

# **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, 13 February 2024 at 10.00 am in the Drawing Room, Barrow Town Hall

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## **PRESENT:**

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

## **Officers in attendance:**

Jason Hipkiss (Development Services Manager), Maureen Smith (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**

### **69. APOLOGIES FOR ABSENCE**

Apologies for absence had been submitted from Councillor Husband (Chair) and Councillor D. Taylor.

### **70. MEMBERSHIP**

There were no changes in membership.

### **71. DECLARATIONS OF INTEREST/DISPENSATIONS**

There were no declarations of interest.

### **72. EXCLUSION OF PRESS AND PUBLIC**

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

### **73. MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 19th December, 2023 were agreed as a correct record.

#### **74. PUBLIC PARTICIPATION**

Mr Rawdon Gascoigne, Emery Planning (Agent) attended the meeting and addressed the Committee.

#### **75. PLANNING APPLICATION NO. B07/2023/0652 - LAND SOUTH OF LEECE LANE, BARROW-IN-FURNESS**

From Mulberry Homes Ltd in respect of the full application for residential development comprising 19 dwellings with landscaping biodiversity enhancements and associated works including access, car parking and SUDS (resubmission of B07/2022/0653) on land south of Leece Lane, Barrow-in-Furness as shown on planning application number 2023/0652.

Representations received and the results of consultations were reported.

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

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

A letter from Emery Planning requesting that the application be deferred had been circulated to Members prior to the meeting.

Additional responses from the Local Highway Authority and Environment Agency had been included in the Extra Information Booklet 1.

A Revised Landscape Plan (Rev K) had been included in the Extra Information Booklet 2.

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

**RESOLVED:-** It was unanimously agreed that planning permission be refused for the following reasons:-

1. The development does not deliver the high quality design required by the Local Plan, National Design Guide and Code and by contemporary national guidance, including the NPPF, and fails to present a coherent and consistent project across the submitted plans and supporting documents, to demonstrate a clear process that analyses and responds to the characteristics of the site and its context adjacent to a green wedge and rural landscape. The application fails to demonstrate a clear process for considering the design-led sustainability of the scheme in respect of promoting the well-being and living conditions of its future occupants throughout the life of the development. There is an absence of a cohesive

design strategy to achieve the well-designed and beautiful place required by the Framework, rather it appears tightly packed and cramped, utilises standard dwelling types, with inadequate dysfunctional parking arrangements, a lack of identifiable public open space, including play space, and it would fail to compliment the adjacent Green Wedge. The result is a scheme which appears to be based on quantity rather than quality or good urban design principles, and lacking assimilation into the context of the area. In addition, the proposal fails to meet requirements in terms of energy efficiency and designing out crime. The layout, form and scale of buildings is not based on an understanding of the existing situation, including patterns of built form as well as the local vernacular and the development of the south side of Leece Lane and other precedents that contribute to local character, to inform the form, scale, appearance, details and materials of the new development. By virtue of these concerns, approval of the proposal would conflict with Local Plan policies DS2, DS5, DS6, C5, HC5, HC10, N1, H7 and H9 the aims of the National Design Guide and Code and the ethos of the NPPF in relation to design quality and achieving well designed and beautiful places.

2. The proposed car parking is insufficient to serve the development, poorly sited and unlikely to function well in practice and there is a lack of visitor parking. The National Design Guide (NDG) sets out that well-designed parking is attractive, well-landscaped and sensitively integrated into the built form so that it does not dominate the development or the street scene. The National Model Design Code identifies that the arrangements for parking can have a major impact on the quality of a place both visually and in terms of how it is used, particularly by pedestrians. The proposed parking does not meet the aims of these documents or advice set out within the Cumbria Design Guide and conflicts with the aims of Local Plan policy I6 and H24.
3. Notwithstanding the acceptance that the site is relatively remote and may be reliant on cars to some extent, insufficient provision has been made available for cycle parking and safe storage to encourage sustainable travel to and from the site. This would conflict with the aims of the NPPF around sustainable travel and policy I4 of the Local Plan.
4. The development does not demonstrate a net gain in biodiversity and it is unclear how this is to be addressed. As such approval would be contrary to Local Plan policy C3a, DS2, DS5, G11, N3, N4, the Council's 'Biodiversity and Development SPD' and the aims of the NPPF in relation to Biodiversity.
5. The development does not include adequate surveys carried out at the correct time of year in relation to Protected Species and this would conflict with national guidance around protected species, policy N3 of the Local Plan and approval would mean that the Local Planning Authority is not meeting its statutory functions.

6. There is no evidence to show that the proposed affordable units meet the requirements of a registered provider, or the local need, and the affordable housing is not well integrated within the development in conflict with National Design Guide advice that affordable dwellings should be well-integrated and designed to the same high quality to create tenure neutral homes and spaces, where no tenure is disadvantaged. There is the potential for an adverse impact on the future occupiers and their level of amenity because of the poorly sited car parking and potential noise and disturbance, alongside a poor outlook for the future residents of Plots 8 and 9. It is therefore unclear whether the development will comply with Local Plan policy H14 and the Affordable Housing and Developer Contributions SPD.
7. The proposed green infrastructure does not achieve the design quality required by the Local Plan and Draft Green Infrastructure SPD. The limited green space to the entrance does not provide a focal setting for the development but appears as a narrow, residual area which would not deliver a sense of spaciousness or reduce the visual impact of the development and the proposal is poorly related to the Green Wedge. In addition no LAP or LEAP is shown in accordance with the Council's Affordable Housing and Development Contributions SPD, the Fields and Trust guidance and Policy HC10 of the Local Plan. Approval of the proposal would conflict with Local Plan policies DS2, DS5, GI1, GI2, GI3, GI5, GI6 and HC10.
8. The drainage design while relying on ground infiltration lacks a holistic approach to the delivery of SUDs, green infrastructure and biodiversity enhancement. The Environment Agency does not believe that the use of infiltration SuDS is appropriate in this location and has raised concerns that the previous landfill use of the site presents a risk of contamination to controlled waters that could be mobilised by surface water infiltration from the proposed SUDs. Controlled waters are particularly sensitive in this location because the development overlies a former landfill, located upon a secondary aquifer B and is near Mill Beck. As a result they believe that it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution. There is insufficient evidence from the ground investigation and risk assessment to approve any soakaway system. This risk of pollution has not been addressed within the applicant's submission and without further evidence approval of the proposal would be contrary to Local Plan policies C3a, DS5, and GI1.
9. Whilst a development which delivers predominantly larger house types is not necessarily considered to be contrary to Local Plan policy H11, the scheme is considered overly reliant on 4 and 5 bedrooled properties and fails to demonstrate how the proposed selection of dwellings meets local housing need as required by policy H11 or would be suitable in design terms for this particular site.

## **76. HOUSE IN MULTIPLE OCCUPATION (HMO) BRIEFING NOTE**

Following the request from Members at the meeting on 19th December, 2023 the report explained the background to applications for change of use to a House of Multiple Occupation (HMO) and the implications of appeal decisions.

RESOLVED:- To note the contents of the report.

#### **77. APPEAL DECISION - CHAIRMAN'S WALK, BARROW-IN-FURNESS**

The report set out the appeal decision from the Planning Inspectorate for planning application 2023/0469 – Advertisement consent for the conversion of a poster display hoarding to digital on the advertising site to the south of Chairman's Walk, Barrow-in-Furness.

The appeal had been dismissed and the Council's reasons for refusal had been upheld.

RESOLVED:- To note the report.

#### **78. URGENT ITEMS**

There were no urgent items for consideration on this occasion.

The meeting ended at 10.42 am