



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 13 February 2024
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, Democratic Services Officer
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 19th December, 2023 (copy enclosed)

(Pages 5 - 10)

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

To consider a 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 at Leece Lane, Barrow-in-Furness.

(Pages 11 - 116)

8. HOUSE IN MULTIPLE OCCUPATION (HMO) BRIEFING NOTE

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

(Pages 117 - 132)

9. APPEAL DECISION - CHAIRMAN'S WALK, BARROW-IN-FURNESS

To note the Planning Inspectorate appeal decision for Chairman's Walk, Barrow-in-Furness.

(Pages 133 - 140)

10. 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, 19 December 2023 at 10.00 am in the Drawing Room, Barrow Town Hall

PRESENT:

Cllr T Assouad
Cllr F Cassidy
Cllr D Edwards
Cllr L Hall
Cllr A Husband (Chair)
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) and Alistair Blackshaw (Principal Ecologist) (Bio Diversity Net Gain Presentation).

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

59. APOLOGIES FOR ABSENCE

An apology for absence had been submitted from Councillor D. Taylor.

60. MEMBERSHIP

There were no changes in membership.

61. DECLARATIONS OF INTEREST/DISPENSATIONS

There were no declarations of interest.

62. EXCLUSION OF PRESS AND PUBLIC

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

63. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 28th November, 2023 were agreed as a correct record.

64. PUBLIC PARTICIPATION

No representations had been received.

65. PLANNING APPLICATION NO. B20/2023/0464 175-177 DALTON ROAD, BARROW-IN-FURNESS

From N. Shepherd, Shepherd Architecture and Surveying in respect of the proposed conversion of commercial premises (use Class E(a)) to 12 no. bedroom HMO (Sui-Generis) at first and second floors and welfare facilities at ground floor. Raising the roof height to the rear of the property by 1 metre and remodel of large existing ground floor shop unit to two smaller shop units and associated external alterations (amended description) at 175-177 Dalton Road, Barrow-in-Furness as shown on planning application 2023/0464.

The results of consultations were reported.

The application had been reported to Committee due to a request by a Councillor. The key considerations for this proposal were the impact of the conversion upon the available retail offer within the primary shopping area, external design and the amenity standards for future occupiers. Whilst the agent had provided amended drawings that showed a more sympathetic design it as missing some architectural details and it was recommended that this be delegated to the Head of Development Management.

Members requested Officers feed back to the applicant that the shopfront be restored to a more sympathetic design in line with the Sankey photograph and that consideration be given to the use of solar/PV panels.

The Principal Planning Officer reported that Condition 7 be amended to read 'The bin storage shall be implemented prior to any occupation of the building and thereafter retained as such' to be consistent with the wording of the recent appeal decisions (also being reported on the agenda) and that the standard condition 1 be included (Standard Duration Limit).

The Developer's supporting statement referred to in the Officer's report had been included in the Extra Information Booklet.

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

RESOLVED:- It was unanimously agreed to grant planning permission, subject to the suggested amended conditions with delegated authority being granted to the Head of Development Management to approve the architectural details of the ground floor elevation treatment and shopfront design:-

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 and Compulsory Purchase Act 2004.

Compliance with Approved Plans

2. The development hereby permitted shall be carried out in all respects in accordance with the application dated as valid on 26.07.23 and the hereby approved documents by this permission as listed below, except where varied by a condition attached to this consent:

Application form dated 26.07.23

Noise Assessment dated 12.10.23

Developers Statement

DRHMO/PA/001A, DRHMO/PA/002A, DRHMO/PA/003A,

DRHMO/PA/004A, DRHMO/PA/005A, DRHMO/PA/006A,

DRHMO/PA/007A, DRHMO/PA/010B, DRHMO/PA/011A,

DRHMO/PA/012A Location Plan

Reason

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

Pre-commencement Conditions

3. Prior to the commencement of the development hereby approved, details of the proposed noise mitigation measures shall be submitted to and approved by the Planning Authority. The approved scheme shall be fully implemented and thereafter permanently retained in accordance with the approved details and written verification that they have been so implemented shall be provided by a suitably qualified person prior to beneficial occupation of any part of the development.

Reason

In order to protect the residential amenities of the occupiers from potential excessive noise disturbance.

During Building Works

4. Prior to their installation on site, details of the finished external paint colours and sample of the proposed stone shall be submitted to and be

agreed in writing by the Local Planning Authority. The development shall proceed in strict accordance with the approved details.

Reason

In order to protect the visual amenities of the area.

5. Shopfront design detailing (condition wording to be completed once details have been submitted).

Before Occupation

6. The soundproofing as shown on hereby approved plans shall be installed prior to beneficial occupation of any part of the scheme and thereafter permanently retained unless the Planning Authority gives prior written consent to any variation.

Reason

In order to protect the residential amenities of the occupiers.

Operational Conditions

7. The bin storage area, as shown on the approved drawing ref. DRHMO/PA/001A, shall be implemented prior to any occupation of the building and thereafter retained as such.

Reason

To ensure that it is available at all times for the storage of refuse associated with the use of the building.

66. PLANNING APPLICATION NO. B20/2023/0464 175-177 DALTON ROAD, BARROW-IN-FURNESS

The decision on the appeal for 52 Paradise Street, Barrow in Furness had been received from the Planning Inspectorate and the decision was reported to Members for information. The Chair requested a briefing note on HMO's so that the implications could be better understood.

The appeal had been allowed and planning permission granted for conversion of existing building (Use Class F1) to 14 bedroom house in multiple occupation (Use Class Sui Generis). Works included conversion of existing floors, loft conversion, creation of roof terrace with balustrade and 1.8m wall, construction of dormer, hip to gable extension and new roof lights and new front entrance at 52 Paradise Street, Barrow-in-Furness, subject to the following conditions:-

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.

2. The development hereby permitted shall be carried out in accordance with the approved drawings 22031-300-A, 22031-301, 22031-310-A, 22031-306-A, 22031-308-A, 22031-309-A, 22031-305-B, 22031-304-C and 22031-307-A.
3. The bin storage area, as shown on approved drawing 22031-304-C, shall be implemented prior to any occupation of the building and thereafter retained as such.
4. Prior to the occupation of the property, the soundproofing as detailed on approved plans 22031-307-A, 22031-308-A, and 22031-310-A shall be installed and permanently retained.

