a sober foundation and certainly not a 'ceiling' - open to further detailed assessment at the planning application stage.

2.14 It is considered to be reasonable that such variance be taken into account as sites are brought forward when calculating developer contributions, and rested upon a firm platform that avoids uncertainty. Hence the approach taken by the LHA to calculate proportionate contributions from development sites based on the number of dwellings being applied for / approved using the pro rata per dwelling contribution amount.

2.15 This approach navigates the inevitable challenges posed by multi-project programmes (i.e. highway improvement required to address the impact from a number of separate, autonomous housing schemes from multiple applicants/developers), in a workable manner, affording clarity and certainty.

3. *Previously Requested Contribution*

3.1 In respect of the current proposal at Long Lane, a sum of c.£91k was requested and agreed with the Applicant and such was made a subject of my Recommendation to the 4th July 2023 'Committee.

3.2 This amount was calculated on the basis of providing a 'roundabout' the cost of which was estimated at c.£1.2m together with other smaller schemes within the wider locality to derive a programme total of c.£1.37m.

3.3 With the expected yield from the contributing local allocated Housing Sites being 421, there resulted a pro-rata requirement for £3270.00 per dwelling, which translated to a requested contribution of £91,560.00 (£3270.00 x 28 [forecasted yield from Long Lane allocated Housing Site]).

4. Presently Requested Contribution

4.1 Important to emphasise the fundamental rationale has remained unchanged, so too the empirical basis for achieving increased local network capacity. The free and safe flow of all traffic on the public highway is a critically important land use Planning consideration and a staple factor in furtherance of objectives for supporting and sustaining the vitality and health of the local economy and communities.

4.2 Following the 4th July 2023 'Committee Meeting, the Long Lane/Newton Road highway improvement programme was reviewed, directed at the provision of a signalised junction rather than a roundabout. The LHA when responding to planning application consultations, previously indicated that the junction improvement design "*is going to be reviewed and value-engineered into a more viable junction improvement*".

4.3 The reviewed design has been undertaken to a level appropriate for inclusion in the TIS on the basis of it being consistent in terms of detail with the existing scheme designs in Barrow Transport Improvement Study (TIS) and Barrow Infrastructure Delivery Plan (IDP) that were prepared to support the development of the adopted Barrow Local Plan and were considered at the public examination.

4.4 The update was undertaken with input from relevant technical areas including Capital Programmes, Traffic and the Local Area Network Manager. The review was also supported by updated transport modelling which included consideration of development that has been delivered to date and that which is still to come forward on allocated Sites, and was carried out in a manner which was consistent with the modelling originally undertaken in support of the TIS / IDP, and to ensure that the new junction design provided sufficient capacity to mitigate the cumulative impact of the developments and will operate safely.

4.5 Approval for this TIS Review has been given by the Assistant Director Sustainable Transport and Highways to use the updated scheme and costing in place of the improvement scheme included in the original TIS / IDP (noting that the new scheme can be delivered at a substantially lower cost than the one in the TIS / IDP).

4.6 From a wider Planning and urban design perspective, the shift is welcomed by avoiding the likely more stridently urbanising effect of a roundabout especially in this settlement fringe location – being a factor that has weighed significantly in assessing successive proposals for housing on this (allocated) Housing Site at Long Lane.

4.7 At £503,075.00 the present costing estimate for a signalised junction is markedly less (by c.60%) than the roundabout option, which when divided by 421 (the Local Plan confirmed expected yield from local allocated Housing Sites) equates to a pro-rata contribution of £1,194.50.

Thus on the basis of this proposal for 34 dwellings, the requested contribution is now £40,613.00.

5. Meeting the Tests for Obligations

a) necessary to make the development acceptable in planning terms:

5.1 Adopted Policy I1 (Developer Contributions) provides:

“Development and infrastructure provision will be coordinated to ensure that growth is supported by the timely provision of adequate infrastructure, facilities and services..... Where developments will create additional need for improvements, provision of infrastructure, services or facilities or exacerbate an existing deficiency, contributions will be sought to ensure that the appropriate enhancements, improvements are made, and appropriate management arrangements are in place.

The types of infrastructure that developments may be required to provide contributions towards include, but are not limited to:....Transport (highway, rail, bus and cycle / footpath network and any associated facilities);....Green Infrastructure (such as outdoor sports facilities, open space, parks, allotments, play areas, enhancing and conserving biodiversity and management of environmentally sensitive areas);...”

5.2 Policy I1 is supplemented through the Affordable Housing and Developer Contributions SPD (July 2022); specifically chapter 3.0 Highway Improvements.

5.3 The impact from the proposed development, in the context of identified housing sites within the locality, has long been demonstrated (refer above) to contribute cumulatively to traffic on the Long Lane/Newton Road junction which will lead to the junction being over capacity. Contributions from developments that generate traffic that will contribute to the junction becoming over capacity need to contribute towards the junction improvement (financially) to make the development acceptable in planning terms in the long term.

b) directly related to the development:

5.4 The TIS and TIS Review both demonstrate through transport modelling and assessment that the development will contribute to the Long Lane / Newton Road junction exceeding capacity.

c) fairly and reasonably related in scale and kind to the development.

5.5 The updated design and costings (see earlier) and previously advised approach to calculating the proportional costs based on number of dwellings are fairly and reasonably related in scale and kind to the proposed development.

B. Affordable Housing Provision

5.6 No change to that previously agreed with the Applicant and reported to the 4th July 2023 'Committee Meeting, in satisfaction of adopted Policy H14 (Affordable Housing) of the adopted Local Plan as supplemented by the Affordable Housing and Developer Contributions SPD (2022); specifically Ch.2.0: Affordable Housing, by the provision of four affordable houses to be delivered on-site as part of the development as starter-homes, affordable rented, or shared ownership units or a mix of such.

5.7 This Obligation meets the relevant tests.

C. Open Space Management and Maintenance

5.8 I recommend that an Obligation be included within the s.106 Agreement making arrangements for the management and maintenance of open spaces and landscaped areas across the public realm within the development site including notably the retained 'Green Wedge' and the identified Public Open Space ('POS') together with incidental areas of public landscaped areas.

5.9 The Obligation sought in furtherance of adopted Policy I1 (Developer Contributions), adopted Policy N3 (Protecting Biodiversity and Geodiversity), the Biodiversity and Development Supplementary Planning Document (2018); specifically CH.9 (Biodiversity Net Gain) and Ch.10 (Green Infrastructure), and Ch.15 of the NPPF.

5.10 Subject 'open spaces' are within the development site and are directly related and integral to the proposed development and the future well-being and amenity of its occupants, and the landscape quality and biodiversity enrichment of the site and its surroundings.

5.11 The Obligation is in furtherance of safeguarding the long term management, maintenance and ultimately the sustainability of these features and the development overall in a manner that exceeds the legitimate scope of a Planning Condition by reason that measures are sought for amongst other things covering the reasonable costs of annual monitoring by the Council, and the surety of a bond arrangement should the need arise for the Council to take on the management and maintenance function. Such arrangements are consistent with Obligations placed on more recent approved housing developments.

5.12 This Obligation thus meets the relevant tests.

6. Conclusion

6.1 Once again, the proposed development is recommended for approval albeit subject to the completion of a s.106 Agreement the terms and provisions of which are hereby recommended to be varied in respect of the amount of the requested financial contribution to necessary related off-site highway improvement works and an additional Obligation with arrangements for the management and maintenance of public open spaces within the development site. As set out above, the recommended Obligations satisfy the relevant tests pursuant delivering sustainable development that accords with the adopted Local Plan as a whole.

7. Recommendation

I recommend that;

A. subject to the completion of a s.106 Agreement relating to the on-site provision of 4 (four) affordable housing units, a £40,613.00 contribution to off-site highways improvement (Long Land/Newton Lane junction), and the management and maintenance of on-site public open spaces, then;

B. Planning permission be GRANTED, with delegated authority given to the Head of Development Management to finalise suitable Conditions.

Recommended Conditions (to be finalised)

Standard Duration Limit

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 and the hereby approved documents defined by this permission as listed below <tbc>, except where varied by conditions attached to this consent.

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

3. Prior to the commencement of any development a Construction Method Statement (CMS) shall have been submitted to and approved in writing by the local planning authority. The approved CMS shall be adhered to throughout the construction period and provide for:

- The hours of construction on any day including bank holidays;
- Times of deliveries to the construction site;
- The parking of vehicles by site operatives;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- Wheel-wash facilities;
- Measures to control emission of dust and dirt during construction;
- A scheme for recycling/disposing of waste from construction work;
- Measures to avoid pollution including silting of water courses;
- Measures to protect wildlife.

Reason: In the interests of highway safety, the general amenity of the area and its occupants and users, and the proper drainage of the site.

4. In addition to the details required under Condition 3, development shall not commence until a Construction Phase Traffic Management Plan (CPTM) has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
- details of proposed crossings of the highway verge;
- cleaning of site entrances and the adjacent public highway;
- 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 as necessary;
- surface water management details during the construction phase

Reason: In the interests of highway safety, the general amenity of the area and its occupants and users, and the proper drainage of the site.

5. The Preliminary Investigation has identified potential unacceptable risks, 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 ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with adopted Policy C4.

6. 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried

out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with adopted Policy C4.

7. 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with adopted Policy C4.

8. 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 before development is re-commenced and thereafter, the approved measures shall be implemented prior to occupation of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with adopted Policy C4.

9. No soil material shall 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: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with adopted Policy C4.

10. Foul and surface water shall be drained on separate systems with foul directed to the main foul sewer.

Reason: In the interests of the proper drainage of the site and in furtherance of adopted Policy C3a.

11. No dwellings shall be occupied (unless in accordance with a scheme of phasing previously submitted to and approved in writing by the local planning authority) until the estate road, including footways, 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 13 below, including any scheme of phasing.

Reason: To ensure that, in the interests of the safety of highway users and pedestrians a suitable standard of access for the development exists at all times in furtherance of adopted Policy DS5

12. The carriageway, footways and footpaths 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 local 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 ensure that, in the interests of the safety of highway users and pedestrians a suitable standard of access for the development exists at all times in furtherance of adopted Policy DS5.

13. Prior to the occupation of the <TBA> dwelling a programme for the completion of the estate roads including footways where shown shall have been submitted to and approved in writing by the local planning authority and the estate roads shall then be completed in accordance with the approved programme and the details approved under condition 11 above.

Reason: To ensure that, in the interests of the safety of highway users and pedestrians a suitable standard of access for the development exists at all times in furtherance of adopted Policy DS5.

14. Details of all measures to prevent surface water discharging onto the highway from house drives/parking areas shall have been submitted to and approved in writing by the local planning authority for approval prior to the occupation of any part of the development. The works shall be implemented in accordance with the approved details prior to the occupation of the respective dwelling and shall be permanently maintained operational thereafter.

Reason: In the interests of the proper drainage of the site and in furtherance of sustainable drainage principles in accord with adopted policies DS5 and C3a.

15. All garages and parking spaces serving each dwelling as set-out on the approved plans shall be reserved solely for the parking of private motor vehicles and no permanent development, whether permitted by the Town & Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking or re-enacting that Order with or without modifications) or not, shall be carried out on those spaces.

Reason: To ensure appropriate access and parking provision is made and retained in the interests of general amenity and highway safety.

16. 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:

- Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a residents' management company; and.
- 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 in accord with adopted policies DS5 and C3a.

17. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out by the developer in the first planting and seeding 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 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 the interests of the long-term biodiversity and visual amenities of the area in furtherance of adopted policies DS5 and DS6.

18. The public open space ('P.O.S.') as shown on the approved plans shall be constructed and landscaped and made available for use as such no later than the occupation of 50% of the dwellings approved, That area shall not thereafter be used for any purpose other than as public open space unless the Planning Authority gives prior express consent for any variation.

Reason: To ensure a reasonable level of informal play and casual amenity provision in furtherance of adopted policies HC1 and HC10 and DS5.

19. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) details of all fences, hedges, wall or other means of enclosure around residential curtilages must be submitted to and approved in writing by the Planning Authority prior to the commencement of the development. The means of enclosure must be completed prior to the beneficial occupation of the respective dwelling or, in the case of hedges, in the first planting

season following the commencement of the beneficial use of the development.

Reason: In the interests of the visual amenities of the area and its occupants in furtherance of Policy DS5.

20. The development shall not be begun until visibility splays providing clear visibility of 2.4 metres x 60 metres measured down the centre of the main access road and the nearside channel line of Long Lane as shown on the approved plans have been provided at the junction of the access road with the County Highways. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) 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 identified visibility splays.

Reason: To ensure that in the interests of the safety of highway users a suitable standard of access for the development exists at all times during construction and operational phases, and in order to minimise potential hazards.

21. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or of any Order revoking and re-enacting that Order with or without modifications) nothing in Article 3 or Schedule 2 to that Order, shall operate so as to permit within the area subject of this permission any development referred to in Part 1, Classes A, AA, B, C, D, E or in Part 2, Class A, of that 2015 Order (or of any Order revoking and re-enacting that Order with or without modifications, and no such development shall be carried out at any time within that area without the prior express grant of permission by the Planning Authority.

Reason: In order to safeguard the amenities of the area by enabling the Planning Authority to consider whether planning permission should be granted for further development within the curtilage of each dwellinghouse having regard to the particular layout and design of the development and in furtherance of adopted Policy DS5.

22. Unless the Local Planning Authority gives written agreement that it is impractical to do so, all hard surfaced areas within residential curtilages associated with vehicle use shall be of permeable construction, and detailed drawings (including cross sections of sub surface and surface materials) shall be submitted to and approved in writing by the Planning Authority. The scheme shall be implemented in accordance with the approved details prior to beneficial occupation of any part of the development, or in accordance with a phasing scheme agreed in writing with the Planning Authority.

Reason: In order to ensure that the site is adequately drained in accordance with the sustainable principles found in the NPPF and in furtherance of adopted Policy c3a.

23. No development shall take place until samples of the external materials to be used in the construction of the dwellings, including walls, roofs and hard surfaces within the curtilage hereby permitted have been submitted to and approved in writing by the Planning Authority. 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 in furtherance of adopted Policy DS5.

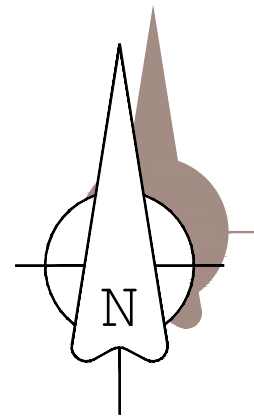
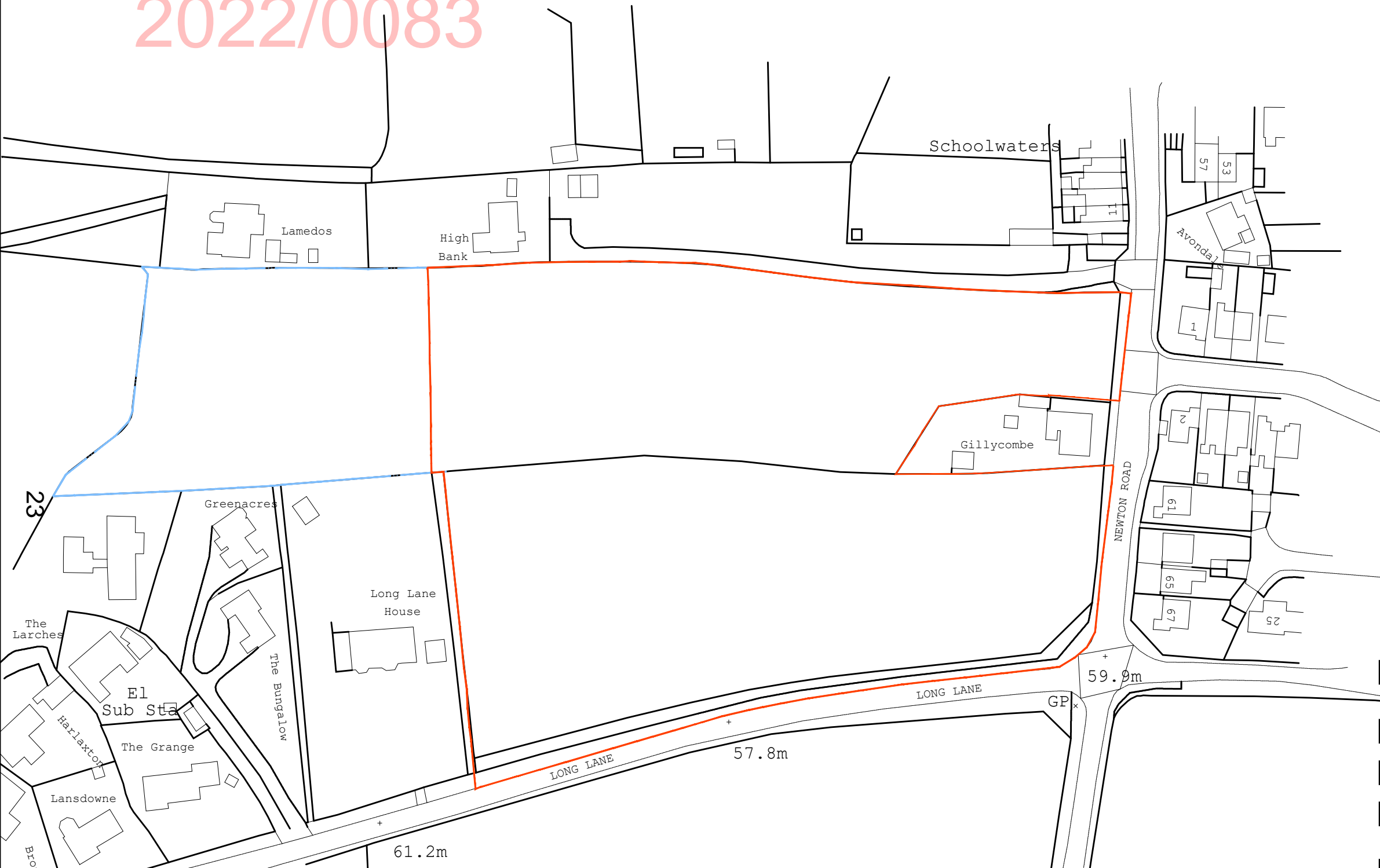
24. No development shall be commenced on site, until a scheme has been submitted to and approved in writing by the Planning Authority, showing measures to be taken to protect the existing hedgerows to be retained as shown on the approved plans as an integral part of any development of the site during and throughout the entirety of the construction phase of the approved development. The development shall proceed in accordance with the approved details.

Reason: In the interests of the visual amenities of the area and biodiversity in furtherance of adopted policies DS5, GI1, N2, N3, N4 and GI6.

Informatives

- Please note that the existing hedgerows that bound and cross the site are longstanding features comprising a variety of species of sufficient length and appreciable local importance that possibly constitute 'Special Hedgerows'. Any works envisaged that could affect a Special Hedgerow directly or indirectly beyond what is proposed on the approved plans, should be discussed in advance and as early as possible with the Local Authority.
- 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

2022/0083



DALTON LANE, DALTON
Proposed Site Layout,
Long Lane/Newton Lane,
Dalton-In-Furness.