RESOLVED:- Members agreed to note the contents of the report.

67. URGENT ITEMS

There were no urgent items for consideration on this occasion.

68. PRESENTATION BY ALISTAIR BLACKSHAW ON BIODIVERSITY NET GAIN

Alistair Blackshaw, Principal Ecologist attended the meeting and gave a presentation on Bio Diversity Net Gain.

Members thanked Alistair for the presentation and requested further training be provided for Members of the Planning Committees on the impacts of Bio Diversity Net Gain.

The meeting ended at 11.00 am.

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DEVELOPMENT MANAGEMENT

PLANNING COMMITTEE

FOR DECISION

13th February 2024

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 : B07/2023/0652	Date Valid :18/10/2023
Address : Land south of Leece Lane, Barrow-in-Furness, Cumbria	Case Officer : Maureen Smith
Proposal : 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)	
Ward : Roosecote Ward	Parish : Barrow Town Parish Council
Applicant : Mulberry Homes Ltd, C/O Agent - Emery Planning	Agent : Mr Rawdon Gascoigne, Emery Planning
Statutory Date : 17/01/2024	Recommendation :
Barrow Planning Hub	

Relevant Policies and Guidance

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

Local Plan Policies

1. Barrow Borough Local Plan 2016-2031 - Policy C3a - Water management
2. Barrow Borough Local Plan 2016-2031 - Policy C5 - Promoting Renewable Energy
3. Barrow Borough Local Plan 2016-2031 - Policy C7 - Light Pollution
4. Barrow Borough Local Plan 2016-2031 - Policy DS1 - Council's commitment to sustainable development
5. Barrow Borough Local Plan 2016-2031 - Policy DS2 - Sustainable Development Criteria
6. Barrow Borough Local Plan 2016-2031 - Policy DS3 - Development Strategy
7. Barrow Borough Local Plan 2016-2031 - Policy DS5 - Design
8. Barrow Borough Local Plan 2016-2031 - Policy DS6 - Landscaping
9. Barrow Borough Local Plan 2016-2031 - Policy GI1 - Green Infrastructure
10. Barrow Borough Local Plan 2016-2031 - Policy G12 - Green Wedges
11. Barrow Borough Local Plan 2016-2031 - Policy GI3 - Green Corridors
12. Barrow Borough Local Plan 2016-2031 - Policy GI5 - Green Routes
13. Barrow Borough Local Plan 2016-2031 - Policy GI6 - Green Links
14. Barrow Borough Local Plan 2016-2031 - Policy GI7 - Open Countryside
15. Barrow Borough Local Plan 2016-2031 - Policy H11 - Housing Mix
16. Barrow Borough Local Plan 2016-2031 - Policy H12 - Homes for Life
17. Barrow Borough Local Plan 2016-2031 - Policy H14 - Affordable Housing
18. Barrow Borough Local Plan 2016-2031 - Policy H3 - Allocated Housing Sites
19. Barrow Borough Local Plan 2016-2031 - Policy H9 - Housing Density
20. Barrow Borough Local Plan 2016-2031 - Policy H24 - New Garages
21. Barrow Borough Local Plan 2016-2031 - Policy HC10 - Play Areas

- 22. Barrow Borough Local Plan 2016-2031 - Policy HC5 - Crime Prevention
- 23. Barrow Borough Local Plan 2016-2031 - Policy HE6 - Scheduled Ancient Monuments and Archaeological Assets
- 24. Barrow Borough Local Plan 2016-2031 - Policy I1 - Developer Contributions
- 25. Barrow Borough Local Plan 2016-2031 - Policy I3 - Access to Community Facilities
- 26. Barrow Borough Local Plan 2016-2031 - Policy I4 - Sustainable Travel Choices
- 27. Barrow Borough Local Plan 2016-2031 - Policy I6 – Parking
- 28. Barrow Borough Local Plan 2016-2031- Policy HE6-Scheduled Ancient Monuments and Heritage Assets
- 29. Barrow Borough Local Plan 2016-2031 - Policy N1 - Protecting and enhancing landscape character
- 30. Barrow Borough Local Plan 2016-2031 - Policy N3 - Protecting biodiversity and geodiversity
- 31. Barrow Borough Local Plan 2016-2031 - Policy N4 - Protecting other wildlife features

Summary of Main Issues

As an allocated site in the Local Plan the principle of housing development has been accepted, but subject to meeting national and local planning policies together with other relevant material considerations. In this case key considerations relate to the quality of the design and layout, highway and drainage matters, affordable housing provision, open space, green infrastructure, ecology and biodiversity and the efforts given to create an energy efficient and accessible "for all" development.

Objections have been received from nearby residents.

Non Material Considerations

Response to Publicity and Consultations

The application has been advertised by site and press notices and direct mailing to nearby residents.

Neighbours Consulted

Street Name	Properties
Acorn Bank	27,
Holbeck Park Avenue	145,
Leece Lane	31, Methodist Church, 12 Stone Dyke, 7 Stone Dyke,
Rowan Drive	45,

Responses	Support	Object	Neutral
4	0	2	2

Organisations Consulted

Consultee

Active Travel England
Barrow Town Parish Council
Building Control
CAT 1 Planning
Cumbria Constabulary (Force Crime Prevention Design Advisor)
Cumbria Fire & Rescue Service
Emergency Planning - Joint Emergency Management and Resilience (JEMR) Team
Environment Agency (Contamination, Flood and Pollution)
Highways
Highways England
Historic Environment Officer - Archaeology
LLFA
NHS ESTATES
Natural England
Planning Policy
Principal Ecologist - Westmorland & Furness Council
Principal Legal Officer
Public Protection Services
Public Protection Services Contamination
Travel Plan
United Utilities (Planning Liaison)

List of Organisation Responses

20/12/2023

Active Travel England

"No comment"

27/10/2023

Building Control

"Building regulation approval required for the proposals".

16/11/2023

Cumbria Constabulary (Force Crime Prevention Design Advisor) - 16/11/2023.

"I wish to offer the following comments, which I have considered from a crime prevention perspective. I have perused the drawings and documents to ascertain if this application complies with Council Policy in this regard.

The published Planning Statement makes reference to Policy HC5 (repeated in the Pre-Application Advice Report – Design and Crime). Unfortunately, there is no detail that indicates how crime prevention measures shall be incorporated in to this development.

From my interpretation of the Proposed Site Layout, natural surveillance opportunities are restricted in several places due to the proposed orientation of dwellings and the repeated presence of blank or 'inactive' gable walls (all house types) that do not permit views:

- Development entrance not directly addressed – the closest dwelling (Unit 3) presents only a gable wall towards the access road, with negligible supervision. The objective of direct supervision informs all visitors that their presence is being observed and declares ownership of the site. Lack of supervision in this manner promotes anonymity
- Adjacent to Unit 1 suggests unrestricted access towards the rear gardens and garages (and boundaries of adjacent existing dwelling No 12) and no surveillance opportunities in this direction
- Negligible supervision of garages/parking for Units 1, 2, 3, 4 & 19 which are not obviously associated with their respective dwellings and consequently lack ownership
- Unit 19 is unable to supervise any of it's curtilage alongside the access road
- Although the majority of residents car parking is on-plot, the lack of windows in gables prevents direct overlooking of these private spaces. (In comparison, car parking spaces for Units 8, 9 and 15 are directly overlooked from their respective dwellings)

There is no indication of how garden curtilages shall be formed, i.e. to obviously separate public and semi-private space (e.g. how far does the curtilage of Unit 4 extend beyond the car parking space?).

What is the status of the land to the rear of Unit 16 (i.e. beyond the garage?). The drawing suggests unrestricted and unobserved approach to the rear garden boundary, which compromises security.

Similarly, the space adjacent and to the rear of Garages 1 – 3 & 19 lacks ownership and appears to permit unrestricted approach.

Appendix 4 – Materials Schedule

4.3 Windows and 4.4 Doors

I recommend the incorporation of domestic doors and ground floor or accessible windows certified to PAS 24:2022 and including a pane of laminated (BS EN 356:2000) glazing as appropriate.

I recommend the incorporation of garage vehicle doors certified to LPS 1175 or STS 202.

I shall be pleased to advise on any crime prevention issues arising from this application."

06/11/2023

Cumbria Fire & Rescue Service - 03/11/2023.

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

As per Approved Document B Volume 1, Section 13, Para. 13.1-access for a pumping appliance should be provided to within 45m of all points inside the dwellinghouses.

Access routes and hardstanding for a pumping appliance should comply with the guidance in Approved Document B Volume I, Section 13, Table 13.1.

Dead-end access routes longer than 20m require turning facilities and should comply with the guidance in Approved Document B Volume I, Section 13, Para. 13.4, Diagram 13.1 and Table 13.1.

ADVISORY

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

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

21/11/2023

Emergency Planning - Joint Emergency Management and Resilience (JEMR) Team - 20/11/2023.

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

There are no objections to the proposed works. However, it should be noted that the location of the property is situated in close proximity to an area outside the site in which special arrangements are made for residents/business premises, this area is referred to as the Public Information Zone. As a direct result particular attention is paid to ensure that people are aware of appropriate action to take in the event of an incident at Spirit Energy.

In view of the fact that this application, if granted, could increase the number of persons in the area (including trades people) who may be travelling through the Public Information Zone, I would be grateful if you could advise the applicant to liaise with this office via emergency.planning@westmorlandandfurness.gov.uk to allow for further discussions to

ensure that applicant and their trades people/contractors are aware of the appropriate information and actions to take should there be an incident at the Spirit Energy site."

14/11/2023

Environment Agency (Contamination, Flood and Pollution) - 14/11/2023.

"Environment Agency position

We have no objection to the proposed development, subject to the inclusion of the below conditions relating to contaminated land. We also wish to make informative comments regarding environmental permits.

Contaminated Land

We have reviewed the following documents:

- Phase 1 Preliminary Risk Assessment (PRA) prepared by bEk Enviro Ltd. (referenced: BEK 21959-1 Rev A; dated August 2023)
- Site Investigation & Ground Assessment prepared by bEk Enviro Ltd. (referenced: BEK-21959-2 Rev A; dated

Proposed Planning Conditions

Site Investigation and Remediation

The previous use of the proposed development site as landfill presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is in close proximity to Mill Beck and is located upon a Secondary aquifer B.

The application's geo-investigation reports demonstrate that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information (as mentioned above) prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework.

Without these conditions we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because 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.

Condition

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off- site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

The submitted PRA partially satisfies part 1 of the above condition.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

Drainage and SuDS

The previous use of the proposed development site as landfill presents a risk of contamination that could be mobilised by surface water infiltration from the proposed sustainable drainage system (SuDS). This could pollute controlled waters. Controlled waters are particularly sensitive in this location because the development overlies a former landfill, located upon a secondary aquifer B and in close proximity to Mill Beck.

We do not believe that the use of infiltration SuDS is appropriate in this location. We therefore request that the following planning condition is included as part of any permission granted.

Without this condition we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because 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.

Condition

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework.

Piling

Piling foundation designs using penetrative methods can result in risks of pollution/turbidity of groundwater and risk mobilising contamination, creating preferential pathways.

The proposed development will only be acceptable if a planning condition controlling disturbance of the aquifer is imposed. Without this condition we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not present unacceptable risks to groundwater resources.

Condition

Piling foundation designs using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the proposed installation and structure, does not harm groundwater resources in line with paragraph 174 of the National Planning Policy Framework.

Detailed informative comments relating to above conditions – advice for the applicant

The Site Investigation conclusions outline the need for further ground investigation on the eastern periphery on the extra strip of land and monitoring of the surface watercourse, Mill Beck. Supplementary ground investigations should also be extended through the development plot as there is insufficient detail to determine the risk to water quality.

The Site Investigation and Ground Assessment report shows soluble contamination of metals in shallow groundwater and these results are deemed to represent the effect of leaching from made ground. It is unusual for the report to omit recommendations for further quantitative assessment or remedial works to resolve the problem and this will need to be addressed to discharge the proposed planning conditions.