Mullberry Homes Ltd,
45 Preston New Road,
Blackburn,
Lancs, BB2 6AE
Tel 01254 265550

scale 1:1250 drwg no DL/00 C
drawn atl-h
date 12.01.22

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REV	DATE	DESCRIPTION
C	18.10.22	RED EDGE AMENDED ON WESTERN BOUNDARY TO SHOW LR TITLE TO BACK EDGE OF ROAD FOR PLANNING CONSULTANTS
B	17.10.22	RED EDGE AMENDED ON WESTERN BOUNDARY TO SHOW LR TITLE PLAN
A	25.05.22	ESTATES ADDED TO EAST AND WEST SIDES OF THE SITE AREA



- AP 21.06.23 PLOTS 25 AND 26 HANDED TOO SUIT GARAGE AND DRIVE ON PLAN
- AN 012.06.23 HEDGEROW TO FRONT OF PLOT 20 AMENDED TO BACK OF NEW WALL
- AM 07.06.23 PLOT 22 SUBSTITUTED FROM MR TO WHIT, DOUBLE GARAGE REDUCED TO SINGLE ON PLOT 23, PLOT 25 SUBSTITUTED FROM HOLME TO WHIT, AND GARAGE REMOVED, PLOTS 29+30 MOVED WESTERLY, AND PLOT 16 ROTATED TO OVERLOOK POS. WALL ADDED TO FRONT OF PLOT 20 ALONG BOUNDARY TO MATCH EXTG
- AL 06.06.23 PLOTS 29-32 ROTATED EASTERLY, AND TREES ADDED TO SAME PLOTS, GARAGES ON PLOTS 22 AND 23 MOVED SOUTH AND BOUNDARY FROM 17A TO STRAIGHTENED
- AK 23.05.23 ALTS TO FOOTPATH AROUND POND ON WEST OF PLOT 28
- AJ 02.05.23 GENERAL ALTS TO SUIT PLANNING CONSULTANTS NOTES FROM EMAIL 27.04.23 (PLOTS 16, 18, 19 20 AND 17 AND 17A)
- AH 25.04.23 GENERAL ALTS TO SUIT PLANNING CONSULTANTS NOTES FROM MEETING WITH LA PLANNERS
- AG 07.12.22 PUMPING STATION ADDED AND OPEN SPACE RE-CALCULATED
- AF 20.09.22 FOOTPATH ADDED TO LONG LANE ALONG FRONT AND GARAGES RE-POSITIONED ON PLOTS 4A, 5, 7, AND 8
- AE 23.05.22 GENERAL ALTS TO SCHEME AFTER PLANNING CONSULTANTS MEETING WITH LA PLANNING OFFICER, ALTS TO PLOTS 26-28 PLOT 17 AND RE-SITING OF PLOTS 20-24

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 REV DATE DESCRIPTION

61.2m 34 NEW DWELLINGS AT LONG LANE

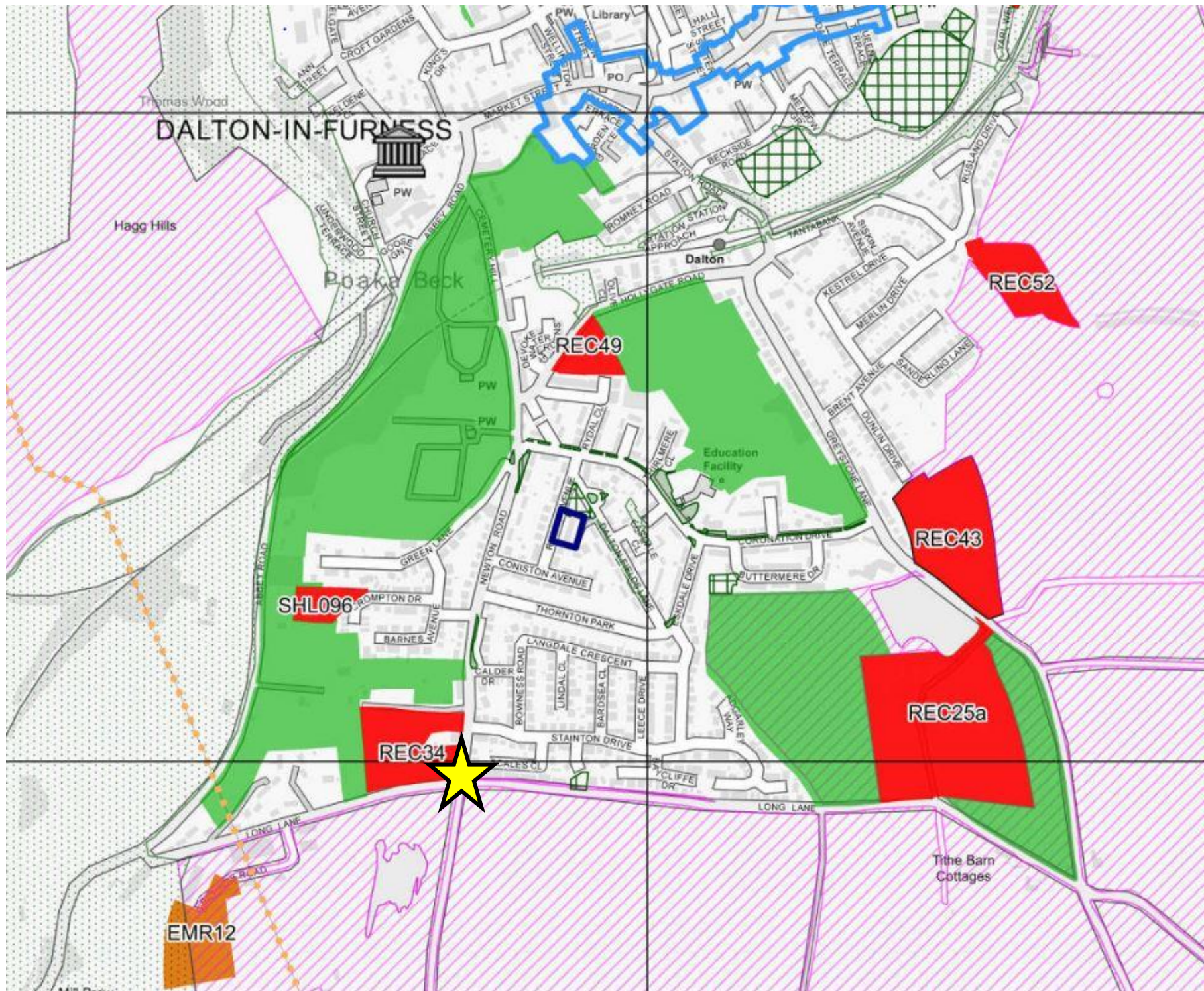
SCHEDULE OF HOUSES		
Type	No of Units	No of Beds
MR	5	4
105D	2	4
BD362	3	3
V/G	4	4
HEN	2	4/5
WHIT	5	4
HOLME	2	4/5
JJ3S	2	4
V/DG	2	5
JEN	3	4
KK2S	4	2
TOTAL	34	

Ⓐ = affordable house(s)

LONG LANE/NEWTON ROAD
Proposed Site Layout,
Long Lane/Newton Road,
Dalton-In-Furness.

Mullberry Homes Ltd,
45 Preston New Road,
Blackburn,
Lancs, BB2 6AE
Tel 01254 265550

scale 1:500 drwg no DL/10 Rev AP
drawn atl-h
date 12.01.22



**For Information: 4th July Area Planning Committee Report
(2022/0083)**



B07/2022/0083
Planning Committee
4th July 2023

Application Number: B07/2022/0083	Date Valid : 23/02/2022
Address: Proposed Housing Development Long Lane / Newton Road Dalton-in-Furness Cumbria	Case Officer: Andrew Willison-Holt
Proposal : Residential development of 34 no. dwellings, with landscaping, biodiversity enhancement and associated highway works	
Ward: Dalton South Ward	Parish: Dalton Town with Newton Parish Council
Applicant: Mullberry Homes Ltd	Agent : Mr Rawdon Gascoigne Emery Planning Address
Statutory Date: 25/05/2022	Recommendation: Subject to the completion of a s.106 Agreement relating to affordable housing provision and a financial contribution to off-site highways improvement (Long Land/Newton Lane junction), then Planning Permission be GRANTED with delegated authority given to the Head of Development Management to finalise Conditions.
Barrow Planning Hub	

Relevant Policies and Guidance

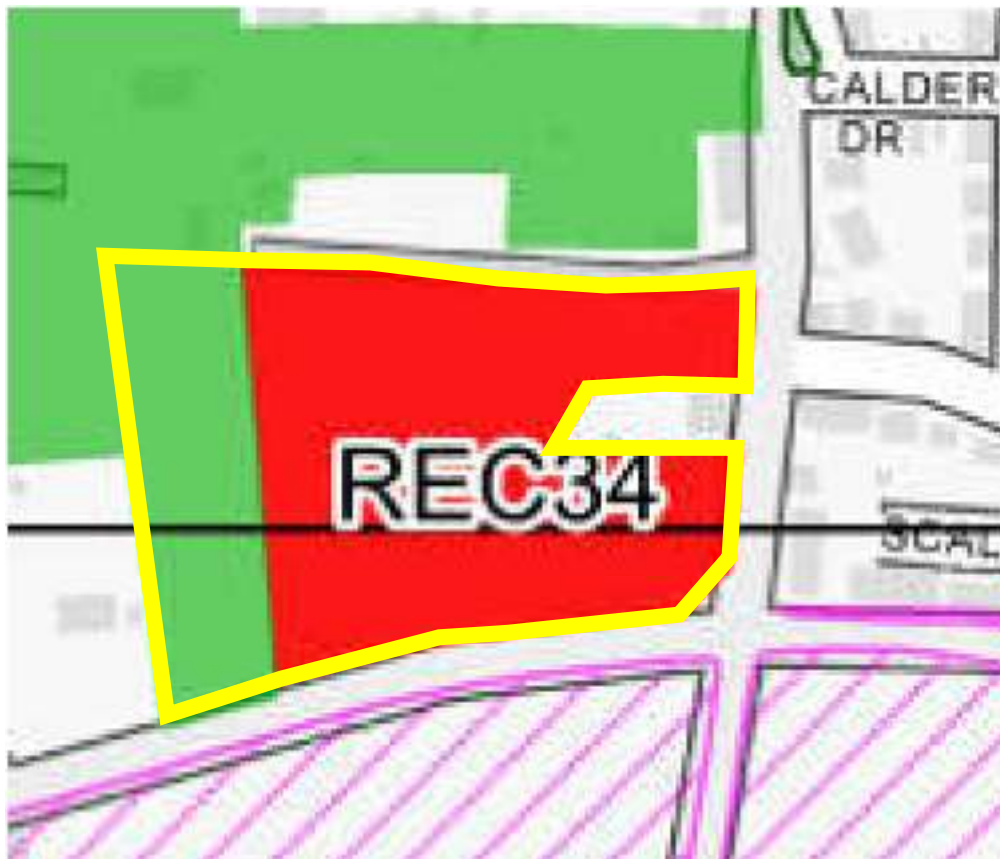
Full details of the most relevant policies listed below are included in the appendix Local Plan Policies

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 DS3: Development Strategy
4. Barrow Borough Local Plan 2016-2031 - Policy DS5: Design
5. Barrow Borough Local Plan 2016-2031 – Policy DS6: Landscaping
6. Barrow Borough Local Plan 2016-2031 – Policy C3a: Water Environment
7. Barrow Borough Local Plan 2016-2031 – Policy C4: Contaminated Land
8. Barrow Borough Local Plan 2016-2031 – Policy C7: Light Pollution

9. Barrow Borough Local Plan 2016-2031 – Policy I1: Developer Contributions
10. Barrow Borough Local Plan 2016-2031 – Policy I6: Parking
11. Barrow Borough Local Plan 2016-2031 – Policy H1: Annual Housing Requirement
12. Barrow Borough Local Plan 2016-2031 – Policy H3: Allocation of Sites for Housing Development
13. Barrow Borough Local Plan 2016-2031 – Policy H11: Housing Mix
14. Barrow Borough Local Plan 2016-2031 - Policy N1: Protecting and Enhancing Landscape Character
15. Barrow Borough Local Plan 2016-2031 – Policy N3: Protecting Biodiversity and Geodiversity
16. Barrow Borough Local Plan 2016-2031 – Policy N4: Protecting Other Wildlife Features
17. Barrow Borough Local Plan 2016-2031 – Policy G11: Green Infrastructure
18. Barrow Borough Local Plan 2016-2031 – Policy G12: Green Wedges
19. Barrow Borough Local Plan 2016-2031 – Policy G14: Green Spaces
20. Barrow Borough Local Plan 2016-2031 – Policy G16: Green Links
21. Barrow Borough Local Plan 2016-2031 – Policy HC5: Crime Prevention
22. Barrow Borough Local Plan 2016-2031 – Policy HC10: Play Areas
23. Barrow Borough Local Plan 2016-2031 – Policy HC15: Education

Summary of Main Issues

The application site is coincident with an area allocated for housing on the adopted development plan as shown below edged **YELLOW** comprised of Housing Allocation **REC34**, and an elevated area along the western boundary designated as Green Wedge (Policy G12) on the adopted Local Plan.



Broadly, the new housing will be limited to **REC34**, with the western strip left undeveloped save for the formation of a footpath connecting with Long Lane and a habitat-pond.

Prior to the current Local Plan the entire application site was identified as Green Wedge and thus safeguarded in the main from (housing) development.

In respect of the principle, the acceptability of new housing within REC34 is effectively pre-determined, and envisages an extension to the urban area of Dalton. Hence the focus here is upon the detailed design of the proposed scheme for the erection of 34 dwellings.

As with any such housing proposal the issues raised are varied and sensitive and focused mainly on:

- design quality and the wider landscape and visual impact;
- highway safety;
- biodiversity;
- green infrastructure including sustainable drainage; and,
- the amenities of neighbouring occupants and users.

In addition, consideration is given to necessary contributions including affordable housing and off-site infrastructure.

Non Material Considerations

Possible interference/obstruction of a private sewer line;

Objection to the housing allocation.

Possible damage to 3rd party private property.

Response to Publicity and Consultations

Neighbours Consulted

Street Name Properties

Abbey Road	The Willows,
Bardsea Close	18, 20, 6,
Barnes Avenue	14, 16, 18, 20, 22, 23, 33, 39, 41, 43, 45, 5, 7,
Calder Drive	11, 13, 15, 5, 7, 9,
Crompton Drive	11, 16, 2, 5, 8,
Esthwaite Drive	3,
Farmhouse Green Lane	Low Greaves, 13, 15, 1A, 21, 25, 7, 9, Holmelands, Stone Lea,
Hartington Street	Oakland,
Lancaster Street	28,
Langdale Crescent	10, 26, 28, 34, 5, 9,
Leece Drive	17, 3, 4,
Lindal Close	11, 19, 21, 24, 3, 5,
Long Lane	1, Greenacres, Hill Crest, Long Lane House, The Grange, The Larches,
Loweswater Terrace	16, 18,
Newton Cross Road	Drydale House, 10, 12, 14, 16, 18, 20, 24, 32, 38, 40, 50, 52, 54, 56, 57, 6, 61, 63, 65, 67, 8, Avondale, Gillycombe, High Bank, 1 Schoolwaters, 3 Schoolwaters, 9 Schoolwaters, 5 Schoolwaters, 7 Schoolwaters, 11 Schoolwaters,
Queen Street	55,
Romney Park	23, 30,
Sanderling Lane	28,
Scales Close	11, 17, 19, 2, 25, 3, 4, 7,
Stainton Drive	1, 12, 13, 14, 16, 2, 26, 28, 29, 3, 37, 38, 4, 40, 49, 5, 55, 6, 66, 68, 8,

Thornton Park8,

Responses	Support	Object	Neutral
15	1	14	0

Summary of the material grounds for objection raised by members of the public-

- The main access off Long Lane is extremely dangerous due to oncoming traffic speeds down the hill from the west and concern over the risk of accidents at the junction with Newton Lane;
- Already inadequate drainage and sewerage systems for Newton Lane and surrounding properties;
- Old mine working cause difficulties with surface water drainage diversion;
- Over-intensive layout with unbalanced housing mix;
- Loss of Green Wedge;
- Insufficient affordable housing provision;
- History of refusals for housing on this site – housing would result in loss of farmland and biodiversity;
- More housing not needed;
- Form of development out of character with the surroundings at important boundary of this historic settlement;
- Concern over additional traffic generation and nearside egress visibility onto Long Lane, and risk of accidents at junction with Newton Lane;
- Concern over surface water collecting on Long Lane;
- Threat to existing hedgerows and wildlife.

Organisations Consulted

Consultee

Barrow Borough Council (Building Control)
Barrow Borough Council (Estates)
Barrow Borough Council (Planning Policy)
Barrow Borough Council (Public Protection Services Contamination)
Barrow Borough Council - Principal Legal Officer
Cumbria Constabulary (Force Crime Prevention Design Advisor)
Cumbria County Council (Archaeology)
Cumbria County Council (Education)
Cumbria County Council (Highways)
Cumbria County Council (LLFA)
Cumbria County Council (PROW)
Cumbria County Council (Transport & Spatial Planning)
Cumbria County Council (Travel Plan)
Dalton With Newton Town Council
Environment Agency (Contamination, Flood and Pollution)
NHS ESTATES
United Utilities (Asset Protection)

Summary of Organisation Responses

Highways Authority:

- Overall, no objection to the proposal – recommend suitable Conditions to be attached to any approval, with a requirement to make a financial contribution to upgrading the Long Lane/Newton Lane junction:

This junction will need upgrading in the near future to better cope with the demand on the side roads and reduce overall delay. A roundabout has been identified as the most suitable option and an outline design is shown in the Barrow Transport Improvement Study.

The developer is required to make a financial contribution based on the number of dwellings per application site on a pro-rata basis taking into account all allocated sites in Dalton and the identified infrastructure required. For this site the contribution will be £3,190 per dwelling (£91,560 total) at this moment in time – please see Appendix A below. The scale and cost of this proposal is being reviewed with a view to arrive at a more cost effective, more compact junction. Any reduction in the estimated scheme cost will be reflected in the Section 106 in due course.

There have been some accidents in the vicinity of Long Lane /Newton Rd junction. It is considered that the proposed junction improvement will mitigate the accident hazard which is largely due to poor visibility.”

- Parking provision considered adequate;
- Endorse the approach to the road layout and detailed geometry as responsive to the scale of development and topography;
- Welcomes the use of permeable paving;
- Welcomes the provision of pedestrian links across the site with Long Lane and Newton Lane.

Local Lead Flood Authority:

- Overall, no objection to the proposal;
- Welcomes the improved drainage strategy based on a 100% infiltration design, over that promoted on previous application;
- Favourable percolation testing, check dams on the steeper section of the internal road, and acceptable soakaway designs, the drainage strategy offers a robust infiltration design that allows for climate change and minimises risk from exceedance to people and property;
- Highlight the risk of construction-phase soil stripping and consequential uncontrolled surface water runoff; and, the importance of a rigorous maintenance regimen, noting the measures proposed to facilitate such.
- Recommend the attachment of a Construction Management Plan Condition.

United Utilities:

- In respect of drainage recommend a Condition be attached to any approval requiring foul and surface water drainage be on separate systems;
- In respect of SUDS, recommend the attachment of a Condition requiring submission of a sustainable drainage management and maintenance plan for approval.

PROW Officer:

- No Comment.

Building Control:

- Building Regulations required.

Public Protection Services (Contamination):

- Recommend the attachment of suitable assessment and safeguarding Conditions relating to contamination risk.

Education Authority (carried through from previous application – 2021)

- No education contribution required.

Archaeology

- No objections. No recommendations offered.

NHS Estates:

- Seek a financial contribution towards the envisaged extension and reconfiguration of the Dalton Surgery.

Crime Prevention Officer:

- Provides observations for optimising crime prevention;
- Questions the wisdom of the new footpaths across the Green Wedge, and that connecting the POS with Newton Lane – chiefly on grounds casual surveillance.

Dalton with Newton Town Council:

- Object to the amount being proposed, in excess of the estimated yield applied to the housing allocation;
- Express disappointment over the housing mix in respect of the preponderance of larger (4-4/5 bed) units;
- Express serious concerns over providing the main access off Long Lane in terms of egress visibility and traffic speeds;
- Bemoan the lack of a traffic survey;
- Concern over the impact on the well-being of the existing bungalow by its enclosure on three sides by the proposed development

Officers Report

1. Site and Locality

1.1 The site covers c.1.7ha, located on the southern fringe of Dalton (South) at the north-west corner of the junction of Long Lane and Newton Road.

1.2 The land here and the countryside thereabouts is semi-improved grassland dominated by a patchwork of hedgerows that follow and emphasise the locally-distinctive undulating topography, interrupted occasionally by stands of native trees.

1.3 Otherwise the site's urban fringe location has it neighboured and to varying degrees perceptibly enclosed by residential development to the north (around Barnes Avenue) and more so the housing estate immediately opposite across Newton Lane (around Stainton Drive).

1.4 The application site/REC34 wraps-around a single bungalow (with its generous rear curtilage) that fronts onto Newton Lane.

2. Proposal Details

2.1 Residential development of 34 no. dwellings, with landscaping, biodiversity enhancement and associated highway works.

2.2 The main access to the site will be through the southern boundary off Long Lane. Individual houses proposed along Newton Lane (4 off) will be accessed directly off Newton Lane.

2.3 The majority of the houses will be laid-out across the lower-level with a small cul-de-sac arrangement climbing the slope at the north-west corner of the housing allocation.

2.4 The proposed housing profile comprises 4 x 2-bed ('Affordable'), 3 x 3-bed, 25 x 4-bed, and 2 x 5-bed units, faced in a mixture of brick and render the distribution of which across the site and the patterning of individual units broadly follows the rationale adopted in respect of the transitional layout summarised below.

2.5 With reference to the planning history, the approach to housing development on this land has been problematic although it is reasonable to conclude from such, that the layout now proposed has been broadly accepted in recognition of the site's constraints, notably that imposed by the existing bungalow on Newton Lane in respect of gaining main access to the site and layout of the units; the site's topography; and, safeguarding the existing hedgerows that bound and cross the site.

2.6 In broad terms, the approach appreciates the transitional nature of the site, bridging the existing built-up area of Dalton with the adjacent countryside openness. The result is a relatively intense but simple arrangement of predominantly brick-faced houses across the northern portion of the layout, a simple linear arrangement along Newton Lane either side of the existing bungalow, and a more relaxed arrangement of chiefly rendered houses facing onto but well-set back from and behind the proposed re-landscape stretch of Long Lane.

2.7 A significant parcel of public open space is provided to the rear of the existing bungalow, which along with the relative sparsity of proposed housing within the heart of the site would serve to preserve an appreciable sense of visual permeability.

2.8 Save for punctuating the boundary hedgerow to facilitate the main access and new footpath off Long Lane, and cutting through the main existing hedge running across the site to facilitate internal access/circulation and the new footpath onto Long Lane, the existing landscaping will be effectively retained and enhanced.