The proposal for surface water monitoring of Mill Beck is acceptable providing the results represent variable flow or seasonal fluctuations. The impact from dilution of potential contaminated groundwater baseflow requires further comprehensive ground investigation for

the EA to have the confidence in the findings of any quantitative model (as per the tiered approach outlined in EA Remedial Targets Methodology).

The impact on Mill Beck should be addressed with the appropriate siting of groundwater compliance points before groundwater enters the surface water system down gradient of landfilled areas. This is likely to require the installation of additional boreholes.

Further groundwater monitoring will be required and should reflect seasonal variation sufficient to enable quantitative modelling to address risk. The single groundwater sample from each borehole is insufficient to represent groundwater conditions in the full extent of the drilling depth because the dual-purpose (gas/groundwater) slotting is restricted from 1-5m bgl. Replacement/new boreholes should be dedicated specifically to monitor groundwater.

The carbon dioxide gas concentrations in CP2/3 reflect ongoing aerobic decomposition of hydrocarbons in made ground and this supports the view that made ground is continuing to release contaminants into groundwater and there is need for further assessment.

Further groundwater and surface water monitoring will be required to compliment the work undertaken to date in line with planning conditions.

It should be noted, we normally object to piling proposals through landfill. Any objection will be withheld subject to detail of the design and mitigating measures to prevent piles from acting as a conduit for leachate migration into uncontaminated, superficial groundwater formations and the bedrock aquifer. Details of the specialised piling foundation proposals are required to assess the risk to groundwater resources. A separate risk assessment for deep piled foundations design and implementation will be required.

There is insufficient evidence from the ground investigation and risk assessment to approve any soakaway scheme. Further examination of the potential leachability of made ground at locations where any soakaway discharge will be required.

The options for an acceptable soakaway drainage system to protect water quality will depend on either further investigations and risk assessment or removal/treatment of made ground. An alternative drainage scheme allowing surface water to discharge directly to surface water via impervious flood retention is acceptable.

Model procedures and good practice

We recommend that developers should follow the risk management framework procedures in DEFRA publication 'Land contamination risk management (LCRM) - GOV.UK (www.gov.uk)' when dealing with land affected by contamination.

Refer to our Guiding Principles for land contamination here: Land contamination: technical guidance - GOV.UK, for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health. Refer to the contaminated land contaminated land pages on gov.uk for more information.

Environmental permit - advice to applicant

Roose Beck is a designated statutory main river.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506

506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Biodiversity Net Gain – Advice to applicant

Applicants are encouraged to include biodiversity net gain (BNG) within their proposals. Paragraphs 174 and 179 of the National Planning Policy Framework (NPPF) recognise that the planning system should provide net gains for biodiversity. By January 2023, providing a minimum 10% biodiversity net gain in new development will be a legal requirement due to provisions within the Environment Act 2021. Applicants should have regard to the latest planning practice guidance on BNG in new development proposals."

Highways - 29/01/2024

"Thank you for your consultation on 17 January 2024 regarding the above Planning Application. Westmorland & Furness Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below.

The revised parking layout shows the same amount of spaces as previous and although the parking numbers have changed, our visitor parking number remains the same in accordance with our Cumbria Development Design Guide.

I also note that the parking arrangement shown for Plots 7-9 is not suitable as there is little or no space for cars to manoeuvre within the parking spaces allocated.

I can confirm my previous response made to this application should still apply. I attached our previous response hereto."

Highways - 17/11/2023.

"I refer to our previous response of B07/2022/0653, the access to the site is from a 30 mph road and visibility splays have been provided showing 43m in both directions.

From looking at the application form, the proposed parking spaces for the site is 52. However, from looking at the proposed site plan, only 45 are proposed and according to Cumbria Development Design Guide 48 spaces plus 3 visitor spaces (1 per each 5 grouped houses) should be provided.

The parking layout shown in application B07/2022/0653 is considered a more suitable arrangement than the proposed plan submitted on this application. It appears on the proposed plan for this application that there is little or space for cars to manoeuvre within the parking spaces allocated, nor is there adequate space for vehicle users to enter and leave their vehicles safely due to the distance between themselves and the dwellings. The parking layout should be made more convenient for occupiers.

The parking spaces shown for Plots 1-3 are away from the dwellings, occupiers of these dwellings will therefore have to drive past the footpath gaining access to their property to park their vehicles and walk back. There is space available to utilise so that users of Plots 16-18 that vehicles can park on the frontage of the property.

The Developer Contributions remain unchanged for this application and reference should be made to our response for application B07/2022/0653.

Conclusion:

In light to the above comments additional details are required from the applicant. Upon receipt of the amended plans I shall be better placed to provide full response."

31/10/2023

Historic Environment Officer - Archaeology - 31/10/2023.

"The applicant has helpfully commissioned an archaeological desk-based assessment which indicates that the site lies in an area of archaeological potential. An archaeological investigation within a residential development site immediately to the north revealed an early Neolithic site containing flint tools and a large quantity of pottery. These were particularly important as they contained very early evidence for the first farming in the area. Other prehistoric artefacts have been revealed in the vicinity. It is therefore considered that the construction of the proposed development has the potential to disturb buried archaeological assets.

Consequently, I recommend that, in the event planning consent is granted, the site is subject to an archaeological investigation to determine the survival of remains and, where appropriate, a programme of recording of the archaeological assets that will be affected by the development. I advise that this archaeological work should be commissioned and undertaken

at the expense of the developer and can be secured through the inclusion of a condition in any planning consent. I suggest the following form of words:

No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

This written scheme will include the following components:

i) An archaeological evaluation;
ii) An archaeological recording programme the scope of which will be dependant upon the results of the evaluation;

iii) Where significant archaeological remains are revealed by the programme of archaeological work, there shall be carried out within one year of the completion of that programme on site, or within such timescale as otherwise agreed in writing by the LPA: a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the LPA, completion of an archive report, and submission of the results for publication in a suitable journal.

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

Please do not hesitate to contact me if you have any queries regarding the above"

20/11/2023

Local Lead Flood Authority - 17/11/2023.

"The trial pit locations have been shown and are deemed acceptable. However, the Climate Change allowance for the site has been calculated for 40%, the applicant should be made aware that calculations should be carried out for 50% Climate Change allowance.

Conclusion:

In light to the above comments additional details are required from the applicant. Upon receipt of the amended plans I shall be better placed to provide full response."