2.9 Chiefly, the proposed landscaping scheme will augment and diversify the botanical profile of the upper level (retained Green Wedge), undertake a feature-laden re-landscaping of the Long Lane boundary environment, introduce significant lengths of new native deciduous-mix hedgerows across the site, accentuate the road layout by new structural tree-planting, and importantly re-instate the original, railing-topped stone boundary wall along Newton Lane and around the corner onto Long Lane. On that last point, it is worth highlighting previous commentary that characterised the site as a '*Prominent gateway site into Dalton from the South*' [Proposed Housing sites Assessment Doc - Barrow Council Nov 2017].

3. Relevant History

3.1 1985/0907 Land adjacent to Schoolwaters Bungalow, Newton Road, Dalton-in-Furness Erection of one detached house and garage (Outline) Refused 05/02/1986

3.2 1986/0439 Land adjacent to Schoolwaters Bungalow, Newton Road, Dalton-in-Furness Erection of a detached bungalow (outline) Refused 22/07/1986

3.3 1987/0865 Land west of Newton Road and north of Long Lane, Dalton-in-Furness Residential development (Outline) Refused 26/11/1987

3.4 1989/0149 Land at the corner of Long Lane and Newton Road, Dalton-in-Furness Outline application for residential development Refused 27/04/1989

3.5 B07/2015/0516 Proposed Housing Development Newton Road Dalton-in-Furness Cumbria Residential development for approximately 79 units - Outline (all matters reserved) Refused 04-NOV-2015

3.6 B07/2018/0039 Proposed Housing Development at Long Lane/Newton Road Dalton-in-Furness Cumbria Erection of 34 detached dwellings of a mix of single storey, two storey and two and a half storey including new site entrance and associated site works REFUSED 10/07/2018

3.7 B07/2018/0703 Proposed Housing Development at Long Lane/Newton Road Dalton-in-Furness Cumbria Erection of 27 detached dwellings of a mix of single

storey, two storey and two and a half storey including new site entrance and associated site works (re-submission of B07/2018/0039 in a revised form)
DISPOSED 05/01/2021

3.8 B07/2021/0071 Proposed Housing Development at Long Lane/Newton Road Dalton-in-Furness Cumbria Erection of 28 detached dwellings of a mix of single storey, two storey, two and a half storey, 4 flats, including new site entrance and associated works (32 dwellings in total) REFUSED 10/08/2021

3.9 B13/2015/0569 Gillycombe Newton Road Dalton-in-Furness Cumbria LA15 8LW Outline planning permission for a pair of two bedroom bungalows with rear access to the application site (all matters reserved) WITHDRAWN 23-NOV-2015

4. Officer Assessment

Relevant Local Plan Policies

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations i.e. National policy (NPPF) and local supplementary planning documents (SPDs) indicate otherwise.

4.2 The current Development Plan for the purposes of this application is the adopted Barrow Borough Local Plan 2016-2031.

4.3 As with any new housing development, especially those located outwith a settlement, the issues raised and the corresponding policy implications can be numerous and wide-ranging. It is not unusual for policies to pull in different directions. Nonetheless applications should be assessed and determined against the Local Plan as a whole, requiring the balancing of interests as a matter of planning judgement.

4.4 Development Strategy Policies DS1 and DS2 set out the Council's underscoring commitment to achieving sustainable development, and the key criteria against which proposals will be considered and assessed in furtherance of the aims and objectives of sustainability. Policy DS3 outlines the spatial strategy for integrated sustainable growth across the locality, framing the context for promoting growth through the formal allocation of land including that for housing.

4.5 In response to the main issues identified earlier, further key policy provisions are highlighted here:

- Policies DS5 (Design);
- DS6 (Landscaping);
- CS3a (Water Management);
- C7 (Light Pollution);
- H7 (Housing Development);
- H9 (Housing Density);
- H11 (Housing Mix);
- H14 (Affordable Housing);

- Policies N1-N4 (Natural Environment);
- Policies GI1-GI6 (Green Infrastructure);
- HC5 (Crime Prevention);
- HC10 (Play Areas); and,
- HC15 (Education Provision).

4.6 Naturally when considering individual development proposals there will be overlap across the key policy framework, underscored and permeated by the more wide-ranging provisions of DS5 and H7 where relevant.

National Guidance

4.7 The NPPF is an important material consideration both in terms of plan-making, and decision-taking. In this instance it is considered the relevant provisions of the adopted Local Plan are in conformity with those of the NPPF by properly and sufficiently addressing the main issues and objectives raised pursuant the achievement of sustainable development across the environmental, economic and social spectra.

Supplementary Guidance

4.8 Although not part of the adopted development plan, the LPA's **Supplementary Planning Documents** (SPDs) can be material considerations, including the Affordable Housing and Developer Contributions SPD, the Biodiversity & Development SPD, and the Draft Green Infrastructure Strategy SPD.

4.9 In response to the consultees the following points are offered:

- The new footpath across the elevated section of Green Wedge will be open and offering uninterrupted inter-visibility along its entire length with a degree of surveillance by the nearest houses;
- The new footpath connecting Newton Lane has good intervisibility along its short length and close surveillance from the public realm along Newton Lane;
- In the absence of a firm proposal for enlarging Dalton Surgery (design, costing, scheduling, precedent) there is uncertainty over the necessity for a developer contribution;
- The adopted annual housing 'target' (119/annum) is just that -it is not a 'ceiling'. In a similar vein, indicative site yields do not prescribe a maxima – such are routinely conservative in the face of inherent uncertainty. It remains open to applicants to propose what they judge to be appropriate and worthwhile on the basis of further site analysis;
- Whereas the affordable housing policy is satisfied, it is acknowledged that the proposed housing mix is dominated by 4-bed units and that such is a weakness but one that must be considered in the context of the particular site (i.e. size, location, surrounding housing profile) with reasonable latitude afforded the applicant/developer to respond to the housing market;
- The application is accompanied by a Transport Assessment which finds that the level of traffic generated would have a low impact on traffic flows and otherwise well within the capacity of the local highway network. The site is accessible to local services and facilities by alternate modes of transport. Adequate visibility splays are provided. The Transport Assessment notes the low accident record along Long Lane. The Highways Authority has not

objected to the proposal in respect of the submitted information or the likely impact upon highway safety and the free and safe flow of traffic.

4.10 In response to the public representations, I offer the following comments:

- In respects of highways circumstances, drainage and flood risk the Highways Authority and the Local Lead Flood Authority have expressed no objection to the proposed development;
- Loss of any part of the existing hedgerow during the construction phase will be required to be re-instated by Condition. Similarly the loss of any new planting in the first 5 years will be required to be replaced by Condition. An Informative attached to any approval will alert the developer to the possible 'special hedgerow' status of the existing hedgerows bounding and dissecting the application site and the legal implications of unauthorised works including damage and removal of such;
- The amount of housing within the allocated housing area is not considered intensive, at c.20units/ha. The neighbouring estate east of Newton Lane averages c.30 units/ha;
- The area of Green Wedge will be retained and function as such;
- The scheme will provide 4 affordable units as defined by up-to-date guidance, which meets the relevant policy requirement within the Local Plan.

4.11 On a particular issue raised by some respondents including the 'Town Council in relation to this and previous applications relating to the form of any new housing development on this site. The adoption of the current Local Plan in 2018 proved a watershed. Before then the entire site was identified as Green Wedge and this was reflected in how the Council determined pre-2018 applications whereupon great emphasis was rightly placed on preserving its 'agricultural' character. When it came to proposing the allocation of the land for housing the 'Barrow Borough Green Infrastructure' document (Draft July 2016), refers to it as "*an area of the Green Wedge west of Newton Road [..that..] has been identified as having potential to form a small clustered development set within an agricultural setting and has therefore been removed from the Green Wedge classification*".

4.12 It should be noted that at that time the 2016 Green Infrastructure document attracted 'limited weight' by virtue of its draft status. In 2018 the draft Green Infrastructure Strategy (Draft SPD) was published wherein is offered guidance on the new Local Plan's Housing Allocations, including the present Housing Allocation which it notes as a greenfield site and a prominent gateway into Dalton with suggestions for the incorporation of green corridors and spaces along the edge to reduce the visual impact and the safeguarding of hedgerows across the site.

4.13 In consideration of the above, whilst it remains appropriate for the GI Strategy (draft) to promote opportunities for advancing green infrastructure on all sites, its remarks should not be held as one would a formally approved/adopted design brief in every instance. The formal allocation of this land for Housing first and foremost signalled an extension as such to the urban area of Dalton. With that in mind, it is my view that one should:

- safeguard the remaining Green Wedge forming the western part of the application site; and,

- appreciate the Green Wedge that remains alongside the site's retained landscaped northern boundary; and,
- acknowledge the site's connection with the urbanised Newton Lane street-scene and its functional significance; whilst,
- applying restraint to development along Long Lane with an emphasis on reducing visual impact.

4.14 I submit the present proposal, through successive deliberations and amendments, achieves the above, and at the same time provides an internal layout that is visually permeable from without, whilst appreciating the value of both safeguarding and enhancing existing green linkages particularly through a network of new hedgerows and structural tree planting.

5. Conclusions

Principle

5.1 The housing allocation largely predetermines the principle for housing insofar as it relates to the Housing allocation. Otherwise, the landscaping of the Green Wedge and the provision of a footpath and habitat pond thereon is considered compatible.

Sustainable Development

5.2 In furtherance of achieving sustainable development the following remarks are offered in the context of Policy DS2

- a. The allocation of the land for housing is deemed to be sustainable in respect of its accessibility by alternate modes. The site is on main local distributor routes with footways and public transport available. The provision of pedestrian access through the site onto Long Lane and Newton Lane, and a sheltered bus stop on the site's Newton Lane frontage, encourages alternative modal choice;
- b. Consideration is given to the possible future cumulative traffic generation impact of this development and others earmarked within the general locality by requiring a contribution to the planned improvement of the Long Lane/Newton Lane junction. Nonetheless at this point the proposal is considered acceptable in respect of highway safety and the free and safe flow of all traffic on the public highway;
- c. Any approval would carry a Construction Management Plan Condition to minimise the likelihood of unwelcome and unsocial nuisances resulting from the construction phase such as noise, fumes and other forms of pollution;
- d. The design rationale appreciates the transitional nature of the site, from the formal suburban townscape along and behind Newton Lane to the informality of Long Lane. And, whereas the site displays an intrinsic rurality, such is to be balanced against the expectation invested by its allocation for housing by respecting its continuing relationship with the open countryside whilst avoiding profligacy in recognition of its principled role in contributing to meeting strategic housing targets;
- e. The proposal includes measures to enhance landscape reception, wildlife habitats, and effect biodiversity net gain.

5.3 Further to the above, Policy DS5 (Design) echoes the NPPF and the National Design Guide in seeking to encourage good design, with Policy H7 adopting key elements as they relate specifically to new housing development. With these in mind, the following remarks are offered:

- a. The proposal would retain and integrate key features of the site's landscape (trees and hedges) and augment such by new planting in particular new hedgerows across the site and along the boundary with particular emphasis upon effecting a substantial re-landscaping of Long Lane, and re-instating the stone boundary walling along Newton Lane (non-designated heritage asset) to accentuate the settlement-edge gateway feature at its junction with Long Lane;
- b. The layout of the units observes reasonable separation distances both between the new as well as between the new and existing residential properties;
- c. The proposal includes measures to enhance landscape reception, extend the network of Green Links, and effect a healthy biodiversity net gain (BNG).
- d. The layout, choice and arrangement of the house types offers a reasonably cohesive and legible progression of townscape interest, sense of enclosure, and external finishes that respond appreciably to the aforementioned transitional quality of the scheme in the distinct contexts of Newton Lane and Long Lane;
- e. The layout facilitates and encourages alternate modal choice by pedestrian permeability coupled with the immediacy of a bus route;
- f. The amount of housing would effect a net development density of c.20/ha which is a marked reduction on the nearby estate off Newton Lane, realising an appreciable sense of openness at the heart of the site including the generous landscaped public open space and hedge-dominated rear gardens.
- g. The scheme is able to adopt the most preferred means of surface water management owing to favourable ground conditions on the basis of appropriate percolation testing;
- h. Generally, adequate parking is provided, and with the discrete set-back landscaped arrangement fronting Long Lane, the equally discrete layout at the northern end of the site, and the intervening sparsity at the heart of the site, it is unlikely that vehicular requirements would dominate the site overall thus preserving the legibility of the townscape dominated by purposely landscaped routes and generous spaces.
- i. The layout includes a generous public open space with restrained structural landscaping. To date it has been felt that there is insufficient justification for a dedicated equipped play facility in this location although there is space to provide such in the future.

The Planning Balance

5.4 The proposed layout offers a reasonable response to the site's constraints and its appreciably varied townscape context. The resulting net density is relatively modest that should effect a welcome sense of visual permeability (openness) as it transitions from formal to informal suburbanality. The development would nonetheless make a valuable contribution to maintaining a 5-year housing supply.

5.5 The site is readily serviceable with foul drainage to nearby mains. Whilst surface water drainage strategy is based entirely on infiltration, which is the most preferred

means, its reliance chiefly on a sub-ground geo-cellular design is a shortcoming against the aspirations of Green Infrastructure policy. Nonetheless the scheme scores well in other areas by way of a significant enhancement to green linkages and the network of wildlife habitats, a healthy BNG, and its accessibility by alternate modes of transport.

5.6 Overall, the current proposal addresses, in varying degrees, the shortcomings of the previous refused applications particularly those decided post-Local Plan adoption, and otherwise on its merits is on balance considered to be acceptable against the adopted Local Plan and national guidance as a whole.

6. Recommendation

I recommend that;

A. subject to the completion of a s.106 Agreement relating to Affordable housing provision and a financial contribution to off-site highways improvement (Long Land/Newton Lane junction), then;

B. Planning permission be GRANTED, with delegated authority given to the Head of Development Management to finalise suitable conditions

Recommended Conditions (to be finalised)

Standard Duration Limit

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 and the hereby approved documents defined by this permission as listed below <tb>, except where varied by conditions attached to this consent.

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

3. Prior to the commencement of any development a Construction Method Statement (CMS) shall have been submitted to and approved in writing by the local planning authority. The approved CMS shall be adhered to throughout the construction period and provide for:

- The hours of construction on any day including bank holidays;
- Times of deliveries to the construction site;

- The parking of vehicles by site operatives;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- Wheel-wash facilities;
- Measures to control emission of dust and dirt during construction;
- A scheme for recycling/disposing of waste from construction work;
- Measures to avoid pollution including silting of water courses;
- Measures to protect wildlife.

Reason: In the interests of highway safety, the general amenity of the area and its occupants and users, and the proper drainage of the site.

4. In addition to the details required under **Condition 3**, development shall not commence until a Construction Phase Traffic Management Plan (CPTM) has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
- details of proposed crossings of the highway verge;
- cleaning of site entrances and the adjacent public highway;
- 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;
- surface water management details during the construction phase

Reason: In the interests of highway safety, the general amenity of the area and its occupants and users, and the proper drainage of the site.

5. The Preliminary Investigation has identified potential unacceptable risks, 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 ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite

receptors in accordance with adopted Policy C4.

6. 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with adopted Policy C4.

7. 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with adopted Policy C4.

8. 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 that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with adopted Policy C4.

9. 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: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with adopted Policy C4.

10. Foul and surface water shall be drained on separate systems with foul directed to the main foul sewer.

Reason: In the interests of the proper drainage of the site and in furtherance of adopted Policy C3a.

11. No dwellings shall be occupied (unless in accordance with a scheme of phasing previously submitted to and approved in writing by the local planning authority) until the estate road, including footways, 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 13 below, including any scheme of phasing.

Reason: To ensure that, in the interests of the safety of highway users and pedestrians a suitable standard of access for the development exists at all times in furtherance of adopted Policy DS5

12. The carriageway, footways and footpaths 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 local 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 ensure that, in the interests of the safety of highway users and pedestrians a suitable standard of access for the development exists at all times in furtherance of adopted Policy DS5.

13. Prior to the occupation of the <TBA> dwelling a programme for the completion of the estate roads including footways where shown shall have been submitted to and approved in writing by the local planning authority and the estate roads shall then be completed in accordance with the approved programme and the details approved under condition 11 above.

Reason: To ensure that, in the interests of the safety of highway users and pedestrians a suitable standard of access for the development exists at all times in furtherance of adopted Policy DS5.

14. Details of all measures to prevent surface water discharging onto the highway from house drives/parking areas shall have been submitted to and approved in writing by the local planning authority for approval prior to the occupation of any part of the development. The works shall be implemented in accordance with the approved details prior to the occupation of the respective dwelling and shall be permanently maintained operational thereafter.

Reason: In the interests of the proper drainage of the site and in furtherance of sustainable drainage principles in accord with adopted policies DS5 and C3a.

15. All garages and parking spaces serving each dwelling as set-out on the approved plans shall be reserved solely for the parking of private motor vehicles and no permanent development, whether permitted by the Town & Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking or re-enacting that Order with or without modifications) or not, shall be carried out on those spaces.

Reason: To ensure appropriate access and parking provision is made and retained in the interests of general amenity and highway safety.

16. 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:

- Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a residents' management company; and.
- 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 in accord with adopted policies DS5 and C3a.

17. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out by the developer in the first planting and seeding 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 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 the interests of the long-term biodiversity and visual amenities of the area in furtherance of adopted policies DS5 and DS6.

18. No part of the development shall be occupied until a Landscape Management Plan, including the long term design objectives, management responsibilities and maintenance schedules for not less than 5 years following implementation, for all areas of landscaping other than those within the curtilages of individual dwellings, 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 Management Plan.

Reason In the interests of the long term visual amenities of the area and to support wider opportunities for biodiversity within the locality in accord with adopted policies DS5 and DS6.

19. The public open space ('P.O.S.') as shown on the approved plans shall be constructed and landscaped and made available for use as such no later than the occupation of 50% of the dwellings approved, That area shall not thereafter be used for any purpose other than as public open space unless the Planning Authority gives prior express consent for any variation.

Reason: To ensure a reasonable level of informal play and casual amenity provision in furtherance of adopted policies HC1 and HC10 and DS5.

20. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) details of all fences, hedges, wall or other means of enclosure around residential curtilages must be submitted to and approved in writing by the Planning Authority prior to the commencement of the development. The means of enclosure must be completed prior to the beneficial occupation of the respective dwelling or, in the case of hedges, in the first planting season following the commencement of the beneficial use of the development.

Reason: In the interests of the visual amenities of the area and its occupants in furtherance of Policy DS5.

21. The development shall not be begun until visibility splays providing clear visibility of 2.4 metres x 60 metres measured down the centre of the main access road and the nearside channel line of Long Lane as shown on the approved plans have been provided at the junction of the access road with the County Highways. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) 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 identified visibility splays.

Reason: To ensure that in the interests of the safety of highway users a suitable standard of access for the development exists at all times during construction and operational phases, and in order to minimise potential hazards.

22. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or of any Order revoking and re-enacting that Order with or without modifications) nothing in Article 3 or Schedule 2 to that Order, shall operate so as to permit within the area subject of this permission any development referred to in Part 1, Classes A, B, C, D, E or in Part 2, Class A, of that 2015 Order (or of any Order revoking and re-enacting that Order with or without modifications, and no such development shall be carried out at any time within that area without the prior express grant of permission by the Planning Authority.

Reason: In order to safeguard the amenities of the area by enabling the Planning Authority to consider whether planning permission should be granted for <INSERT> having regard to the particular layout and design of the development.

23. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or of any Order revoking and re-enacting that Order with or without modifications) nothing in Article 3 or Schedule 2 to that Order, shall operate so as to permit within the area subject of this permission any development referred to in Part 1, Classes A, AA, B, C, D, E or in Part 2, Class A, of that 2015 Order (or of any Order revoking and re-enacting that Order with or without modifications, and no such development shall be carried out at any time within that area without the prior express grant of permission by the Planning Authority.

Reason: In order to safeguard the amenities of the area by enabling the Planning Authority to consider whether planning permission should be granted for further development within the curtilage of each dwellinghouse having regard to the particular layout and design of the development and in furtherance of adopted Policy DS5.

24. Unless the Local Planning Authority gives written agreement that it is impractical to do so, all hard surfaced areas within residential curtilages associated with vehicle use shall be of permeable construction, and detailed drawings (including cross sections of sub surface and surface materials) shall be submitted to and approved in writing by the Planning Authority. The scheme shall be implemented in accordance with the approved details prior to beneficial occupation of any part of the development, or in accordance with a phasing scheme agreed in writing with the Planning Authority.

Reason: In order to ensure that the site is adequately drained in accordance with the sustainable principles found in the NPPF and in furtherance of adopted Policy c3a.

25. No development shall take place until samples of the external materials to be used in the construction of the dwellings, including walls, roofs and hard surfaces within the curtilage hereby permitted have been submitted to and approved in writing

by the Planning Authority. 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 in furtherance of adopted Policy DS5.

26. No development shall be commenced on site, until a scheme has been submitted to and approved in writing by the Planning Authority, showing measures to be taken to protect the existing hedgerows to be retained as shown on the approved plans as an integral part of any development of the site during and throughout the entirety of the construction phase of the approved development. The development shall proceed in accordance with the approved details.

Reason: In the interests of the visual amenities of the area and biodiversity in furtherance of adopted policies DS5, G11, N2, N3, N4 and G16.

Informatives

- Please note that the existing hedgerows that bound and cross the site are longstanding features comprising a variety of species of sufficient length and appreciable local importance that possibly constitute 'Special Hedgerows'. Any works envisaged that could affect a Special Hedgerow directly or indirectly beyond what is proposed on the approved plans, should be discussed in advance and as early as possible with the Local Authority.
- 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

For Information – MINUTES - 4th July 2023 Area Planning Committee – extract (2022/0083)

Proposed Housing Development at Long Lane/Newton Road, Dalton-in-Furness

From Mulberry Homes Limited in respect of a residential development of 34 No. dwellings, with landscaping, biodiversity enhancement and associated highway works at Long Lane/Newton Road, Dalton-in-Furness as shown on planning application number 2022/0083.

Representations received and the results of consultations were reported.

The Committee had undertaken a site visit prior to the meeting.

Mr Rawdon Gascoigne (Agent) and Teresa Potter (Objector) attended the meeting and addressed the Committee.

The recommendation had been that subject to the completion of a S.106 Agreement relating to affordable housing provision and a financial contribution to off-site highways improvement (Long Lane/Newton Road junction) that planning permission be granted with delegated authority given to the Head of Development Management to finalise conditions.

It was moved by Councillor Hall and seconded by Councillor McEwan that a condition be included requiring adequate fencing to be erected around the pond.

It was further moved by Councillor Hall and seconded by Councillor Edwards, and

RESOLVED:- It was agreed that, subject to the completion of a S.106 Agreement relating affordable housing provision and a financial contribution to off-site highways improvement (Long Lane/Newton Road junction), planning permission be granted, with delegated authority given to the Head of Development Management to finalise suitable conditions with a condition relating to adequate fencing around the pond to be included.

APPENDIX – Local Plan Policies

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 development including from associated traffic are within acceptable levels;
- 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 DS3 - Development Strategy

The Council will pursue an overarching strategy of sustainable balanced growth, redistributing development across the Borough, to improve the residential environment of the central Barrow area and whilst also allowing some development adjoining Barrow and Dalton and within the cordon villages. Other development will be supported where it complies with local and national planning policy.

The distribution of housing development is outlined in Policy H2, and Policy H3 contains a balanced portfolio of sites, in a range of locations throughout the Borough, both brownfield and greenfield in order to support the achievement of this Strategy, other windfall developments will be supported where the proposal accords with national and local policy.

This Strategy seeks to promote the opportunities and strengths enjoyed by the Borough and achieve sustainable development that enhances its offer in terms of housing, employment, leisure and culture, and encourages inward investment.

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 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 GI1 - Green Infrastructure

The Council, through the preparation and adoption of the Green Infrastructure Strategy SPD, Masterplans and Development Briefs will identify and promote the creation, enhancement and protection of a Green Infrastructure Framework designed to maintain, enhance, expand and connect a network of natural and man-made green and blue spaces together along with the project focus necessary to secure and implement its delivery.

The Council will work proactively with the community, public sector partners, voluntary sector, developers and utility providers to:

- (a) Ensure that all new development contributes to the protection and enhancement of the Borough's distinctive and valued landscape and settlement character implementing a network of Green Infrastructure as the context and setting for coherent and locally distinctive place making.
- (b) Utilise landscape and urban design techniques together to assimilate development and its supporting Green Infrastructure into sustainable, attractive multi-functional layouts.
- (c) Integrate sustainable movement choices at all scales that support domestic, leisure and tourism movements around and beyond the Borough to actively encourage improved health, fitness and well-being.
- (d) Protect and integrate amenity open spaces, playing fields, sports pitches and play areas within areas of Green Infrastructure including where a need is demonstrated.
- (e) Protect, support and enhance biodiversity by creating inaccessible and well-connected habitat within and between neighbouring areas that allows wildlife to co-exist undisturbed whilst improving peoples accessibility to nature;
- (f) Include adaptive measures to help offset climate change including sustainable urban drainage (SUDs) management and tree planting to reduce the impact of flooding and assist in the cooling of 'urban heat islands'; and
- (g) Facilitate local food production in allotments, gardens and adjacent agriculture

Policy GI2 - Green Wedges

Proposals within or adjoining designated Green Wedges will be supported providing that they:

- a) Provide visual relief, physical contrast and visual or physical separation between settlements and neighbouring development areas;
- b) Demonstrate how development would respond to, maintain or enhance the open character of the Green Wedge;
- c) Enhance the biodiversity value of Green Wedges, where possible;
- d) Maintain or enhance its value as a setting for recreation; and
- e) Protect the setting of heritage assets.

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 GI6 - Green Links

Proposals involving or adjacent to existing hedgerows or Green Links will be supported provided that they do not compromise the continuity or integrity of the hedgerow or green link.

Where considered appropriate by the Planning Authority proposals should enhance the contribution made by the hedgerow or green link.

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.

Policy N4 - Protecting other wildlife features

New development should conserve and enhance biodiversity features, and proposals for new development should be submitted with landscaping proposals, including a Management Plan, which show how existing trees, riparian corridors/trees, hedgerows, ponds and other wildlife features will be integrated into the development. Landscaping proposals should also include new trees and other planting of suitable species for the location to enhance the

landscape of the site and its surroundings as appropriate.

Trees which positively contribute to the visual amenity and environmental value of that location will be protected. New development should not result in the loss of or damage to ancient woodland or veteran or aged trees outside woodland.

Where the conservation of biodiversity features cannot be achieved, the applicant must justify their loss. Where the Council is satisfied that the loss is adequately justified, replacement trees, hedgerows, ponds and other wildlife features will be required.

Proposals which include landscaping proposals, replacement of wildlife features, new wildlife features, or which integrate existing wildlife features into the development, will be required to demonstrate that measures will be put in place to manage these features as appropriate, including the use of suitable legal agreements.

Policy H1 - Annual Housing Requirement

Planning permission will be granted for housing proposals that will deliver the housing allocations set out in this Plan and contribute to achieving an annual average Borough-wide housing target of at least 119 net additional dwellings per year over the Plan period 2016/17 to 2030/31. This equates to an overall housing requirement over the Plan period of at least 1785 net additional dwellings.

Any unallocated sites which come forward for development which would prejudice the delivery of this strategy will be resisted. In bringing forward allocations, developers must comply with the policies within this Local Plan and must help deliver sustainable communities.

When calculating the 5 year housing requirement, any shortfall against this figure since the start of the Plan period will be added, along with a 5% or 20% buffer brought forward from later in the Plan period where appropriate as required by the NPPF (2012).

Housing delivery will be monitored closely and if the number of houses built is not as expected, interventions will be sought, which may include bringing forward additional allocations (see Policy H10 and its supporting text).

Policy H9 – Housing Density

Developers can determine the most appropriate density on a site by site basis, providing that the scheme meets the design principles set out in this Plan and is appropriate to the character of the location of the development in negotiation with the planning authority.

Variations in density will be supported on larger sites in order to create distinctive character areas.

Policy H11 - Housing Mix

In order to broaden and enhance the residential offer within the Borough development proposals will be expected to provide a mix of different types, tenures and sizes of housing to address local need and aspirations and developers will be required to demonstrate how this need has been met as evidenced by:

- a) Any relevant and up to date SHMA or Housing Need Assessment for the Borough;
- b) Any other relevant and suitably evidenced housing needs information;
- c) The location and characteristics of the site;
- d) The mix of dwelling type, tenure and size in the surrounding area; and

- e) Housing market conditions and demand at the time of the application.

Policy HC10 - Play Areas

Proposals for residential development will be assessed on a site by site basis, and where deemed appropriate through lack of provision or other limiting factor such as access, will be required to provide well designed and located children's play space, within close proximity to the development, that is safe and accessible for users. Areas of well designed and maintained landscaping will be encouraged and consideration must be given to Local Plan Policy HC5 (crime prevention). Developers will be expected to provide a commuted sum for a minimum of 5 years maintenance, or contributions for off site provision within suitable, safe walking distance.

Where a Development Brief has been produced for a site, the brief will set out the requirement for playspace and on windfall sites the requirement will be agreed with the Local Planning Authority.

Policy HC5 - Crime Prevention

The design, layout and location of new development should contribute towards the creation of a safe and accessible environment, and the prevention of crime, and fear of crime.

Developers should:

- a) Ensure the design, landscaping or any feature does not create isolated or secluded areas;
- b) Demonstrate the design, layout, screening/landscaping enables a natural surveillance of the surrounding area and promotes neighbourliness;
- c) Incorporate adequate lighting and security measures where appropriate e.g. communal and parking areas, taking into account the impact on light pollution, the natural environment and residential amenity;
- d) Design layouts to promote ownership by residents and encourage use of communal areas
- e) Create clear and legible pedestrian and cycle routes that prevent unobserved access.

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 I1 - Developer Contributions

Development and infrastructure provision will be coordinated to ensure that growth is supported by the timely provision of adequate infrastructure, facilities and services. The Infrastructure Delivery Plan will be used to identify the timing, type and number of infrastructure requirements to support the objectives and policies of the Plan as well as the main funding mechanisms and lead agencies responsible for their delivery.

All development should make the most efficient use of existing infrastructure where there is capacity. Where developments will create additional need for improvements / provision of infrastructure, services or facilities or exacerbate an existing deficiency, contributions will be sought to ensure that the appropriate enhancements / improvements are made, and appropriate management arrangements are in place. Consideration will be given to how these requirements will affect the viability of development.

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 (see 5.2.1.);
- 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.

Developer contributions for the above will be informed by relevant up to date and robust evidence where applicable.

Where appropriate, the Council will permit developers to provide the necessary infrastructure themselves as part of their development proposals, rather than making financial contributions, subject to agreement with relevant consultees.



**B07/2022/0656
Planning Committee
28th November 2023**

Application Number : B07/2022/0656	Date Valid : 07/09/2022
Address : Land at Tantabank Road/East of Brent Avenue Dalton-in-Furness Cumbria	Case Officer : Andrew Willison-Holt
Proposal : Full planning permission for the erection of 41 dwellings associated access from Brent Avenue, landscaping and infrastructure, including demolition of existing stables.	
Ward : Dalton South Ward	Parish : Dalton Town with Newton Parish Council
Applicant : Oakmere Homes c/o Agent JWPC Chartered Town Planners	Agent : Mr Dan Ratcliffe JWPC Chartered Town Planners
Statutory Date : 07/12/2022	Recommendation : Subject to the completion of a s.106 Agreement relating to a financial contribution to necessary off-site highway improvements, affordable housing provision, and the management and maintenance of public spaces within the development, then Planning Permission be GRANTED with delegated authority given to the Head of Development Management to finalise Conditions.
<u>Barrow Planning Hub</u>	

1. Introduction

1.1 This application is reported back to the Area Planning Committee chiefly because a significant aspect of the case that framed the Committee’s original resolution at the 4th July 2023 Meeting is recommended to be revised; specifically the addition of an Obligation within the s.106 Agreement requiring a financial contribution in respect of necessary off-site highways works, in this instance the improvement of the Long Lane/Newton Road junction.

1.2 Moreover the strategic significance surrounding this revision – involving other allocated Housing sites within this locality from which commensurate contributions have been and will be requested - is a matter of wider public interest warranting consideration by this Committee.

1.3 During this intervening period the opportunity was taken to review the future management and maintenance of the public spaces within the development **site**, and in tune with national policy and guidance as well the Council's own adopted policies and approved supplementary planning provisions it is recommended that such be added to the terms of the s.106 Agreement.

1.4 In addition, the opportunity has been taken to review and address the requirements of the originally recommended pre-commencement conditions,

1.5 There has been no other material change in circumstances.

1.6 A copy of the Report to the 4th July 2023 'Committee Meeting and the relevant extract from the approved Minutes are included in the Appendices.

2. Policy and Legislative framework

2.1 NPPF para.57 (2023) provides 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.

2.2 In my view this is normally articulated through relevant local and national policy.

b) directly related to the development;

2.3 In my view there should be a material geographic or functional link/relationship between the development and the subject of the Obligation.

c) fairly and reasonably related in scale and kind to the development.

2.4 In my view this refers to providing or contributing to the provision of that which is deemed necessary in land-use planning terms as a result of carrying out the proposed development or would not otherwise have been necessary but for the proposed development.

* Set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

2.5 In furtherance of s.38(6) of the Planning & Compensation act 2004 (as currently amended), the adopted Barrow Borough Local Plan (2016-2031) is the primary governing consideration when determining this planning application unless (other) material considerations, including national policy and local supplementary planning documents, indicate otherwise.

A. Off-Site Public Highway Improvement – *Housing Developer Contributions*

2.6 The Council commissioned studies and analyses in 2016 and 2018, and a metric was formulated requiring financial contributions from a list of allocated Housing Sites within the locality toward, chiefly in this instance, the improvement of the Long Lane/Newton Road junction to accommodate the expected increased traffic generated by these Sites that would in due course, according to forecasts, exceed current network capacity.

Evidence Base

2.7 The Barrow Transport Improvement Study (TIS), which subsequently informed the Infrastructure Delivery Plan (IDP), assessed and evidenced the necessary highway infrastructure improvements required to support (Housing) development committed through the adopted Barrow Borough Local Plan 2016-2031 (adopted June 2019).

2.8 Together the TIS and the IDP formed part of the Evidence Base that supported the Local Plan preparation and the examination of the 2016-2031 Barrow Borough Local Plan; specifically with reference to Section 5. (Infrastructure).

2.9 Applying forecasted yields from the allocated Housing Sites, the TIS assessed impacts and identified necessary improvements essentially aimed at increasing local network capacity, and developed designs for those improvements which were retested / modelled, including costs of provision.

2.10 In respect to Dalton-in-Furness, the TIS evidenced that the planned development sites (allocated housing sites) in the town will result in a significant cumulative effect on certain junctions. The modelling for the design year of 2031, when all committed development is planned to be delivered by, shows that the Long Lane / Newton Road junction and the Abbey Road / Market Street junction will operate over capacity.

2.11 The Local Highway Authority (LHA) is of the view that the information contained in the TIS and IDP provides a properly evidenced and robust basis to request a contribution from developers, having regard to the statutory tests set out in Regulation 122 of the Community Infrastructure Regulation 2010.

2.12 It should be noted that the forecasted yields for allocated Housing Sites are just that. For this site at Tantabank, the actual allocated Housing Site was forecasted to yield 15 dwellings. As explained in the previous 'Committee report (below) the application site included a 'windfall' component. The total amount sought is 41 dwellings.

2.13 As evidenced here, the impacts of respective housing developments and their cumulative impact can and very likely will vary from that which is published in the adopted Local Plan and modelled in the TIS. Generally, expected yields within adopted 'Plans tend to be 'conservative' and inclined more to offer a sober foundation and certainly not a 'ceiling' - open to further detailed assessment at the planning application stage.

2.14 It is considered to be reasonable that such variance be taken into account as sites are brought forward when calculating developer contributions, and rested upon a firm platform that avoids uncertainty. Hence the approach taken by the LHA to calculate proportionate contributions from development sites based on the number of dwellings being applied for / approved using the pro rata per dwelling contribution amount.

2.15 This approach navigates the inevitable challenges posed by multi-project programmes (i.e. highway improvement required to address the impact from a number of separate, autonomous housing schemes from multiple applicants/developers), in a workable manner, affording clarity and certainty.

3. Presently Requested Contribution

3.1 Unlike the parallel case at Long Lane (2022/0083) on this Agenda, the LHA did not originally request a contribution despite the allocated Housing Site at Tantabank being included on the list of contributing Sites as set out in the TIS. Following the 4th July 2023 'Committee Meeting the Long Lane/Newton Road highway improvement programme was reviewed, directed at the provision of a signalised junction rather than a roundabout. The LHA when responding to planning application consultations, previously indicated that the junction improvement design "*is going to be reviewed and value-engineered into a more viable junction improvement*".

3.2 The reviewed design has been undertaken to a level appropriate for inclusion in the TIS on the basis of it being consistent in terms of detail with the existing scheme designs in Barrow Transport Improvement Study (TIS) and Barrow Infrastructure Delivery Plan (IDP) that were prepared to support the development of the adopted Barrow Local Plan and were considered at the public examination.

3.3 The update was undertaken with input from relevant technical areas including Capital Programmes, Traffic and the Local Area Network Manager. The review was also supported by updated transport modelling which included consideration of development that has been delivered to date and that which is still to come forward on allocated Sites, and was carried out in a manner which was consistent with the modelling originally undertaken in support of the TIS / IDP, and to ensure that the new junction design provided sufficient capacity to mitigate the cumulative impact of the developments and will operate safely.

3.4 Approval for this TIS Review has been given by the Assistant Director Sustainable Transport and Highways to use the updated scheme and costing in place of the improvement scheme included in the original TIS / IDP (noting that the new scheme can be delivered at a substantially lower cost than the one in the TIS / IDP).

3.5 From a wider Planning and urban design perspective, the shift is welcomed by avoiding the likely more stridently urbanising effect of a roundabout especially in this settlement fringe location.

3.6 At £503,075.00 the present costing estimate for a signalised junction is markedly less (by c.60%) than the roundabout option, which when divided by 421 (the Local Plan confirmed expected yield from local allocated Housing Sites) equates to a pro-rata contribution of £1,194.50.

3.7 Thus on the basis of this proposal for 41 dwellings, the requested contribution is £48,974.50.

4. Meeting the Tests for Obligations

a) necessary to make the development acceptable in planning terms:

4.1 Adopted Policy I1 (Developer Contributions) provides:

“Development and infrastructure provision will be coordinated to ensure that growth is supported by the timely provision of adequate infrastructure, facilities and services..... Where developments will create additional need for improvements, provision of infrastructure, services or facilities or exacerbate an existing deficiency, contributions will be sought to ensure that the appropriate enhancements, improvements are made, and appropriate management arrangements are in place.

The types of infrastructure that developments may be required to provide contributions towards include, but are not limited to:....Transport (highway, rail, bus and cycle / footpath network and any associated facilities);....Green Infrastructure (such as outdoor sports facilities, open space, parks, allotments, play areas, enhancing and conserving biodiversity and management of environmentally sensitive areas);...”

4.2 Policy I1 is supplemented through the Affordable Housing and Developer Contributions SPD (July 2022); specifically chapter 3.0 Highway Improvements.

4.3 The impact from the proposed development, in the context of identified housing sites within the locality, has long been demonstrated (refer above) to contribute cumulatively to traffic on the Long Lane/Newton Road junction which will lead to the junction being over capacity. Contributions from developments that generate traffic that will contribute to the junction becoming over capacity need to contribute towards the junction improvement (financially) to make the development acceptable in planning terms in the long term.

b) directly related to the development:

The TIS and TIS Review both demonstrate through transport modelling and assessment that the development will contribute to the Long Lane / Newton Road junction exceeding capacity.

c) fairly and reasonably related in scale and kind to the development.

The updated design and costings (see earlier) and previously advised approach to calculating the proportional costs based on number of dwellings are fairly and reasonably related in scale and kind to the proposed development.

B. Affordable Housing Provision

4.4 No change to that previously agreed with the Applicant and reported to the 4th July 2023 'Committee Meeting, in satisfaction of adopted Policy H14 (Affordable Housing) of the adopted Local Plan as supplemented by the Affordable Housing and Developer Contributions SPD (2022); specifically Ch.2.0: Affordable Housing, by the provision of four affordable houses to be delivered on-site as part of the development.

4.5 This Obligation meets the relevant tests.

C. Open Space Management and Maintenance

4.6 I recommend that an Obligation be included within the s.106 Agreement making arrangements for the management and maintenance of open spaces and landscaped areas across the public realm within the development site including notably the retained 'Green Wedge' and the identified Public Open Space ('POS') together with incidental areas of public landscaped areas.

4.7 The Obligation sought in furtherance of adopted Policy I1 (Developer Contributions), adopted Policy N3 (Protecting Biodiversity and Geodiversity), the Biodiversity and Development Supplementary Planning Document (2018); specifically CH.9 (Biodiversity Net Gain) and Ch.10 (Green Infrastructure), and Ch.15 of the NPPF.

4.8 Subject 'open spaces' are within the development site and are directly related and integral to the proposed development and the future well-being and amenity of its occupants, and the landscape quality and biodiversity enrichment of the site and its surroundings.

4.9 The Obligation is in furtherance of safeguarding the long term management, maintenance and ultimately the sustainability of these features and the development overall in a manner that exceeds the legitimate scope of a Planning Condition by reason that measures are sought for amongst other things covering the reasonable costs of annual monitoring by the Council, and the surety of a bond arrangement should the need arise for the Council to take on the management and maintenance function. Such arrangements are consistent with Obligations placed on more recent approved housing developments.