30/10/2023

NHS Estates - 30/10/2023.

"Lancashire and South Cumbria Integrated Care Board (ICB) has delegated co-commissioning responsibility for general practice services in Lancashire and South Cumbria and is the body that reviews planning applications to assess the direct impact on general practice.

I refer to the above planning application which concerns the Full application for residential development comprising 19 dwellings with landscaping, biodiversity enhancements and

associated works including access, car parking and sustainable drainage (resubmission of B07/2022/0653) on Land south of Leece Lane, Barrow-in-Furness Cumbria comprising:

- 2 x 2 bed houses @ 2.0 people/unit = 4 people
- 13 x 4 bed houses @ 3.5 people/unit = 45.5 people
- 4 x 5 bed houses @ 4.8 people/unit = 19.2 people
- 19 dwellings = 69 people

The ICB has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will require mitigation with the payment of an appropriate financial contribution.

In line with the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122)/Section 106 requests for development contributions must comply with the three specific legal tests:

1. Necessary
2. Related to the development
3. Reasonably related in scale and kind

We have applied these tests in relation to this planning application and can confirm the following specific requirements. The calculations supporting this requirement are set out in Appendix 1.

	Total Chargeable units	Total	Project
General Practice	19 (69 persons)	£18,920	Towards extension and reconfiguration at Liverpool House surgery/Risedale surgery.

The obligation should also include the provision for the re-imbursement of any legal costs incurred in completing the agreement.

We would highlight ***“that failure to secure the contribution we have requested effectively means that we are objecting to the application”***.

Justification for infrastructure development contributions request

This proposal will generate approximately 69 new patient registrations based on average household size of 2.4 ONS 2017.

The proposed development falls within the catchment area of both the Liverpool House surgery and the Risedale surgery. This need, with other new developments in the area, can only be met through the extension and reconfiguration of the existing premises in order to ensure sustainable general practice.

(The Liverpool House surgery is located less than 1.3 miles from the development and Risedale surgery 1.2 miles away and would therefore be the practices where most of the new residents register for general medical services.)

From a ICB perspective the growth generated from this proposed development would not trigger consideration of the commissioning of a new general practice; it would however trigger a requirement to support the practice to understand how the growth in the population would be accommodated and therefore premises options. It is not a resilient, sustainable or attractive service model to commission new practices serving a small population, specifically from a workforce perspective. The same principle applies to branch surgeries within a close proximity to the main surgery site.

It is however important to note that general practice capacity would need to be created in advance of the growth in population so that both the infrastructure and workforce are in place. We would therefore be seeking the trigger of any healthcare contribution to be available linked to commencement of development.

Please note that general practice premises plans will be kept under review and may be subject to change as the ICB must ensure appropriate general medical service capacity is available as part of our commissioning responsibilities.

The ICB is of the view that the above complies with the CIL regulations/Section 106 and is necessary in order to mitigate the impacts of the proposal on the provision of general practice services. In accordance with CIL regulation 123 the ICB confirms that there are no more than four other obligations towards this project.

I would be grateful if you could advise when this application will be considered and if you require any additional information to assist the decision making process in advance of the committee report being prepared."

02/11/2023

National Highways - 02/11/2023

"Referring to the consultation on a planning application dated 18/10/2023 referenced above, in the vicinity of the A590 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

a) offer no objection;

Highways Act 1980 Section 175B is not relevant to this application.1

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

The Local Planning Authority must also copy any consultation under the 2018 Direction to PlanningNW@nationalhighways.co.uk"

Annex A National Highways' assessment of the proposed development

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

National Highways does not consider that the proposed development would have an adverse impact on the safety of, or queuing on, a trunk road.

Standing advice to the local planning authority

The Climate Change Committee's [2022 Report to Parliament](#) notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The National Planning Policy Framework supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of [PAS2080](#) promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon."

15/11/2023

Natural England - 15/11/2023.

"SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

European sites

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

Sites of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk."

09/11/2023

Principal Ecologist - Westmorland & Furness Council - 09/11/2023.

"On-site Habitats and Protected Species

A Preliminary Ecological Appraisal (PEA) dated January 2022 has been submitted as part of the application with the only site visit undertaken on 3rd November 2021. November is outside the optimum period for the survey types undertaken. Furthermore, two years has now elapsed since the site visit and in line with CIEEM guidance¹ the submitted PEA and data included in it are out of date. Additionally, the site has variously been cleared, replanted and natural succession will likely have taken place also and therefore the submitted PEA is not considered to represent the site in its current state.

It is worth noting at this point that the words 'site' and 'survey area' are muddled throughout the submitted PEA, which makes interpretation of the results difficult. From this point forward in the consultation response land within the proposed development boundary will be referred to as 'the site', whereas the larger parcel of land surveyed will be termed the 'survey area'.

A large part of the survey area is Stone Dyke County Wildlife Site (CWS) designated for its wet woodland and reedbeds. This is immediately adjacent to/on the boundary of 'the site' to both the east and west. The effect of the development on the CWS habitats and the species they likely support are not given consideration in the submitted PEA.

The PEA states that a pond is present in the survey area (it is present in the CWS adjacent to the site) and that it was found to offer 'excellent' suitability for great crested newts (GCN) following a Habitat Suitability Index (HSI) assessment. It's noteworthy that Cumbria

Biodiversity Data Centre (CBDC) holds records from 2016 for GCN within 500m of the site but these are not in the submitted PEA, despite a data search from CBDC. The council cannot discharge its duties as a competent authority under The Conservation of Habitats and Species Regulations 2017 (as amended) in relation to European Protected Species (in this case GCN) until the status of GCN on site has been ascertained.

In addition to GCN, the pond adjacent to the site may offer high quality foraging opportunities to bats and it is therefore likely bats roost in close proximity to (or on the site if suitable trees are present). It is expected these species would be afforded more survey effort than was utilised.

The PEA states that Japanese knotweed is present on site but also maps it as present in the CWS adjacent. The extent of this Schedule 9 plant on the site cannot be ascertained from the PEA.