4.10 This Obligation meets the relevant tests.

5. Conditions

5.1 Also during the intervening period following the 4th July 'Committee Meeting I have been engaged with the Applicant via their Agent addressing the requirements of the originally-recommended 'pre-commencement' Conditions. The aim of this is to reach a position where all 'pre-commencement' Conditions are translated into 'performative' Conditions – being Conditions that require carrying out the development in accordance with the agreed information required otherwise by 'pre-commencement' Condition. Such endeavour speaks directly to Government guidance on reducing reliance on pre-commencement Conditions and in turn reducing uncertainty and delay.

5.2 For information the 4th July 2023 'Committee Report, including the originally-recommended Conditions are included below. The present Recommendation is made subject to the revised list of Conditions as presented below.

5.3 At the time of preparing this Report, the views of the LLFA regarding a revised surface water drainage strategy, are awaited. Members will recall specific attention being afforded the originally-proposed attenuation pond and the matter of its safety-fencing. The latest approach, upon which I have reconsulted the LLFA, is based instead on a 'cascading swale' design as the means to attenuate surface water flows. In my view this is to be welcomed both from a landscape impact as well as a public safety aspect.

5.4 Whilst we await the response of the LLFA, the present Recommendation includes a pre-commencement Condition requiring the submission of surface water drainage details for approval by the LPA.

6. Conclusion

6.1 Once again, the proposed development is recommended for approval albeit subject to the completion of a s.106 Agreement the terms and provisions of which are hereby recommended to be varied in respect of a request for a financial contribution to necessary and related off-site highway improvement works and an additional Obligation with arrangements for the management and maintenance of public open spaces within the development site. As set out above, the recommended Obligations satisfy the relevant tests pursuant delivering sustainable development that accords with the adopted Local Plan as a whole.

7. Recommendation

I recommend that;

A. subject to the completion of a s.106 Agreement relating to the on-site provision of 4 (four) affordable housing units, a £48,974.50 contribution to off-site highways improvement (Long Land/Newton Lane junction), and the management and maintenance of on-site public open spaces, then;

B. Planning permission be GRANTED, with delegated authority given to the Head of Development Management to finalise suitable Conditions.

Recommended Conditions (to be finalised)

Standard Duration Limit

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 and the hereby approved documents defined by this permission as listed below except where varied by conditions attached to this consent.

08-P-03 Rev.B - Proposed Surface Treatment Plan - 22-05-2023

076-CL-01 Rev.A 1000mm Chainlink Fence Topped With Tension Wire - 20-07-2023

088-3B-P03 - Rev.A - House Type 3B - 31-05-2023

088-ASC-P03 REV.A - ASCOT HOUSE TYPE

088-BOW-V2-P03 REV.A - BOWFELL HOUSE TYPE

088-P-01.2 REV.D - Proposed Site Plan - 31-03-2023

088-P-02 Proposed Boundary Treatment Plan Rev.B

088-P04 - Rev.A - Proposed Material Finish Plan - 21-03-2023

088-P-05 - EV Charging Plan

088-P-06 - Rev.A - Affordable Tenure Plan - August 2022

088-PARKING-01 - Parking Plan Rev.B

088-PAT-P03 REV.A - PATERDALE HOUSE TYPE

088-RUS-P03 REV.A - RUSLAND HOUSE TYPE

088-SL-01 REV.B - Site Location Plan - 08-11-2022

088-WAS-PO1 REV.A - WASDALE HOUSE TYPE

15169-C-68 - Private Drainage Details

BEK-22078-2-Rev.A - Site Investigation & Ground Assessment - March 2023

BNG Report - 17-11-2022

Broxap 4 slat bench - photo

BS5837 Tree Survey Report July 2023 V.3

c-2069-01-Rev.A - Tree Survey Plan - Tree Protection Measures

c-2069-02-Rev.E - Detailed Landscape Proposals

c-2069-03 - Landscape Phasing Plan - July 2023

CMS Tantabank 21.7.23

CPTMP Tantabank 21.7.23

Gadsen Letter 29-06-2023 –Swale Designs

K-Nine Dog waste bin

Landscape Appraisal - November 2022

Landscape Management Plan August 2023 v2

Planning Design and Access Statement inc Affordable Housing Statement - JWPC - AUGUST 2022

Preliminary Ecological Appraisal - V.2 - Envirotech - 22-08-2022

SD-SW-07 1800mm Stone Wall with Feather Edge Fencing Infill - July 2020

SHD679 - Lighting Layout - Rev.R2 - 31-07-2022

SHD679-SHD-HLG-TANA-DR-EO-Lighting Layout-R2

SHD679-SHD-HLG-TANA-RA-EO-Lighting Design Risk Assessment-R2

SHD679-SHD-HLG-TANA-SH-EO-Lighting Schedule-R2

Transport Statement - DTPC - J1439-TS - August 2022

Utilities Statement - JW-PND9412 - REV.3 - 19-08-2022

Application Form – amended – 28-11-2022

22200-GAD-ZZ-00-DR-C-1000 P08 - Drainage Layout

22200-GAD-ZZ-00-DR-C-1005 P07 - Exceedance Route

22200-GAD-ZZ-00-DR-C-1011 P04 - SW Manhole Schedules

22200-GAD-ZZ-00-DR-C-1012 P02 - SW Manhole Schedules

22200-GAD-ZZ-00-DR-C-1021 P04 - Sewer Longsections Sheet 1

22200-GAD-ZZ-00-DR-C-1022 P02 - Sewer Longsections Sheet 2

22200-GAD-ZZ-00-DR-C-1030 P05 - Impermeable Areas Plan

22200-GAD-ZZ-00-DR-C-1071 P03 - Drainage Details Sheet 1

22200-GAD-ZZ-00-DR-C-1072 P02 - Drainage Details Sheet 2

22200-GAD-ZZ-00-DR-C-1075 P01 - Basin Sections 1

22200-GAD-ZZ-00-DR-C-1076 P01 - Basin Sections 2

22200-GAD-ZZ-00-DR-C-1090 P01 - S106 Manhole Detail

22200-GAD-ZZ-00-DR-C-1400 P06 - External Levels - SW Highways Prevention

22200-GAD-ZZ-00-DR-C-1500 P05 - Highway Setting out

22200-GAD-ZZ-00-DR-C-1511 P02 - Road 1 Setting Out

22200-GAD-ZZ-00-DR-C-1512 P02 - Road 2 Longsection

22200-GAD-ZZ-00-DR-C-1513 P02 - Road 3 Longsection

22200-GAD-ZZ-00-DR-C-1514 P01 - Road 4 Longsection

22200-GAD-ZZ-00-DR-C-1530 P02 - Highways Details

22200-GAD-ZZ-00-DR-C-1550 P05 - Surface Finishes and Kerbing Layout

FRA and Drainage Strategy Report - Gadsen Consulting - V.8 - 21-09-2023

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

3. The approved CMS and the CPTMP dated 21-07-2023 shall be adhered to throughout the pre-construction and construction phases of the development.

Reason: In the interests of highway safety, the general amenity of the area and its occupants and users, and the proper drainage of the site.

4. On the basis of the submitted Site Investigation and Ground Assessment Report (ref: BEK-22078-2 Rev A. March 2023) and further to this Report's findings and recommendations under paragraphs 6.3 and 6.4 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 before development is re-commenced, and thereafter be implemented prior to occupation of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with adopted Policy C4.

5. No soil material shall 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 shall 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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with adopted Policy C4.

6. Foul and surface water shall be drained on separate systems with foul directed to the main foul sewer.

Reason: In the interests of the proper drainage of the site and in furtherance of adopted Policy C3a.

7. The carriageway, footways and footpaths shall be constructed, drained and lit to an adoptable standard in accordance with the details hereby approved.

Reason: To ensure that, in the interests of the safety of highway users and pedestrians a suitable standard of access for the development exists at all times in furtherance of adopted Policy DS5.

8. No dwellings shall be occupied until the estate road, including footways, 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 hereby approved.

Reason: To ensure that, in the interests of the safety of highway users and pedestrians a suitable standard of access for the development exists at all times in furtherance of adopted Policy DS5.

9. The programme for the completion of the estate roads including footways where shown shall be completed in accordance with the approved programme and the details approved under condition 10 below.

Reason: To ensure that, in the interests of the safety of highway users and pedestrians a suitable standard of access for the development exists at all times in furtherance of adopted Policy DS5.

10. The measures to prevent surface water discharging onto the highway from house drives/parking areas hereby approved shall be implemented in accordance with the approved details prior to the occupation of the respective dwelling and shall be permanently maintained operational thereafter.

Reason: In the interests of the proper drainage of the site and in furtherance of sustainable drainage principles in accord with adopted policies DS5 and C3a.

11. All garages and parking spaces serving each dwelling as set-out on the approved plans shall be reserved solely for the parking of private motor vehicles and no permanent development, whether permitted by the Town & Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking or re-enacting that Order with or without modifications) or not, shall be carried out on those spaces.

Reason: To ensure appropriate access and parking provision is made and retained in the interests of general amenity and highway safety.

12. 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:

- Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and.

- 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 in accord with adopted policies DS5 and C3a.

13. The landscaping scheme, including the informal children’s play area (ICPA) and the protective means of enclosure around the entire perimeter of the attenuation pond as part of the sustainable drainage system hereby approved, shall be implemented in accordance with the approved details as part of the approved development, and all planting and subsequent maintenance shall be to current British Standards.

Reason: In the interests of the long-term biodiversity, the visual amenities of the area in furtherance of adopted policies DS5 and DS6.

14. Further to Condition 13:

(a) the laying out, equipping and maintenance of an informal children’s play area (ICPA) shall be provided as part of the approved overall landscaping scheme, and completed and made available for public use prior to the first occupation of any of the dwellings hereby approved, and retained as such thereafter unless otherwise agreed in writing with the local planning authority; and,

(b) the protective means of enclosure around the entire perimeter of the attenuation pond as part of the sustainable drainage system hereby approved shall be completed before the first occupation of any of the dwellings hereby approved and retained in situ and in perpetuity unless otherwise agreed in writing with the local planning authority.

Reason: To ensure an appropriate level of public recreational provision serving the approved development, and in the interests of public safety to accord with and in furtherance of adopted policies DS2(f), DS5, G1(d), HC1 and HC10.

15. Further to Condition 13. the completed approved landscaping scheme shall be subject to the provisions of the approved Landscape Management Plan (June 2023) for not less than 5 years following implementation, for all areas of landscaping other than those within the curtilages of individual dwellings.

Reason: In the interests of the long-term visual amenities of the area and to support wider opportunities for biodiversity within the locality in accord with adopted policies DS5 and DS6.

16. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) details of all fences, hedges, wall or other means of enclosure around residential curtilages must be submitted to and approved in writing by the Planning Authority prior to the commencement of the development. The means of enclosure must be completed prior to the beneficial occupation of the respective dwelling or, in the case of hedges, in the first planting season following the commencement of the beneficial use of the development.

Reason: In the interests of the visual amenities of the area and its occupants in furtherance of Policy DS5.

17. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or of any Order revoking and re-enacting that Order with or without modifications) nothing in Article 3 or Schedule 2 to that Order, shall operate so as to permit within the area subject of this permission any development referred to in Part 1, Classes A, B, C, D, E or in Part 2, Class A, of that 2015 Order (or of any Order revoking and re-enacting that Order with or without modifications, and no such development shall be carried out at any time within that area without the prior express grant of permission by the Planning Authority.

Reason: In order to safeguard the amenities of the area by enabling the Planning Authority to consider whether planning permission should be granted for further ancillary development within the curtilage of each dwellinghouse having regard to the particular layout and design of the development and in furtherance of adopted Policy DS5.

18. The development hereby approved shall be constructed using the following external materials, samples of which were deposited with and recorded as such by the Local Planning Authority on the 10th July 2023, unless the Local Planning Authority gives prior written consent to any variation:

- Roof – Artificial Slate; UK Slate- Blue Grey “Estillo 3”;
- Paths - Bradstone 600 x 600 x 40 Riven paving flag;
- Walls - Bekstone ‘Natural Light Weathered’ Tumbled (assorted lengths);
- Drives - Impermeable Driveway Sett (60mm Inglestone) Charcoal.

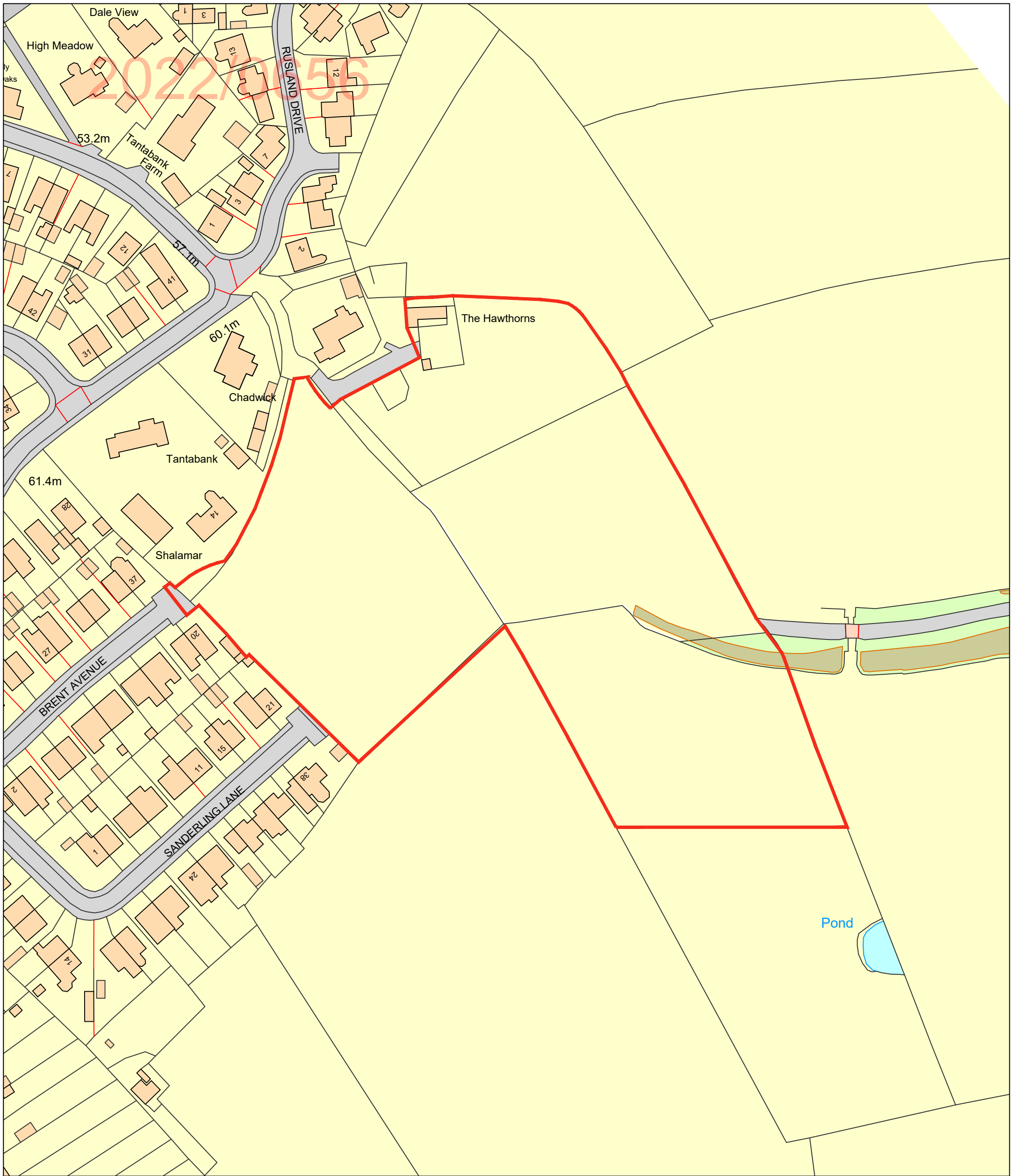
Reason: To ensure a satisfactory appearance to the development, and to minimise its impact upon the surrounding area in furtherance of adopted Policy DS5.

19. All operations carried out on site in connection with the development hereby approved (including demolition works, tree works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) shall be undertaken in accordance with and by application of the provisions and measures set out in the approved Tree Survey Report and Tree Survey Plan.

Reason: To safeguard trees and hedgerows in the interests of the visual amenities of the area and biodiversity in furtherance of adopted policies DS5, G11, N2, N3, N4 and G16.

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
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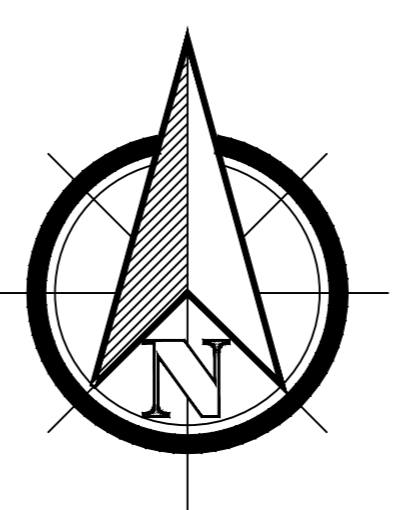
2022/0055

REV	DATE	DESCRIPTION	BY
B	08/11/22	Red line boundary extended to meet the turning head at the end of Brent Ave.	BPK
A	31/08/22	Blue boundary line revised to red	

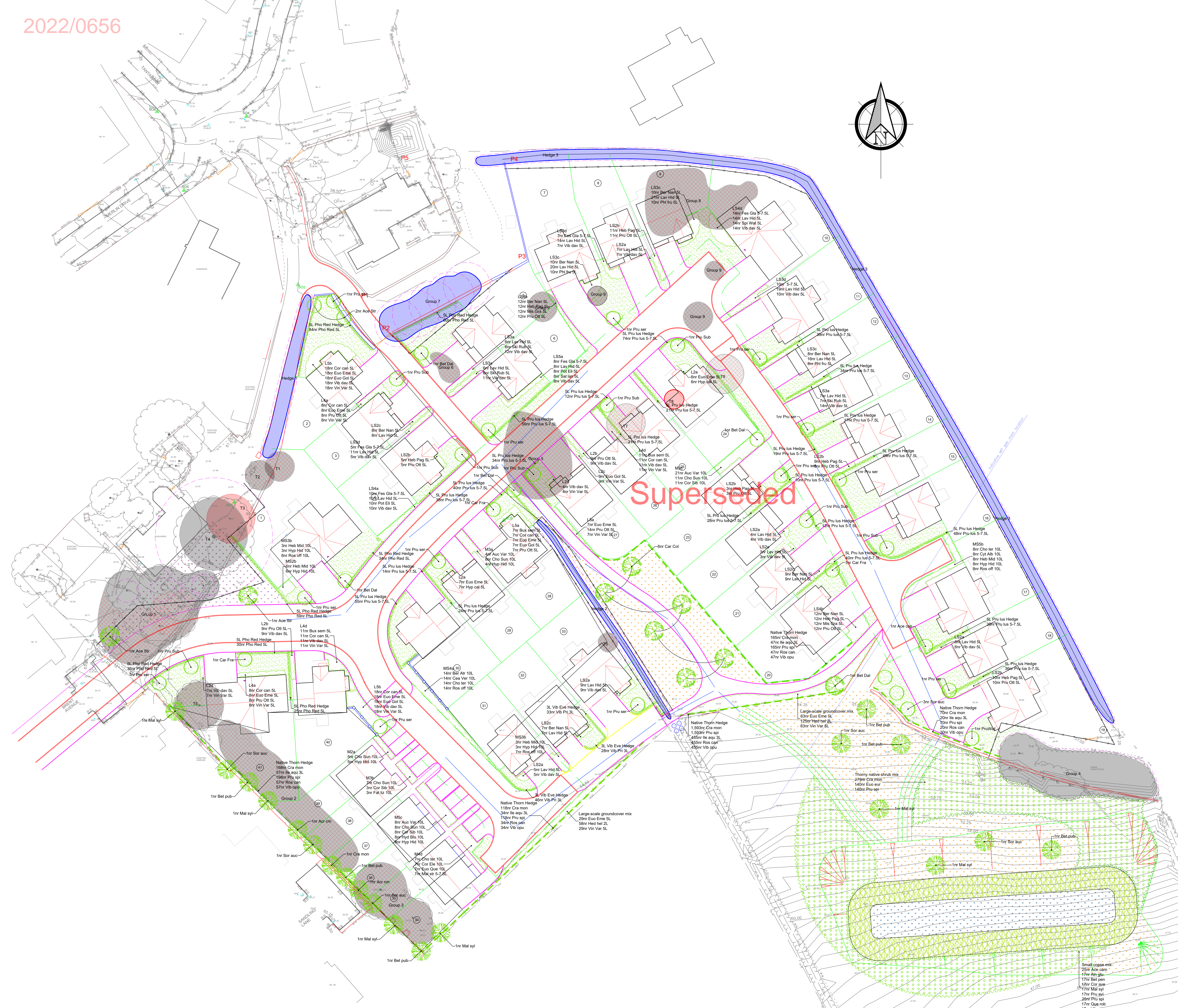
	PROJECT TITLE Tantabank, Dalton in Furness		DRAWING TITLE Site Location Plan	
	DRAWING NUMBER 088-SL-0175		DATE 08/22	SCALE 1:1250 @ A3
	A			DRAWN BY KH



Revision		Description		Date		By		Check	
No.	Date	By	Check	No.	Date	By	Check	No.	Date
1	15/01/2022	...	...	1	15/01/2022	...	...	1	15/01/2022
2	22/01/2022	...	...	2	22/01/2022	...	...	2	22/01/2022



Superseded



Plant Schedule		Quantity		Notes	
Code	Plant Name	Quantity	Notes	Code	Plant Name
LS3c	10nr Ber Nan SL	10	...	LS2b	7nr Lax Hid SL
MS3b	3nr Hab Mid 10L	3	...	MS2b	2nr Cho Sun 10L

Material Schedule		Quantity		Notes	
Code	Material Name	Quantity	Notes	Code	Material Name
MS3b	3nr Hab Mid 10L	3	...	MS2b	2nr Cho Sun 10L
MS1b	1nr Cho Sun 10L	1	...	MS0b	0nr Cho Sun 10L

- 1. Landscaping**
- Planting shall be done in accordance with the specifications and standards of the relevant authorities.
 - Planting shall be done in accordance with the specifications and standards of the relevant authorities.
 - Planting shall be done in accordance with the specifications and standards of the relevant authorities.
- 2. Planting**
- Planting shall be done in accordance with the specifications and standards of the relevant authorities.
 - Planting shall be done in accordance with the specifications and standards of the relevant authorities.
 - Planting shall be done in accordance with the specifications and standards of the relevant authorities.

- Extra heavy standard tree planting in grassed or planted areas. Tree pits as per BS 8545:2014. To include single 1.6m timber stake, 600mm above ground, spacer and biodegradable tie.
- Heavy standard tree planting in grassed or planted areas. Tree pits as per BS 8545:2014. To include single 1.6m timber stake, 600mm above ground, spacer and biodegradable tie.
- Feathered tree planting in grassed or planted areas. Tree pits as per BS 8545:2014. To include single 1.6m timber stake, 600mm above ground, spacer and biodegradable tie.
- Ornamental shrub planting, including 50mm depth in-fine bark mulch. Individual species to be planted in groups of no more than 2 plants.
- Ornamental hedge planting, including 50mm depth in-fine bark mulch.
- Native hedge planting. Plants to be pit planted at 0.3m spacing in a double staggered row (5 plants per linear meter). Shelters to all plants. Species to be planted in random, single species groups of no more than 5 plants.
- Areas to be planted.
- Areas of species-rich meadow grass seeding, such as Emergent Mix E2, or similar and approved.
- Existing trees, to be protected and retained. Refer to dwg c-2069-01 for full details.
- Existing trees, to be removed and mitigated for within planting scheme. Refer to dwg c-2069-01 for full details.
- Root protection zone of retained trees as per BS5377:2012.
- Protective fencing to retained trees as per BS5377:2012.
- Tussock species-rich grass seed mix, such as Emergent Mix E2, or similar and approved.
- New native planting at 1m (shrub species) and 2m (tree species) centres, including tubular guards and stakes.
- Areas of species-rich wetland grass seeding, such as Emergent Mix E2, or similar and approved.
- Areas of species-rich wetland grass seeding, such as Emergent Mix E2, or similar and approved.

PDP
 Project
 Oakmere Homes

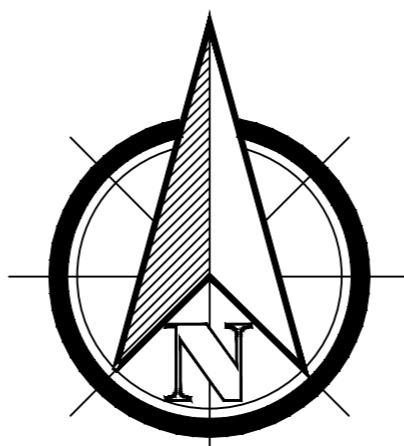
Client
 Oakmere Homes

Project
 Tantabank

Drawing title
 Detailed landscape proposals

Scale 1:250 @ A1
 Drawn by
 Date Aug 2022

Drawing No.
 C-2069-02 Revision C

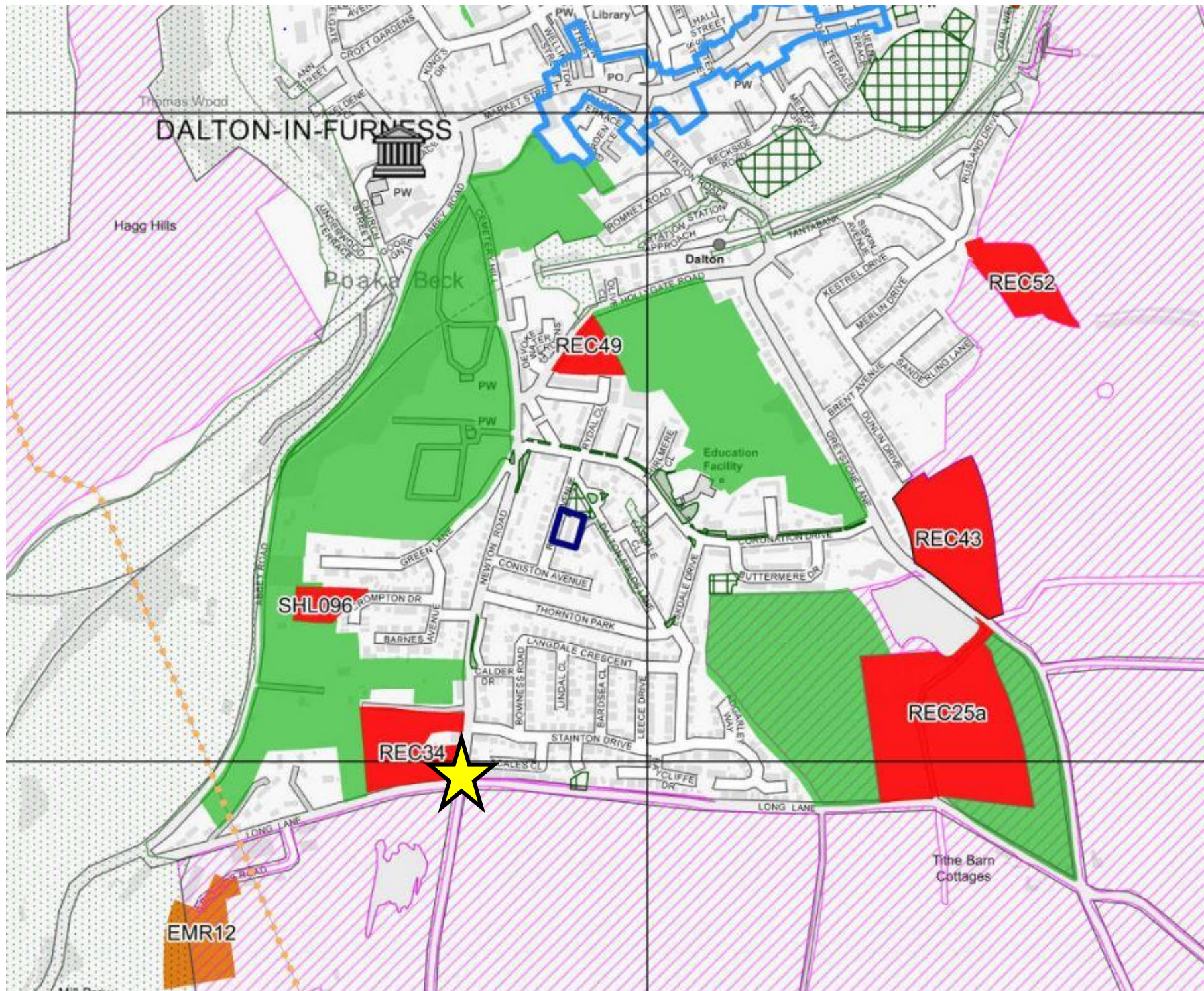


Groundworks Schedule	
Code	Description
1	Excavate and backfill to 100mm below finished level
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- A. 3No Play Boulders by CED Stone. Boulders to measure between 750mm and 1000mm in any dimension and to be laid so they are stable once installed. If required, excavate 150-200mm, or as required, to provide a stable bed for boulder.
- Set within 3m radius tanalised timber-edged area of 250mm depth no-fines bark mulch.
- B. 2No Hatton Rustic 4-slat benches, by Broxop, or similar.
- C. 1No K-Nine post mounted dog waste bin, by Broxop, or similar.
- D. Adventure Trail Scramble Climber A, by Playdale, set within tanalised timber-edged area of 250mm depth no-fines bark mulch.

- Extra heavy standard tree planting in grassed or planted areas. Tree pits as per BS 8545:2014. To include single 1.0m timber stakes, 600mm above ground, spacer and biodegradable tie.
- Heavy standard tree planting in grassed or planted areas. Tree pits as per BS 8545:2014. To include single 1.0m timber stakes, 600mm above ground, spacer and biodegradable tie.
- Feathered tree planting in grassed or planted areas. Tree pits as per BS 8545:2014. To include single 1.0m timber stakes, 600mm above ground, spacer and biodegradable tie.
- Ornamental shrub planting, including 50mm depth no-fines bark mulch. Individual species to be planted in groups of no more than 7 plants.
- Ornamental shrub planting, including 50mm depth no-fines bark mulch.
- Native hedge planting. Plants to be pit planted at 0.3m spacing in a double staggered row (6 plants per linear meter). Shelters for all plants. Species to be planted in random, single species groups of no more than 5 plants.
- Anax to be planted.
- Areas of species-rich meadow grass seeding, such as Emergent Mix E20, or similar, and approved.
- Existing trees, to be protected and retained. Refer to dwg c-2069-01 for full details.
- Existing trees, to be removed and mitigated for within planting scheme. Refer to dwg c-2069-01 for full details.
- Root protection zone of retained trees as per BS5837:2012.
- Protective fencing to retained trees as per BS5837:2012.
- Tussock species-rich grass seed mix, such as Emergent E20, to be banks of attenuation basin.
- New native planting at 1m (shrub) species and 2m (tree) species zones, including tubular guards and stakes.
- 250mm depth no-fines bark mulch contained by pressure-impregnated timber edging.
- Timber knee-rail. Refer to Oakframe Boundary Treatments Plan.

PDP
 Oakframe Homes
 Project: **Tantabank**
 Drawing title: **Detailed landscape proposals**
 Scale: 1:250 @ A1
 Drawn by: [Name]
 Date: [Date]
 Aug 2022
 Drawing No: **c-2069-02 Revision G**



For Information: 4th July 2023 Area Planning Committee Report (2022/0656)

Application Number : B07/2022/0656	Date Valid : 07/09/2022
Address : Land at Tantabank Road/East of Brent Avenue Dalton-in-Furness Cumbria	Case Officer : Andrew Willison-Holt
Proposal : Full planning permission for the erection of 41 dwellings associated access from Brent Avenue, landscaping and infrastructure, including demolition of existing stables.	
Ward : Dalton South Ward	Parish : Dalton Town with Newton Parish Council
Applicant : Oakmere Homes c/o Agent JWPC Chartered Town Planners	Agent : Mr Dan Ratcliffe JWPC Chartered Town Planners
Statutory Date : 07/12/2022	Recommendation : Subject to the completion of a s.106 Agreement relating to affordable housing provision, then Planning Permission be GRANTED with delegated authority given to the Head of Development Management to finalise Conditions.
Barrow Planning Hub	

Relevant Policies and Guidance

Full details of policies listed below included in the Appendix: Local Plan Policies

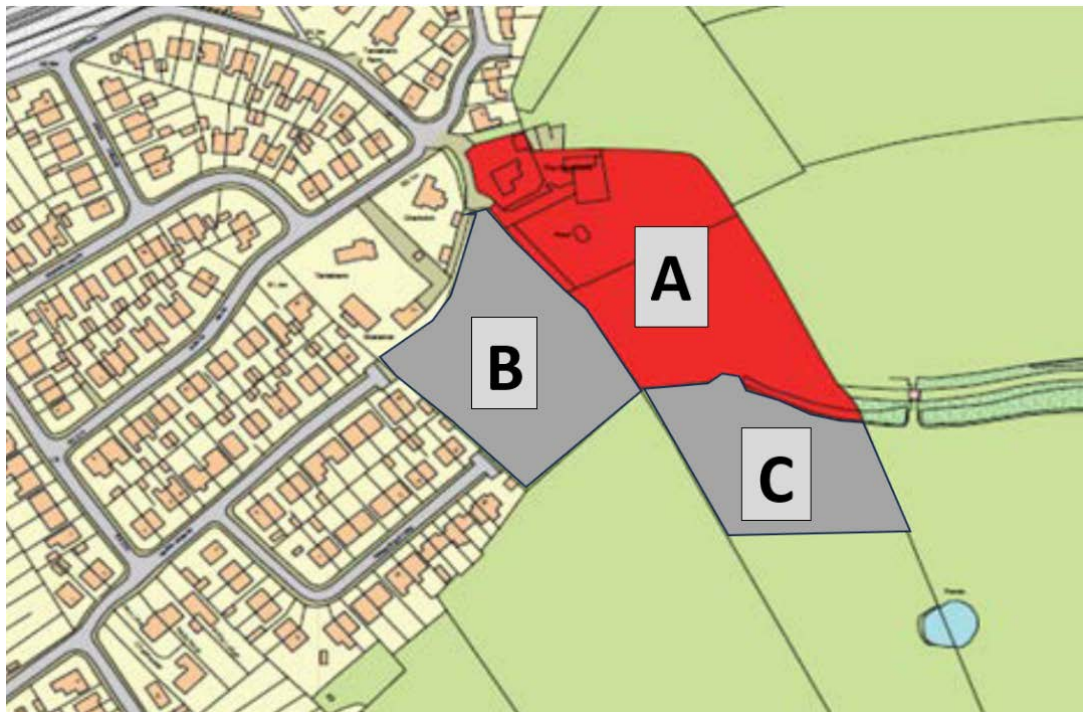
1. Barrow Borough Local Plan 2016-2031 - Policy DS1: Council's commitment to sustainable development
2. Barrow Borough Local Plan 2016-2031 - Policy DS2: Sustainable Development Criteria
3. Barrow Borough Local Plan 2016-2031 – Policy DS3: Development Strategy
4. Barrow Borough Local Plan 2016-2031 - Policy DS5: Design
5. Barrow Borough Local Plan 2016-2031 – Policy DS6: Landscaping
6. Barrow Borough Local Plan 2016-2031 – Policy C3a: Water Environment
7. Barrow Borough Local Plan 2016-2031 – Policy C4: Contaminated Land
8. Barrow Borough Local Plan 2016-2031 – Policy C7: Light Pollution
9. Barrow Borough Local Plan 2016-2031 – Policy I1: Developer Contributions
10. Barrow Borough Local Plan 2016-2031 – Policy I6: Parking
11. Barrow Borough Local Plan 2016-2031 – Policy H1: Annual Housing Requirement
12. Barrow Borough Local Plan 2016-2031 – Policy H3: Allocation of Sites for Housing Development

- 13. Barrow Borough Local Plan 2016-2031 – Policy H11: Housing Mix
- 14. Barrow Borough Local Plan 2016-2031 - Policy N1: Protecting and Enhancing Landscape Character
- 15. Barrow Borough Local Plan 2016-2031 – Policy N3: Protecting Biodiversity and Geodiversity
- 16. Barrow Borough Local Plan 2016-2031 – Policy N4: Protecting Other Wildlife Features
- 17. Barrow Borough Local Plan 2016-2031 – Policy GI1: Green Infrastructure
- 18. Barrow Borough Local Plan 2016-2031 – Policy GI2: Green Wedges
- 19. Barrow Borough Local Plan 2016-2031 – Policy GI4: Green Spaces
- 20. Barrow Borough Local Plan 2016-2031 – Policy GI6: Green Links
- 21. Barrow Borough Local Plan 2016-2031 – Policy HC5: Crime Prevention
- 22. Barrow Borough Local Plan 2016-2031 – Policy HC10: Play Areas
- 23. Barrow Borough Local Plan 2016-2031 – Policy HC15: Education

Summary of Main Issues

In respect of the principle, it is important to understand the varied land-use policy status of the application site.

With reference to the illustrative figure below: Area **A**. is allocated for housing on the adopted Local Plan (**REC52**) whereas **B** and **C** is unallocated ‘open countryside’.



Only Areas **A** and **B** will accommodate actual house plots and highways, with Area **C** comprising the main SUDS provision in the form of an attenuation pond situated amongst new substantive natural landscaping.

Accordingly, acceptability of new housing within Area **A** in principle is pre-determined by virtue of the adopted Local Plan (Policy H3: Housing Allocations).

The acceptability in principle of housing within Area **B** will depend on whether it can be regarded as a suitable windfall against Policy H7: Housing Development, which accommodates new housing on sites located within or adjoining the built-up areas of Barrow or Dalton.

Whilst Area **C** will not contain new housing per se, it remains a critical component of the overall development in satisfaction of sustainable drainage objectives as well as serving to soften and screen in-part the southern edge of the housing layout and enhance biodiversity.

The inclusion of Area **B** fundamentally alters the disposition of the allocated housing site (Area **A**) by reason that it affords main access from Brent Avenue rather than Tantabank. Thus a key consideration now is highways and access; specifically the suitability of Brent Avenue to serve as the main highway route into the site. Whilst there will be access still from Tantabank, such will be limited to emergency vehicles, pedestrians and cyclists.

As a sloping undeveloped site on the edge of the urban area other material considerations relating to the design of the development and its landscape and visual impact are significant, alongside chiefly drainage and biodiversity.

Residential amenity in respect of both existing neighbours and occupants of the proposed development, is a main issue prompting consideration of possible undue overlooking and overshadowing as well as aspects of noise and disruption from new traffic particularly during the construction phase.

Non Material Considerations

None raised.

Response to Publicity and Consultations

Neighbours Consulted

Street Name	Properties
Brent Avenue	18, 20, 35, 37,
Merlin Drive	Chadwick,
Rusland Drive	2,
Sanderling Lane	19, 21, 38,
Tantabank Road	14, The Hawthorns,

Responses	Support	Object	Neutral
82	0	76	4

Summary of Neighbour Responses

- Refer a previous refusal for housing development on the site that relied upon Brent Avenue for access.
- Unsuitability of Brent Avenue to accommodate the additional traffic generated by the proposed development in terms of its width, junction geometry and the incidence of on-street parking leading to congestion.
- Incidence of bats on the site.
- Visual harm to the surrounding landscape from any new housing on the site.
- Pressure on local schools.
- Inadequate drainage provisions in the face of localised flooding on the site.
- Tantabank incapable of accommodating more traffic.
- The proposal includes unallocated land.
- Proximity of a wind turbine within 1000m of the application site.

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)
 Cumbria County Council (Archaeology)
 Cumbria County Council (Highways)
 Cumbria County Council (LLFA)
 Cumbria County Council (PROW)
 Dalton With Newton Town Council
 Environment Agency (Contamination, Flood and Pollution)
 United Utilities (Planning Liaison)

Summary of Consultee Responses

Highways Authority:

- Welcomes the incorporation of an emergency vehicle access (EVA) off Tantabank and the planned improvement to the re-surfacing of the EVA route as part of the drainage works.

- Has no objection to the main access to the site via Brent Avenue from Greystone Lane.
- Expects remediation works to Brent Avenue resulting from any material damage caused by construction traffic;
- Agreeable to the internal layout.
- Outstanding concern over whether parking provision is sufficient; specifically whether the integral garage spaces should be counted. **NOTE:** amended plans received that detail individual parking spaces across the site along with revised house floorplans that increase useable garage space sufficient in my view to satisfy Local Plan policy dimensions for new garages. Plans sent to Highways nonetheless and, at time of writing, a response is awaited.

Local Lead Flood Authority:

- Confirms no record of flooding on this site and that the Environment Agency surface water maps do not indicate that the site is in an area of risk;
- Proposed drainage design via infiltration and attenuation with basin in the southern part of the site is acceptable, and further SUDs features incorporated across the site are welcomed.
- Additional swale requested to enhance SUDS provision - **NOTE** now included on latest plans;

Former County Council (now W&F) PROW Officer:

- Safeguard the route of the adjacent public right of way (PROW) skirting the site's northern boundary and across the EVA – **NOTE** this can be made the subject of an Informative, otherwise covered under Highways legislation;
- Recommend upgrading the PROW in response to expected additional usage – **NOTE** I consider there to be insufficient grounds for upgrading the entire PROW but otherwise welcome the resurfacing of the EVA route which in part coincides with the PROW to improve pedestrian and cycling movement.

Building Control

- Building Regulations required.

Former Barrow Public Protection Services Licensing:

- Satisfied the submitted environmental report fulfils requirement for land quality. Recommends contamination Conditions be attached to any approval.

Former County Council (Education):

- No education contribution required

Former County Council (Archaeology)

- No objections. No recommendations offered.