The application cannot be determined until an Ecological Appraisal is submitted that:

- Focuses on the current development proposal and an appropriate buffer presents a current representation of the species and habitats present on site;
- has been undertaken at an appropriate time of year;
- uses UK Habs v2.0 and presents the results in a logical and consistent format;
- correctly identifies the locations and status of statutory and non-statutory sites within an appropriate Zone of Influence;
- identifies the presence/likely absence of great crested newts on the site, in all ponds within 250m and any mitigation required;
- Identifies the status of the site with regards to bats in accordance with the latest guidelines² and any mitigation required;
- Identifies and maps the extent of Japanese knotweed on site and surrounding land and presents suitable mitigation;
- submits the latest version of the Biodiversity Net Gain Metric for the site in Excel format;
- sets out firm commitments on enhancements that will be included in the development."

05/01/2024

Principal Ecologist - Westmorland & Furness Council - 04/01/2024.

"On-site Habitats and Protected Species

Following on from previous comments by the LPA ecologist on the application, a new Ecological Appraisal (Ref: P.1565.21) has been submitted with some features updated.

It should be noted however that several key points need qualifying before the application can be determined and these are all listed in Chapter 6 Conclusions of the latest submitted Ecological Appraisal.

- The presence/likely absence great crested newts at the site must be ascertained before planning permission can be determined.

- A construction Environment Management Plan must be produced that shows how the species and habitats present on and adjacent to the site will be protected from construction activities before planning permission can be determined.
- In line with para. 174(d) of the National Planning Policy Framework¹, and Barrow Borough Local Plan N32, Westmorland and Furness Council requires the development to achieve a Net Gain in Biodiversity. A completed metric (4.0) has been submitted but it does not match the submitted habitat map or Landscape Plan and leaves a significant deficit in habitat units. The application must show coherently how a net gain is to be achieved before planning permission can be determined."

13/11/2023

United Utilities - 13/11/2023

"United Utilities provides the following comments to support the Local Planning Authority in their determination of the planning application detailed above, and to direct the applicant to further sources of support and guidance on matters that might impact their proposal.

The letter and Appendix should be read in their entirety to support the determination, the design, and should the scheme be approved, the subsequent delivery of the proposal.

DRAINAGE

Following our review of the submitted Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the following condition is attached to any subsequent Decision Notice:

CONDITION:

The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing 1000, Rev P04 - Dated 21/09/2023 which was prepared by RB. No surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

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

To discuss their drainage proposals the applicant should contact our **Developer Services** team by email at SewerAdoptions@uuplc.co.uk. Alternative ways to contact the team are detailed in the Appendix, Section 4.0 'Contacts'.

Management and maintenance of Sustainable Drainage Systems (SuDS)

Without effective management and maintenance SuDS can fail or become ineffective which may have a detrimental impact on the surrounding area. There is also a risk ineffective SuDS could impact the performance of the public sewer network where the two systems interact. Therefore, when SuDS is included in a proposed development, we recommend the Local Authority include a condition relating to SuDS management and maintenance in any subsequent Decision Notice. We provide an example condition below that may be suitable in many circumstances.

Please note United Utilities cannot provide comment on an asset that is owned by a third party management and maintenance company. Therefore, whilst we recommend the inclusion of a management and maintenance condition, United Utilities would not be involved in its discharge.

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:

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

Public Protection Services - 17/01/2024.

"The reports submitted are the same as those previously submitted under 2022/0653, with the exception of the change in site layout and therefore Public Protection's comments on this application are unchanged.

To determine the site fully, we will need the following reports submitted where possible:

1: Asbestos Management Plan.

2: Ground Gas Risk Assessment & and Ground Water Addendum Inc sampling from Mill Beck up and down stream. (Note, we will need sampling before, during and after the completion of the development.

3: Construction Management Plan, inc noise and dust mitigation, track out, working times etc.

4: Contaminated Land Remediation Statement and Verification.

NOTE: This needs to be specific and third party monitoring compliance will be needed during the works due to the risks to public and site worker health. This also needs to encompass the possibility of Japanese Knotweed which has not been discussed but exists in the area.

5: Radon Protection measures incorporated in all new builds.

Any soil imported to site will need certification that it is suitable for its intended use. i.e. clean inert."

Officers Report

1. Site and Locality

1.1 The application relates to a green field site on the south side of Leece Lane in Barrow, on the edge of the urban area; the land physically forms a buffer between the urban edge and the rural landscape beyond to the east and south. It is an allocated housing site (of 0.75ha.) in the Local Plan, with an indicative yield of 12 dwellings (REC05 - Land south of Leece Lane). The planning application is for 19 dwellings, and whilst the adjoining field immediately to the east is designated as "green wedge" for the purposes of this submission it falls within the blue line on the submitted site plan, indicating ownership by the applicant.

1.2 There is more recent larger scale housing development to the northern side of Leece Lane, seen as an extension to the Holbeck estate, which sits alongside a further housing allocation (ref REC26 land east of Holbeck). The south side of Leece Lane is of a different character with more sporadic and organic ribbon development. There is a small-holding to the south of the site with open fields and agricultural pasture beyond this to the south and east, including Stone Dyke County Wildlife site. The site is located between two existing properties, a bungalow to the east and a house to the west and beyond this some further sporadic ribbon development. Vehicular access is from the A5087 Roose Road and onto Leece Lane, which once past the turning into the Holbeck development continues eastwards into the countryside, becoming narrower and unlit by street lighting.

1.3 The site is broadly rectangular in form with some hedgerow planting to the north (recently planted as replacement for that removed), south and west. A hedgerow to the south east which formed the boundary with the green wedge was recently removed. The site slopes gently from north to south but is flatter west to east, although some re-modelling took place as part of the previous unauthorised engineering works, for which the Council took legal action.

1.4 In recent years site clearance has occurred on both the allocated land and the green wedge and the site now comprises an area of semi-improved grassland with pockets of bramble scrub that is bound by hedgerows, An area of broad leaved woodland is present to the east of the site within the green wedge. There is a pond within the green wedge to the south-eastern corner and a ditch which runs along the southern boundary of the site and is surrounded by canary reed grass.

2. Proposal Details

2.1 This is a 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)

2.2 The application shows a standard cul-de-sac layout with dwellings arranged around a single access road, a footpath access on one side and a service strip to the opposite side. In terms of dwellings, eight different house types are proposed ranging in size from 2 bedroom semi-detached to five bedroom three storey houses; the proposal includes 3x2 beds, 3 x 3 beds, 9 x 4 beds and 4 x 5 bed units, which are all standard designs used by this developer on other sites in the Borough.