NHS Estates

- Seek a financial contribution towards the extension and reconfiguration of the Dalton Surgery (£32,694). **NOTE:** There are no firm plans/costings or schedules prepared for such works, which raises serious doubts as to the necessity for and thus the reasonableness of a contribution.

LPA Commissioned Tree Consultant – Reviewing submitted arboricultural report:

- Considers the trees affected by the proposed development are low quality. Consider a high-quality landscaping scheme can replace their landscape contribution within a few years. Recommend suitable standard Conditions to be attached to any approval.

United Utilities

- In respect of drainage, confirm the proposals to be acceptable in principle and recommend Conditions to be attached to any approval;
- In respect of the management and maintenance of SUDS, recommend the attachment of a Condition to any approval.

Dalton with Newton Town Council:

- Object on the ground that the proposal seeks housing on land outside the housing allocation, and thus the public have not been provided with the opportunity to comment on such. **NOTE** – the present application affords the opportunity to comment, but otherwise there is nothing untoward about applying for windfall housing at any time.

Officers Report

1. Site and Locality

1.1 The site covers c.2.2ha located on the eastern fringe of Dalton South (south of the main rail-line).

1.2 It is undeveloped semi-improved grassland that slopes gently down broadly southward from Tantabank to open fields before rising again, and flanked by existing housing as part of the main settlement generally to the west (south-west), and an established hedgerow with open fields beyond to the east.

2. Proposal Details

2.1 Full planning permission for the erection of 41 dwellings associated access from Brent Avenue, landscaping and infrastructure, including demolition of existing stables.

2.2 This application seeks full planning permission for the erection of 41 dwellings and associated infrastructure including roads, footpaths, landscaping, and SUDs.

2.3 The main access to the site will be through the western boundary via Brent Avenue, with an emergency vehicle access (EVA) from Tantabank.

2.4 Again with reference to **Fig.1**, the housing will be confined the **Areas A and B**, with **Area C** devoted to drainage and landscaping.

2.5 From Brent Avenue the internal road layout adopts a logical twin cul-de-sac approach with each arm descending the slope through **Areas A and B** respectively off a transverse 'top road' above which is proposed limited housing along the site's northerly boundary with existing houses. Internal footpaths are proposed running down the middle of the site and across the southern boundary.

2.6 An holistic approach is applied to landscaping, SUDS and ecology whereby the surface water is channelled and drained utilising sustainable urban drainage (SUDS) to concentrate surface water run- off via pipework and swales down to the landscaped attenuation pond at the south-easterly portion of the site (**Area C**).

2.7 The housing profile comprises 4 x 2-bed (Affordable), 15 x 3-bed, and 22 x 4-bed units faced in 'natural' (light) coursed artificial stone and complementary shaded render under concrete tile roofs.

2.8 The general design of the house types is contemporary with variation in the patterning of elevational treatments, effecting a familiar and generally open-fronted semi-urban character.

2.9 The 'top-road' off Brent Avenue will be sealed blacktop, with each branching cul-de-sac and served driveways surfaced with contrasting setts. Robust front boundary treatments will be applied sparingly to accentuate junctions/cul-de-sac entryways.

2.10 The established boundary hedgerows will be retained. To accommodate the development a number of mature trees within the site will be removed with justification. Nonetheless some 800 new trees will be planted including a significant number of heavy and extra-heavy standards as well as over 4000 shrubs and grasses including native hedge planting.

2.11 Street lighting is to be provided to an adoptable standard and guided by a dedicated lighting study with recommendations to mitigate impact on local amenity and landscape quality and character.

2.12 The proposal is supported by a raft of specialist reports addressing matters of traffic and accessibility, ecology and biodiversity, landscape and visual impact, external lighting, arboriculture, flood risk, ground conditions, and drainage.

3. Relevant History

3.1 02/1991/0507 Tantabank Merlin Drive Dalton-in-Furness Cumbria Erection of a single detached dwelling (Outline) Refused 26/09/1991

3.2 02/1991/0745 Land adjacent to Shalamar, Tantabank, Dalton-in-Furness Erection of a single detached dwelling (Outline) Appcond 13/02/1992

3.3 1978/0930 38 Sanderling Lane, Dalton-in-Furness To raise the level of front walls by 1Ft, strengthen wall adjacent to cul-de-sac by two buttresses and elevate gate posts. Approved 25/09/1978

3.4 1981/0069 20 Brent Avenue, Barrow-in-Furness Rear bedroom extension Approved 11/03/1981

3.5 1989/0499 Land to the east of Brent Avenue and Sanderling Lane, Dalton-in-Furness Residential development Refused 17/08/1989

3.6 42/1992/0299 Land adjacent to Chadwick Merlin Drive Dalton-In-Furness Cumbria Approval of Reserved Matter for the erection of a detached house Approved 10/06/1992

3.7 56/1994/0668 Corner of Tantabank Road and Merlin Drive Dalton-In-Furness Erection of stables Approved 21/12/1994

3.8 57/1993/0554 20 Brent Avenue, Dalton-in-Furness Kitchen extension Approved 27/09/1993

3.9 57/2001/0299 38 Sanderling Lane Dalton-in-Furness Cumbria LA15 8QG Erection of a rear conservatory Appcond 25/05/2001

3.10 57/2002/1266 38 Sanderling Lane Dalton-in-Furness Cumbria LA15 8QG Erection of a replacement garage and kitchen extension Appcond 05/02/2003

3.11 B28/2012/0502 14 Tantabank Road Dalton-in-Furness Cumbria LA15 8QY Application for works to trees subject of Tree Preservation Order 1989 No. 1 - Remove large twin stem Ash tree numbered T1 on plan. Appcond 18-OCT-2012

4. Officer Assessment

Relevant Local Plan Policies

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

4.2 The current Development Plan is the adopted Barrow Borough Local Plan 2016-2031.

4.3 As with any new housing development, especially those located out with a settlement, the issues raised and the corresponding policy implications are numerous and wide-ranging. It is not unusual for policies to pull in different directions. Nonetheless applications should be assessed and determined against the Local Plan as a whole, requiring the balancing of interests as a matter of judgement.

4.4 Policies DS1 and DS2 set out the Council's sustainable development strategy for the Borough. Policy DS1 sets out the over-arching strategy and Policy DS2 outlines a series of criteria which all new development should meet. The DS2 criteria are considered below:

a) Incorporate 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.

4.5 Commensurate green infrastructure is incorporated within the proposal and there is easy access to the open countryside and nearby public footpaths.

b) Do not prejudice road safety or increase congestion at junctions identified as being over-capacity;

4.6 A traffic assessment has been submitted with the application. Traffic generated by the proposals is not considered to have unacceptable impacts on the local highway network. Further the Highways Authority advise that the local highway network would not be unduly prejudiced by additional traffic generated.

c) Ensure access to necessary services, facilities and infrastructure and ensure that proposed development takes into account the capacity of existing or planned utilities infrastructure;

4.7 As set out in the Transport Assessment there are a number of amenities and services within recognised reasonable distances for walking and cycling.

d) Ensure 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 development including from associated traffic are within acceptable levels.

4.8 Unacceptable levels of pollution are unlikely. Finite construction phase externalities can be regulated via an agreed construction management plan as standard.

e) Respect the residential amenity of existing and committed dwellings, particularly privacy, security and natural light.

4.9 The proposals would have no undue detrimental impact on privacy and security and natural light given the orientation and separation distance from neighbouring residents.

f) Protecting the health, safety or amenity of occupants or users of the proposed development.

4.10 The proposed layout and design of the scheme ensures that a reasonable level of amenity should result for proposed residents.

g) Contribute to the enhancement of the character, appearance and historic interest of related landscapes, settlements, street scenes, buildings, open spaces, trees and other environmental assets.

4.11 The proposal provides a good quality of design that has been reasonably considered, effecting a sympathetic transition between the urban and rural environments across this fringe setting, with potential to enhance the character of the area through substantive landscaping.

h) Contribute to the enhancement of biodiversity and geodiversity.

4.12 The proposals will secure a healthy net gain in biodiversity and hedgerows habitat creation.

i) Ensure that construction and demolition materials are re-used on the site if possible.

4.13 Not applicable.

j) Avoid adverse impact on mineral extraction and agricultural production.

4.14 Not applicable.

k) Ensure 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.

4.15 The proposal will meet the energy efficiency requirements of the building regulations. Sustainable drainage is considered elsewhere in this report.

l) Ensure that any proposed development conserves and enhances the historic environment including heritage assets and their settings.

4.16 The proposal will not impact on any heritage assets or their settings.

m) Comply with Policy DS3.

4.17 The proposals comply with Policy DS3 (Development Strategy), which identifies an overarching strategy of sustainable growth with a balanced portfolio of sites in a range of locations throughout the Borough and gives context to the housing allocations.

4.18 Policy DS5 echoes the NPPF and the National Design Guide in seeking to encourage good design. The application proposal includes a pleasing and complementary variety of different house types even on such a relatively modest development and can be considered to meet the relevant design criteria set out under policy DS5.

4.19 Policy DS5 also requires development to accord with the Council's Draft Green Infrastructure Strategy and it sets out a series of design criteria which are considered below:

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

4.20 The proposal sits on the edge of the urban area adjacent to open countryside and the retention and enhancement of hedgerows, and a significant net addition to native tree planting, coupled with sensitive design and safeguarding planning Conditions should help to integrate the development and conserve and enhance the character of the adjacent natural environment.

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

4.21 Not material in this instance.

c) Make the most effective and efficient use of the site and any existing buildings upon it.

4.22 There are no existing buildings worthy of conversion, and an efficient, non-profligate site layout is proposed that transitions appropriately from the denser adjacent housing development.

d) Create clearly distinguishable, well defined and designed public and private spaces that are attractive, accessible, coherent and safe and provide a stimulating environment.

4.23 The twin cul-de-sac arrangement promotes pedestrian accessibility through the site, in particular the routeing of footpaths. Each dwelling will have dedicated private amenity space.

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.

4.24 This relatively modest/medium-scale development is well-designed in terms of site access and internal permeability. Whilst the nature of the location means there will inevitably be some reliance on private cars there are available bus services and a rail station within reasonable proximity for pedestrians (and cyclists). Electric Vehicle Charging Points are incorporated and included for each house and the Emergency Vehicle Access will provide constant pedestrian and cyclist access to Tantabank and the adjacent public right of way that skirts the site's northern boundary.

f) Create a place that is easy to find your way around with routes defined by a well-structured building layout.

4.25 Compliant.

g) Prioritise building and landscape form over parking and roads, so that vehicular requirements do not dominate the sites appearance and character.

4.26 Adequate car parking for each dwelling is sensitively designed within an otherwise defensible arrangement set within an undulating landscape with only localised visual impact.

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

4.27 A reasonable standard of design is proposed with a complementary palette of external materials that should blend with existing housing.

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.

4.28 Hedgerows are retained and enhanced and biodiversity net gain (BNG) confirmed. Further by respecting and conforming with the existing established, characteristic field pattern and drumlin topography proposal would have only a localised visual impact whilst preserving and otherwise not conflicting with the special interest of this unique landscape type.

j) Create layouts that are inclusive and promote health, well-being, community cohesion and public safety:

4.29 Commensurately compliant providing a safe living environment with ready access to the local PROW network and considerate pedestrian permeability through the site

k) Incorporate public art where this is appropriate to the project and where it can contribute to design objectives.

4.30 Not applicable.

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

4.31 The proposal will be required to meet Building Regulations accessibility requirements.

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

4.32 Compliant – detailed elsewhere in this report.

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.

4.33 The proposal will be required to meet the latest Building Regs requirements, although on this relatively modest site, with an emphasis on conforming with established field pattern and valued topographical features, scope for mitigation is limited. A balanced judgement is required that ultimately does not levy a disproportionate environmental cost.

o) Ensuring that new development avoids creating nesting sites for gulls e.g. through the provision of appropriate roof pitches.

4.34 Not applicable.

4.35 Policy DS6 views landscaping as an integral part of the design process. The safeguarding of important landscape features complemented by considerate, significant additional natural landscaping and the mitigation of external lighting effects reflect the weight afforded by the proposal to preserving and enhancing local landscape quality and character.

4.36 Policy C3a: water management sets out requirements for water efficiency. SUDS are prioritised over mains drainage unless clear evidence is provided why this option cannot be achieved. The policy advises new development should minimise its impacts on the environment by achieving the minimum standards for water efficiency as defined by Building Regulations. It states that proposals to discharge surface water to a public sewer will need to demonstrate why alternative options are not available. It requires appropriate maintenance and management regimes for surface water drainage schemes and for discharge rates to be mimicked in relation to greenfield sites.

4.37 Ground suitability testing revealed suitability for priority SUDS provision in the form of a series of swales and an attenuation pond.

4.38 Policy C4 addresses contaminated land risk and the Council's Public Protection officer has recommended suitable conditions.

4.39 Policy C5 seeks to promote renewable energy. The proposal will be Building Regulations compliant and incorporate electric vehicle charging points.

4.40 In terms of housing policy, Policy H1 Annual Housing Requirement states: *'Permission will be granted for housing proposals that will deliver the housing allocations set out in this plan and contribute to achieving an annual average borough wide housing target of at least 119 net additional dwellings per year over the Plan period'*. The allocation of land for housing creates a strong presumption in favour, and otherwise adopted policy under H7 makes specific provision for allowing suitable windfall housing developments including those within the countryside adjoining Barrow and Dalton.

4.41 In respect of Policy H7: 'Housing Development' concerning in particular **Area B**, the most important fact is that the site is located adjoining the built up area of Dalton and otherwise with reference to the above policies would reasonably and commensurately satisfy the remaining criteria listed under Policy H7 as part of an integrated scheme.

4.42 In respect of Local Plan Policy H11 'Housing Mix' the proposal would offer a reasonable mix of house types and sizes including affordable dwellings to meet local need.

4.43 In respect of Policy HC4 'Access to buildings and open spaces' the houses will be Class M Building Regulations compliant, with seamless pedestrian access encouraged across the site unhindered by the relatively moderate gradient.

4.44 In respect of Policy HC5 'Crime Prevention' the proposal benefits from a defensible disposition with good natural surveillance throughout.

4.45 In respect of Policy HC10 Children's' Play Areas, and considering the Affordable Housing and Developer Contributions SPD, because the site is located within 400m of an equipped play area off Rusland Avenue no further provision is reasonably necessary. Nonetheless, a limited informal shared amenity provision is to be provided within the site for younger children.

4.46 In respect of heritage Policy HE1 there are no noteworthy heritage assets affected and the County Archaeologist confirmed the proposal is unlikely to pose a risk to archaeological assets.

4.47 Policy I3 'Access to Community Facilities' states that proposals for new housing development are to demonstrate how the existing local community facilities will be suitable and accessible for the users of the proposed development and where such facilities are not suitable and accessible, appropriate community facilities should be provided to fulfil the needs created by the proposed development.

4.48 The policy states that in assessing whether a contribution from a particular site is appropriate the Borough Council will have due regard to the size of the site; the

nature of the proposals and the suitability of the site for providing community facilities; and the economic viability of the development.

4.49 This is a relatively small-scale proposal that nonetheless could support help sustain local services and facilities that are reasonably close and accessible by alternate modes of transport.

4.50 Policy I4 'Sustainable Travel Choices' refers to development to be accessible by a range of sustainable transport options, including walking, cycling and public transport. The policy encourages the integration of vehicle charging infrastructure within new development. and each property will have an EVCP.

4.51 Local Plan Policy I6 'Parking' requires adequate parking provision in accordance with the parking standards in the Cumbria Development Design Guide or any update to it. The proposal makes adequate provision for parking within the site.

4.52 Policy N3 seeks to safeguard biodiversity and geodiversity and achieve net gains where possible. The proposal would achieve a healthy BNG as detailed in the submitted dedicated report.

4.53 In respect of Policy N4 and the protection of wildlife features as part of landscaping, the proposal would incorporate and integrate existing features as well as enhancing habitat provisions though the measures recommended in the submitted Preliminary Ecological Assessment. And, whilst their loss of trees on the site is regrettable, it has been confirmed independently that those to be removed are of low quality and would otherwise such loss would be more than adequately compensated by more effective new tree planting as part of the overall landscaping scheme.

4.54 Policy GI1 sits alongside the Council's Draft Green Infrastructure Strategy and seeks to encourage the creation, enhancement and protection of green infrastructure within the Borough. The policy criteria includes utilising landscape and urban design techniques, protecting and enhancing biodiversity, tree planting and using Green Infrastructure to create distinctive place making. Policy GI6 states that proposals involving existing hedgerows will be supported provided they do not compromise the continuity or integrity of the hedgerow.

4.55 The proposal, whilst relatively modest remains considerate of the aims and objectives of policies promoting green infrastructure and is considered to reasonably and commensurately translate such through its layout and landscaping.

National Guidance

4.56 The NPPF is an important material consideration. In this instance it is considered the relevant provisions of the adopted Local Plan are in conformity with those of the NPPF by properly and sufficiently addressing the main issues and objectives raised pursuant the achievement of sustainable development across the environmental, economic and social spectra.

Supplementary Guidance

4.57 Although not part of the adopted development plan, the LPA's Supplementary Planning Documents can be material considerations, including the Affordable Housing and Developer Contributions SPD, the Biodiversity & Development SPD, and the Draft Green Infrastructure Strategy SPD.

Matters raised by members of the public together with officer Comments:

4.58 *Refers to a previous refusal for housing development on the site that relied upon Brent Avenue for access.*

4.59 **Comment:** From researching the LPA's records, the case was from 1989. It was refused and one of the reasons identified the junction of Brent Avenue with Greystone Lane as then being substandard in respect of visibility onto Greystone Lane. The matter was raised with the Highways Authority and the applicant as part of the current submission. The Highways Authority maintain that the junction is satisfactory as does the applicant's transport consultant;

Unsuitability of Brent Avenue to accommodate the additional traffic generated by the proposed development in terms of its width, junction geometry and the incidence of on-street parking leading to congestion.

4.60 **Comment:** again this matter has been specifically raised and discussed with the Highways Authority which maintains that Brent Avenue is capable of accommodating the additional traffic as it meets the extant standards for minor access roads;

Incidence of bats on the site.

4.61 **Comment:** The submitted Preliminary Ecological Assessment (PEA) does not consider there would be significant degradation of foraging habitat as a result of the proposal so long as the hedgerows and trees are retained and/or their loss is compensated for in any landscaping scheme. Further the survey found that there were no indications of roosting of there being suitable roost sites located within the trees. A stable building located in the site, to be demolished, was found to have no suitable roosting features. It concludes by advising that bat species are highly unlikely to rely on the site for feeding and that roosting bats will not occur on the site. Nonetheless the report recommends new roosting provision for crevice dwelling bats be incorporated into the buildings on site or bat boxes installed in retained trees;

Visual harm to the surrounding landscape from any new housing on the site.

4.62 **Comment:** it should be borne in mind that a part of the site is allocated for housing and therefore its development is accepted in principle, and alone would transform the appearance and character of the land and its relationship with the surroundings. The impact of the additional housing now proposed (**Area B**), wedged

between the existing estate and the allocated housing site would be in my view, marginal, and not justifiable as a reason for refusal;

Pressure on local schools.

4.63 Comment: refer to the response from the Education Authority which does not raise concerns as there is capacity in local schools;

Inadequate drainage provisions in the face of localised flooding on the site.

4.64 Comment: the site lies in flood zone 1 wherein new residential development is appropriate. The detailed drainage strategy is endorsed by the LLFA, would mimic existing greenfield surface water run-off rates, and introduce a managed system for regulating surface water and fulfil reasonably in the context of this site the policy objectives for green infrastructure;

Tantabank incapable of accommodating more traffic.

4.65 Comment: The scheme has been designed so that only Tantabank will only be used by emergency vehicles, pedestrians and cyclists.

The proposal includes unallocated land.

4.66 Comment: Though material, it is not grounds for refusal. Windfall housing is supported by adopted policy subject to satisfying Policy H7;

Loss of trees.

4.67 Comment: the loss of low category trees is not considered significant and otherwise can be compensated for by sensitive new landscaping/planting as part of the proposed development;

Proximity of a wind turbine within 1000m of the application site.

4.68 Comment: the turbine is some 500m distant (minimum) from the application site and roughly 600m from existing housing on Rusland Avenue to the north, both of which falls short of the alleged 1000m exclusion zone. Such a national policy was promoted many years ago but failed to progress beyond a 2nd Reading in the House of Lords. Not a justifiable reason for refusal.

5. Conclusions

Principle

5.1 Regarding the acceptability of the proposal in principle, I refer back to **Fig.1**. In respect of the allocated portion (Area **A**) new housing thereon is clearly acceptable. In my opinion, housing on Area **B** is likewise agreeable insofar as it manifestly complies with Policy H7 in terms of its location and disposition relative to the built-up

area of Dalton – notably by the way it conforms to the profile of the built-up area to effect a seamless consolidation of such. I would submit that there is a clear advantage to incorporating Area **B** and realising a singularly comprehensive, integrated treatment.