2.3 The site will be accessed by creating a T junction with Leece Lane, and the new dwellings served by a permeable tarmac highway that, according to the supporting information, will remain private and un-adopted.

2.4 The site is allocated in the Local Plan (site REC05), with an indicative yield of 12 units. The Draft Green Infrastructure Strategy describes the site as '*Land South of Leece Lane: Greenfield site outside but adjoining the existing urban area. The site is adjacent to a proposed area of Green Wedge to the east. Stream to south-west. Green Corridor suggested along site frontage to create buffer along Leece Lane and reduce the visual impact of development on its surroundings. Green Links suggested through the site connecting the Green Corridor with the stream at south-west of the site and Green Wedge to east*'. (Page 105)

2.5 Despite the site's identification through the Local Plan process it's development remains contentious locally with a number of public objections received. The site has also been the subject of recent enforcement action arising from the site being stripped of vegetation and reprofiled to level it out.

Background information

2.6 By way of context Members are provided with the following background information which explains the journey of this application:

(i) Pre-application advice

2.7 In June 2021 the applicant submitted a request for pre-application advice for a scheme for the erection of 17 dwellings and a detailed advice report was issued by the Local Planning Authority on 23.7.21.

2.8 As well as outlining the Policy background and the future requirements to be able to validate any submission, the report also set out the Council's design aspirations for the future development of the site. The headline view was that: "*The submitted layout looks cramped and fails to provide for bio-diversity and green infrastructure and is unlikely to be acceptable*". The agent was also advised that: "*You should also commission any necessary survey work, including habitat/species surveys at the correct time of year.*"

2.9 It was suggested that rather than a standard suburban arrangement, a farmstead-style courtyard development would work well with dwellings of a variety of types grouped around a central courtyard.

(ii) Application Ref 2022/0653

2.10 In September 2022 an application was submitted for the erection of 18 dwellings (Ref 2022/0653). This was eventually validated on 16.12.22, the delay being due to the absence of sufficient supporting information including some identified at the pre-app stage. Officers issued a full assessment on 16.2.23 covering key material considerations and design issues. In summary, this advised that "... *the proposed development does not meet the requirements of good design set by the NPPF, National Design Guide and Local Plan Policy DS5. In addition, the proposals do not fully implement the relevant green infrastructure policies in the Local Plan and do not achieve biodiversity net gain. Finally, the proposals are unacceptable in relation to highways and drainage*". Overall, significant deficiencies were identified and the agent was given a period of time to amend the proposals which required a fundamental re-working rather than minor tweaks. Amended plans were submitted which failed to overcome the earlier concerns and the proposals were eventually withdrawn on 26.4.23.

(iii) Current application

2.11 In October 2023, the current application was submitted for the erection of 19 dwellings and it was validated on 18.10.2023. Many of the previous supporting reports were re-submitted although there were some minor changes to the layout. However, concerns remained and in December 2023, the applicant was again given an opportunity to amend the proposals in line with policy expectations and an extension of time agreed. This has resulted in the scheme before Members today.

2.1 The above time-line evidences that the Council has met the duty to act positively and proactively to find solutions to problems as required under the NPPF (paragraph 38).

Relevant History

3.1 1982/0142 Land east side and adjoining 12 Leece Lane, Barrow-in-Furness Bungalow (Outline) Refused 11/05/1982

3.2 1982/0847 12 Stone Dyke, Leece Lane, Barrow-in-Furness Rear dining room and kitchen extension and side porch Approved 08/12/1982

3.3 1986/1040 Land south of Leece Lane, Barrow-in-Furness Residential development (Outline) Refused 14/05/1987

3.4 1989/0223 Land to the south of Leece Lane, Barrow-in-Furness Executive Housing Refused 23/10/1989

3.5 57/1995/0584 Land off Leece Lane Barrow-In-Furness Erection of a building to incorporate two stables and feed store area Appcond 18/10/1995

3.6 B07/2022/0653 Land south of Leece Lane, Barrow-in-Furness, Cumbria Full application for residential development comprising 18 dwellings with associated landscaping, biodiversity enhancement, access, car parking and sustainable drainage. WITHDRAWN 26/04/2023

4. Officer Assessment

National Guidance

4.1 The National Framework requires that housing applications be considered in the context of the presumption in favour of sustainable development, seen as the "golden thread" which runs through decision making. Good design and thus good place making is seen as a key aspect of sustainable development, to add to the overall quality of the area, establish a strong sense of place, optimise the potential of a site, respond to local character and create a visually attractive place.

4.2 Just before Christmas, the MHCL released an updated Framework which places even greater emphasis on beauty and place-making; in the previous version "beauty/beautiful" appeared 5 times in relation to design (rather than landscape) which was already an increase on the previous version. The current version turns it up to 11 and this, together with the advice on design codes, demonstrates the Government's continual encouragement of good design. This includes the insertion of "*and beautiful*" into the title of Chapter 12: achieving well-designed places, which becomes "*achieving well designed and beautiful places*". Another significant inclusion brings the requirement of beauty into strategic policies, with Para 20 requiring that strategic policies "ensure outcomes support beauty and placemaking".

4.3 This guidance sits alongside the model national design code which came about in response to the *Building Better, Building Beautiful* Commission's report [Living with Beauty](#), which was issued in February 2020.

4.4 The National Planning Practice Guidance (NPPG) is an online resource which provides further context to the NPPF and the Government advises that they should be read together, to fully embrace the national policy stance on raising design standards.

4.5 Relevant sections from the current Framework are included below:

NPPF (December 2023)

Chapter 2 covers Achieving sustainable development:

4.6 Paragraph 7 outlines that the purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development, and supporting infrastructure in a sustainable manner.