5.2 Whilst one can appreciate and understand the disenchantment felt by affected neighbours especially those on Brent Avenue confronted by this presumably unexpected turn of events, it remains necessary to assess the merits of the case as presented.

5.3 The presence of the housing allocation speaks to the sustainability of the location and the availability of local services and facilities.

5.4 In respect of Area **C**, its passive, ostensibly ‘green’ nature would effect only a marginal change to the character of the local landscape. Indeed one would expect development of the allocated housing site to achieve BNG through off-site means and where better than the immediate Area C, meanwhile softening and visually anchoring the new housing, and significantly enhancing biodiversity. I would go further by submitting that by detaching the SUDS, more effective use be made of the allocated site in terms of its yield and contribution to maintaining an ongoing healthy housing supply – the burden of which falls primarily and principally on the shoulders of adopted housing allocations and making efficient use thereof as such.

Access

5.5 In the light of the representations received from local residents and following detailed deliberations, the Highways Authority maintain that Brent Avenue is suitable as the main access serving the proposed development. Further the Highways Authority welcome the incorporation of an EVA and its safe connectivity with the PROW/Tantabank for pedestrians and cyclists. In my view there is adequate parking within the site to serve the development with no reason to expect any incursion or reliance on the existing highway network.

Design including Landscape and Visual Impact

5.6 Putting aside the fact that the development of the housing allocation would inevitably urbanise this environment, I agree with the submitted landscape and visual impact analysis that the introduction of housing onto this site as a whole would have only a localised impact, would be appreciably anchored and enclosed by the existing built up area of the settlement, cordoned by the existing host field enclosure, and would not interfere with or interrupt the characteristic and valued quality and character of the wider drumlin landscape.

5.7 The scheme is responsive to the disposition of the site and its relationship with the host landscape, and incorporates a considered arrangement of pleasing house-types with a sympathetic and attractively patterned palette of facing materials complemented by a legible gradation of surface treatments.

5.8 The layout of the development would avoid any undue harm or prejudice to the amenities of neighbouring residents by overlooking or overshadowing.

5.9 Overall the design conveys a sense of informality appropriate to this fringe setting.

5.10 In terms of green infrastructure the scheme performs well with regards to SUDS and substantial landscaping including new Green Links, effecting a healthy BNG with well-considered pedestrian circulation and a focus on linking with the nearby PROW and community play area.

5.11 Affordable housing is provided as part of a reasonable mix of house sizes commensurate with the sites welcomed informal-suburban character.

6. Recommendation

I recommend that;

A. subject to the completion of a s.106 Agreement relating to affordable housing provision, then;

B. Planning Permission is GRANTED with delegated authority given to the Head of Development Management to finalise suitable conditions

Recommended Conditions (to be finalised)

Standard Duration Limit

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 and the hereby approved documents defined by this permission as listed below <abc>, except where varied by conditions attached to this consent.

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

3. Prior to the commencement of any development a Construction Method Statement (CMS) shall have been submitted to and approved in writing by the local planning authority. The approved CMS shall be adhered to throughout the construction period and provide for:

- The hours of construction on any day including bank holidays;
- Times of deliveries to the construction site;
- The parking of vehicles by site operatives;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- Wheel-wash facilities;
- Measures to control emission of dust and dirt during construction;
- A scheme for recycling/disposing of waste from construction work;
- Measures to avoid pollution including silting of water courses;
- Measures to protect wildlife.

Reason: In the interests of highway safety, the general amenity of the area and its occupants and users, and the proper drainage of the site.

4. In addition to the details required under **Condition 3**, development shall not commence until a Construction Phase Traffic Management Plan (CPTM) has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
- details of proposed crossings of the highway verge;
- cleaning of site entrances and the adjacent public highway;
- 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;
- surface water management details during the construction phase

Reason: In the interests of highway safety, the general amenity of the area and its occupants and users, and the proper drainage of the site.

5. The Preliminary Investigation has identified potential unacceptable risks, 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 ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with adopted Policy C4.

6. 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with adopted Policy C4.

7. 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with adopted Policy C4.

8. 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 that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with adopted Policy C4.

9. 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: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with adopted Policy C4.

10. Foul and surface water shall be drained on separate systems with foul directed to the main foul sewer.

Reason: In the interests of the proper drainage of the site and in furtherance of adopted Policy C3a.

11. No dwellings shall be occupied (unless in accordance with a scheme of phasing previously submitted to and approved in writing by the local planning authority) until the estate road, including footways, 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 13 below, including any scheme of phasing.

Reason: To ensure that, in the interests of the safety of highway users and pedestrians a suitable standard of access for the development exists at all times in furtherance of adopted Policy DS5

12. The carriageway, footways and footpaths 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 local 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 ensure that, in the interests of the safety of highway users and pedestrians a suitable standard of access for the development exists at all times in furtherance of adopted Policy DS5.

13. Prior to the occupation of the <TBA> dwelling a programme for the completion of the estate roads including footways where shown shall have been submitted to and approved in writing by the local planning authority and the estate roads shall then be

completed in accordance with the approved programme and the details approved under condition 11 above.

Reason: To ensure that, in the interests of the safety of highway users and pedestrians a suitable standard of access for the development exists at all times in furtherance of adopted Policy DS5.

14. Details of all measures to prevent surface water discharging onto the highway from house drives/parking areas shall have been submitted to and approved in writing by the local planning authority for approval prior to the occupation of any part of the development. The works shall be implemented in accordance with the approved details prior to the occupation of the respective dwelling and shall be permanently maintained operational thereafter.

Reason: In the interests of the proper drainage of the site and in furtherance of sustainable drainage principles in accord with adopted policies DS5 and C3a.

15. All garages and parking spaces serving each dwelling as set-out on the approved plans shall be reserved solely for the parking of private motor vehicles and no permanent development, whether permitted by the Town & Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking or re-enacting that Order with or without modifications) or not, shall be carried out on those spaces.

Reason: To ensure appropriate access and parking provision is made and retained in the interests of general amenity and highway safety.

16. 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:

- Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and.
- 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 in accord with adopted policies DS5 and C3a.

17. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out by the developer in the first planting and seeding 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 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 the interests of the long-term biodiversity and visual amenities of the area in furtherance of adopted policies DS5 and DS6.

18. No part of the development shall be occupied until a Landscape Management Plan, including the long term design objectives, management responsibilities and maintenance schedules for not less than 5 years following implementation, for all areas of landscaping other than those within the curtilages of individual dwellings, 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 Management Plan.

Reason In the interests of the long term visual amenities of the area and to support wider opportunities for biodiversity within the locality in accord with adopted policies DS5 and DS6.

19. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) details of all fences, hedges, wall or other means of enclosure around residential curtilages must be submitted to and approved in writing by the Planning Authority prior to the commencement of the development. The means of enclosure must be completed prior to the beneficial occupation of the respective dwelling or, in the case of hedges, in the first planting season following the commencement of the beneficial use of the development.

Reason: In the interests of the visual amenities of the area and its occupants in furtherance of Policy DS5.

20. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or of any Order revoking and re-enacting that Order with or without modifications) nothing in Article 3 or Schedule 2 to that Order, shall operate so as to permit within the area subject of this permission any development referred to in Part 1, Classes A, B, C, D, E or in Part 2, Class A, of that 2015 Order (or of any Order revoking and re-enacting that Order with or without modifications, and no such development shall be carried out at any time within that area without the prior express grant of permission by the Planning Authority.

Reason: In order to safeguard the amenities of the area by enabling the Planning Authority to consider whether planning permission should be granted for <INSERT> having regard to the particular layout and design of the development.

21. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or of any Order revoking and re-enacting that Order with or without modifications) nothing in Article 3 or Schedule 2 to that Order, shall operate so as to permit within the area subject of this permission any development referred to in Part 1, Classes A, AA, B, C, D, E or in Part 2, Class A, of that 2015 Order (or of any Order revoking and re-enacting that Order with or without modifications, and no such development shall be carried out at any time within that area without the prior express grant of permission by the Planning Authority.

Reason: In order to safeguard the amenities of the area by enabling the Planning Authority to consider whether planning permission should be granted for further development within the curtilage of each dwellinghouse having regard to the particular layout and design of the development and in furtherance of adopted Policy DS5.

22. Unless the Local Planning Authority gives written agreement that it is impractical to do so, all hard surfaced areas within residential curtilages associated with vehicle use shall be of permeable construction, and detailed drawings (including cross sections of sub surface and surface materials) shall be submitted to and approved in writing by the Planning Authority. The scheme shall be implemented in accordance with the approved details prior to beneficial occupation of any part of the development, or in accordance with a phasing scheme agreed in writing with the Planning Authority.

Reason: In order to ensure that the site is adequately drained in accordance with the sustainable principles found in the NPPF and in furtherance of adopted Policy c3a.

23. No development shall take place until samples of the external materials to be used in the construction of the dwellings, including walls, roofs and hard surfaces within the curtilage hereby permitted have been submitted to and approved in writing by the Planning Authority. 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 in furtherance of adopted Policy DS5.

24. No development shall be commenced on site, until a scheme has been submitted to and approved in writing by the Planning Authority, showing measures to be taken to protect the existing trees and hedgerows to be retained as shown on the approved plans as an integral part of any development of the site during and throughout the entirety of the construction phase of the approved development. The development shall proceed in accordance with the approved details.

Reason: In the interests of the visual amenities of the area and biodiversity in furtherance of adopted policies DS5, GI1, N2, N3, N4 and GI6.

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

For Information: 4th July 2023 Area Planning Committee Minutes – extract (2022/0656)

Land at Tantabank Road/East of Brent Avenue, Dalton-in-Furness

From Oakmere Homes c/o Agent JWPC Chartered Town Planners in respect of full planning permission for the erection of 41 dwellings and associated access from Brent Avenue, landscaping and infrastructure, including demolition of existing stables on land at Tantabank/East of Brent Avenue, Dalton-in-Furness, as shown on planning application number 2022/0656.

Representations received and the results of consultations were reported.

The Committee had undertaken a site visit prior to the meeting.

Mr Dan Ratcliffe (Agent) and Mr Postlethwaite (Objector) attended the meeting and addressed the Committee.

The recommendation had been that subject to the completion of a S.106 Agreement relating to affordable housing provision, that planning permission be granted with delegated authority given to the Head of Development Management to finalise conditions.

It was moved by Councillor Hall and seconded by Councillor McEwan that a condition be included requiring adequate fencing to be erected around the pond. It was further moved by Councillor McEwan and seconded by Councillor Hall that provision of a Children's Play Area be included as a condition.

It was moved by Councillor Cassidy and seconded by Councillor Assouad, and

RESOLVED:- It was agreed that, subject to the completion of a S.106 Agreement

relating to affordable housing provision, planning permission be granted, with delegated authority given to the Head of Development Management to finalise suitable conditions with conditions relating to adequate fencing around the pond and the provision of a Children's Play Area to be included.

APPENDIX: Local Plan Policies

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 development including from associated traffic are within acceptable levels;
- 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 DS3 - Development Strategy

The Council will pursue an overarching strategy of sustainable balanced growth, redistributing development across the Borough, to improve the residential environment of the central Barrow area and whilst also allowing some development adjoining Barrow and Dalton and within the cordon villages. Other development will be supported where it complies with local and national planning policy.

The distribution of housing development is outlined in Policy H2, and Policy H3 contains a balanced portfolio of sites, in a range of locations throughout the Borough, both brownfield and greenfield in order to support the achievement of this Strategy, other windfall developments will be supported where the proposal accords with national and local policy.

This Strategy seeks to promote the opportunities and strengths enjoyed by the Borough and achieve sustainable development that enhances its offer in terms of housing, employment, leisure and culture, and encourages inward investment.

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 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 GI1 - Green Infrastructure

The Council, through the preparation and adoption of the Green Infrastructure Strategy SPD, Masterplans and Development Briefs will identify and promote the creation, enhancement and protection of a Green Infrastructure Framework designed to maintain, enhance, expand and connect a network of natural and man-made green and blue spaces together along with the project focus necessary to secure and implement its delivery.

The Council will work proactively with the community, public sector partners, voluntary sector, developers and utility providers to:

- (a) Ensure that all new development contributes to the protection and enhancement of the Borough's distinctive and valued landscape and settlement character implementing a network of Green Infrastructure as the context and setting for coherent and locally distinctive place making.
- (b) Utilise landscape and urban design techniques together to assimilate development and its supporting Green Infrastructure into sustainable, attractive multi-functional layouts.
- (c) Integrate sustainable movement choices at all scales that support domestic, leisure and tourism movements around and beyond the Borough to actively encourage improved health, fitness and well-being.
- (d) Protect and integrate amenity open spaces, playing fields, sports pitches and play areas within areas of Green Infrastructure including where a need is demonstrated.
- (e) Protect, support and enhance biodiversity by creating inaccessible and well-connected habitat within and between neighbouring areas that allows wildlife to co-exist undisturbed whilst improving peoples accessibility to nature;
- (f) Include adaptive measures to help offset climate change including sustainable urban drainage (SUDs) management and tree planting to reduce the impact of flooding and assist in the cooling of 'urban heat islands'; and
- (g) Facilitate local food production in allotments, gardens and adjacent agriculture

Policy GI2 - Green Wedges

Proposals within or adjoining designated Green Wedges will be supported providing that they:

- a) Provide visual relief, physical contrast and visual or physical separation between settlements and neighbouring development areas;
- b) Demonstrate how development would respond to, maintain or enhance the open character of the Green Wedge;
- c) Enhance the biodiversity value of Green Wedges, where possible;
- d) Maintain or enhance its value as a setting for recreation; and
- e) Protect the setting of heritage assets.

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 GI6 - Green Links

Proposals involving or adjacent to existing hedgerows or Green Links will be supported provided that they do not compromise the continuity or integrity of the hedgerow or green link.

Where considered appropriate by the Planning Authority proposals should enhance the contribution made by the hedgerow or green link.

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.

Policy N4 - Protecting other wildlife features

New development should conserve and enhance biodiversity features, and proposals for new development should be submitted with landscaping proposals, including a Management Plan, which show how existing trees, riparian corridors/trees, hedgerows, ponds and other wildlife features will be integrated into the development. Landscaping proposals should also include new trees and other planting of suitable species for the location to enhance the landscape of the site and its surroundings as appropriate.

Trees which positively contribute to the visual amenity and environmental value of that location will be protected. New development should not result in the loss of or damage to ancient woodland or veteran or aged trees outside woodland.

Where the conservation of biodiversity features cannot be achieved, the applicant must justify their loss. Where the Council is satisfied that the loss is adequately justified, replacement trees, hedgerows, ponds and other wildlife features will be required.

Proposals which include landscaping proposals, replacement of wildlife features, new wildlife features, or which integrate existing wildlife features into the development, will be required to demonstrate that measures will be put in place to manage these features as appropriate, including the use of suitable legal agreements.

Policy H1 - Annual Housing Requirement

Planning permission will be granted for housing proposals that will deliver the housing allocations set out in this Plan and contribute to achieving an annual average Borough-wide housing target of at least 119 net additional dwellings per year over the Plan period 2016/17 to 2030/31. This equates to an overall housing requirement over the Plan period of at least 1785 net additional dwellings.

Any unallocated sites which come forward for development which would prejudice the delivery of this strategy will be resisted. In bringing forward allocations, developers must comply with the policies within this Local Plan and must help deliver sustainable communities.

When calculating the 5 year housing requirement, any shortfall against this figure since the start of the Plan period will be added, along with a 5% or 20% buffer brought forward from later in the Plan period where appropriate as required by the NPPF (2012).

Housing delivery will be monitored closely and if the number of houses built is not as expected, interventions will be sought, which may include bringing forward additional allocations (see Policy H10 and its supporting text).

Policy H7 - Housing Development on Windfall Sites

Applications for residential development will be permitted where they satisfy all of the following criteria:

- a) The site is located within or adjoining the built up areas of Barrow and Dalton or within a development cordon identified in Policy H4;

- b) Site planning, layout and servicing arrangements are developed comprehensively;
- c) Buildings are well designed in terms of siting, grouping, scale, orientation, detailing, external finishes, security and landscaping in response to the form, scale, character, environmental quality and appearance of the site and the surrounding area;
- d) An acceptable standard of amenity is created for future residents of the property in terms of sunlighting, daylighting, privacy, outlook, noise and ventilation;
- e) The site is served by a satisfactory access that would not impact unduly on the highway network;
- f) The site has been designed to promote accessibility by walking, cycling and public transport, as opposed to the private car;
- g) The development is sustainable in its energy usage, environmental impact, drainage, waste management, transport implications and is not at risk of flooding;
- h) The capacity of the current and proposed infrastructure to serve the development is adequate taking into account committed and planned housing development;
- i) Where spare infrastructure capacity is not available, the site has the ability to provide for the infrastructure requirements it generates, subject to criterion f);
- j) Within rural settlements the applicant will be expected to demonstrate how the development will enhance or maintain the vitality of the rural community where the housing is proposed;
- k) Where the site is located on the edge of Barrow and Dalton, the applicant will be required to demonstrate how the development integrates within existing landscape features and is physically linked to the settlement and does not lead to an unacceptable intrusion into the open countryside or would result in the visual or physical coalescence of settlements;
- l) The proposal will not harm the historic environment, heritage assets or their setting;
- m) There would be no unacceptable effects on the amenities and living conditions of surrounding properties from overlooking, loss of light, the overbearing nature of the proposal or an unacceptable increase in on-street parking; and
- n) The development must comply with Policy N3 and the design principles set out in the Development Strategy chapter should be followed.

The site should make effective use of previously developed land where possible.

Policy H9 – Housing Density

Developers can determine the most appropriate density on a site by site basis, providing that the scheme meets the design principles set out in this Plan and is appropriate to the character of the location of the development in negotiation with the planning authority.

Variations in density will be supported on larger sites in order to create distinctive character areas.

Policy H11 - Housing Mix

In order to broaden and enhance the residential offer within the Borough development proposals will be expected to provide a mix of different types, tenures and sizes of housing to address local need and aspirations and developers will be required to demonstrate how this need has been met as evidenced by:

- a) Any relevant and up to date SHMA or Housing Need Assessment for the Borough;

- b) Any other relevant and suitably evidenced housing needs information;
- c) The location and characteristics of the site;
- d) The mix of dwelling type, tenure and size in the surrounding area; and
- e) Housing market conditions and demand at the time of the application.

Policy HC10 - Play Areas

Proposals for residential development will be assessed on a site by site basis, and where deemed appropriate through lack of provision or other limiting factor such as access, will be required to provide well designed and located children's play space, within close proximity to the development, that is safe and accessible for users. Areas of well designed and maintained landscaping will be encouraged and consideration must be given to Local Plan Policy HC5 (crime prevention). Developers will be expected to provide a commuted sum for a minimum of 5 years maintenance, or contributions for off site provision within suitable, safe walking distance.

Where a Development Brief has been produced for a site, the brief will set out the requirement for playspace and on windfall sites the requirement will be agreed with the Local Planning Authority.

Policy HC5 - Crime Prevention

The design, layout and location of new development should contribute towards the creation of a safe and accessible environment, and the prevention of crime, and fear of crime.

Developers should:

- a) Ensure the design, landscaping or any feature does not create isolated or secluded areas;
- b) Demonstrate the design, layout, screening/landscaping enables a natural surveillance of the surrounding area and promotes neighbourliness;
- c) Incorporate adequate lighting and security measures where appropriate e.g. communal and parking areas, taking into account the impact on light pollution, the natural environment and residential amenity;
- d) Design layouts to promote ownership by residents and encourage use of communal areas
- e) Create clear and legible pedestrian and cycle routes that prevent unobserved access.

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 I1 - Developer Contributions

Development and infrastructure provision will be coordinated to ensure that growth is supported by the timely provision of adequate infrastructure, facilities and services. The Infrastructure Delivery Plan will be used to identify the timing, type and number of infrastructure requirements to support the objectives and policies of the Plan as well as the main funding mechanisms and lead agencies responsible for their delivery.

All development should make the most efficient use of existing infrastructure where there is capacity. Where developments will create additional need for improvements / provision of infrastructure, services or facilities or exacerbate an existing deficiency, contributions will be sought to ensure that the appropriate enhancements / improvements are made, and appropriate management arrangements are in place. Consideration will be given to how these requirements will affect the viability of development.

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 (see 5.2.1.);
- 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.

Developer contributions for the above will be informed by relevant up to date and robust evidence where applicable.

Where appropriate, the Council will permit developers to provide the necessary infrastructure themselves as part of their development proposals, rather than making financial contributions, subject to agreement with relevant consultees.

PLANNING COMMITTEE
28th November 2023

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Page No	Reference	Address	Proposal
2	2022/0083	Address: Proposed Housing Development Long Lane / Newton Road Dalton-in-Furness Cumbria	Residential development of 34 no. dwellings, with landscaping, biodiversity enhancement and associated highway work
52	2022/0656	Land at Tantabank Road/East of Brent Avenue Dalton-in-Furness Cumbria	Full planning permission for the erection of 41 dwellings associated access from Brent Avenue, landscaping and infrastructure, including demolition of

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