4.7 Paragraph 8 sets out the three overarching objectives in achieving sustainable development: a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure; b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-

designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

4.8 Paragraphs 9-14 cover the presumption in favour of sustainable development.

Chapter 4 covers Decision-making:

4.9 Paragraph 38 advises that Local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

4.10 Paragraphs 39-43 encourage pre-application engagement and front loading.

4.11 Paragraph 47 reiterates that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

4.12 In relation to planning obligations, Paragraph 57 advises that they must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development

Chapter 5 covers Delivering a sufficient supply of homes:

4.13 Paragraph 60 advises to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.

4.14 In relation to affordable housing, Paragraph 64 states where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:

- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
- b) the agreed approach contributes to the objective of creating mixed and balanced communities.

4.15 Paragraph 66 notes where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.

4.16 Paragraph 70 acknowledges the importance that small and medium sized sites such as Leece Lane can make in contributing to meeting the housing requirement of an area, and that they are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:

- a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;
- b) seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custom[1]build housing;
- c) use tools such as area-wide design assessments, permission in principle and Local Development Orders to help bring small and medium sized sites forward;
- d) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and
- e) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.

4.17 In relation to build out, Paragraph 81 advises that to help ensure that proposals for housing development are implemented in a timely manner, local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability.

4.18 In relation to rural housing, Paragraph 82 advises in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.

Chapter 8 covers Promoting healthy and safe communities:

4.19 Paragraph 96 advises that planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which:

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of beautiful, well-

designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and

c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

4.20 In terms of open space and wider recreation, 102 observes that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.

Chapter 9 covers Promoting sustainable transport:

4.21 Paragraph 108 observes that transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places

4.22 In considering development proposals, Paragraph 114 advises in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and

d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

4.23 Paragraph 115 clarifies that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.24 Paragraph 116 advises that applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

4.25 Paragraph 117 confirms that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

Chapter 11 covers Making effective use of land:

4.26 Paragraph 123. Advises that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

4.27 Paragraph 124 advises that planning policies and decisions should:

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;

c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

4.28 In relation to density, Paragraph 128 observes that planning policies and decisions should support development that makes efficient use of land, taking into account:

a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;

b) local market conditions and viability;

c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;

d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and

e) the importance of securing well-designed and beautiful, attractive and healthy places

Chapter 12 was recently updated to cover Achieving well-designed and beautiful places:

4.29 Paragraph 131 observes that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

4.30 Paragraph 135 states that planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁵²; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

4.31 In relation to trees, Paragraph 136 notes that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.

4.32 Paragraph 137 also addresses pre-application engagement and advises that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

4.33 Paragraph 138 notes the range of design tools available including local design codes, in line with the National Model Design Code and assessment frameworks such as Building for a Healthy Life.

4.34 Of key relevance to this application, Paragraph 139 advises that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Chapter 14 covers Meeting the challenge of climate change, flooding and coastal change:

4.35 The introductory Paragraph 157 advises the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

4.36 In relation to planning for climate change, Paragraph 159 advises new development should be planned for in ways that:

a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to

ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and

b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.

4.37 In relation to determining applications, Paragraph 162 requires local planning authorities should expect new development to:

a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

4.38 In determining applications, Paragraph 164 advises local planning authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights).

4.39 In relation to drainage, Paragraph 175 advises that Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

a) take account of advice from the lead local flood authority;

b) have appropriate proposed minimum operational standards;

c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and

d) where possible, provide multifunctional benefits.

Chapter 15 covers Conserving and enhancing the natural environment:

4.40 Paragraph 180 requires that planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

4.41 Paragraph 186 advises that when determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

4.42 In relation to ground conditions and pollution paragraph 189 requires that planning policies and decisions should ensure that:

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

4.43 Furthermore, Paragraph 190 advises where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Chapter 16 covers Conserving and enhancing the historic environment:

4.44 The chapter gives advice on the information to be submitted with applications which could impact heritage assets or their setting and how impact is to be considered. Paragraph 211 advises that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

4.45 The Glossary gives a definition of Affordable Housing.

Key relevant Local Plan Policies

4.46 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.

4.47 The current Development Plan for the purposes of this application is the recently adopted Barrow Borough Local Plan 2016-2031. Relevant policies are addressed below or within specific topic sections of this report:

Barrow Borough Local Plan 2016-2031

Key policies include: DS1, DS2, DS3, DS5, DS6, C1, C3a, C4, C5, I1, I3, I4, I5, I6, H1, H3, H7, H9, H11, H12, H14, H24, N1, N3, N4, GI1, GI2, GI4, GI6, GI9, HC1, HC4, HC5, HC10 and HE6.

Supplementary Planning Guidance (SPD)

4.48 The Biodiversity and Development SPD, Draft Green Infrastructure SPD and Affordable Housing and Developer Contributions SPD are material considerations and sit alongside the Cumbria Highways Design Guide and National Design Guide.

Principle of the development

4.49 The proposed development is for 19 new dwellings on the edge of the built-up area of Barrow close to open countryside. The site is allocated for housing in the Local Plan (site REC05) and so the proposal is acceptable in principle, subject to conformity with other relevant policies in the Local Plan and other material considerations.

4.50 The principle of residential development has therefore been accepted and cannot be re-considered under this application although there are various detailed matters to consider ranging from design and layout, bio diversity and green infrastructure to drainage, access,

parking and road layout. This report assesses the issues topic by topic making reference to relevant Policy/consultation responses where relevant.

Policy

4.51 An assessment of the proposals in relation to key policies is included below or referenced by topic where relevant elsewhere within this report:

4.52 Policies DS1 and 2 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 criteria are considered below with a brief assessment in italics:

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;

5.53 A limited amount of green infrastructure is incorporated within the proposals and in this location there remains 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;

4.54 A transport statement has been submitted with the application. Traffic generated by the proposal is not considered to have unacceptable impacts on the local highway network. It is recognised that some off-site highway improvements would be required.

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;

4.55 There are a number of amenities and services within approximately 1km or less from the site and the site is also within cycling distance of the majority of retail, leisure and employment opportunities in Barrow.

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;

4.56 Some environmental impacts are likely during the construction phase but these could be mitigated through a Construction and Environmental Management Plan (CEMP) and Construction Management Plan (CMP) and a piling condition. Unacceptable levels of pollution are unlikely.

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

5.57 *The proposals are unlikely to have a detrimental impact in terms of privacy and security and natural light given the orientation, boundary treatments and distance from neighbouring residents.*

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

4.58 *A reasonable level of amenity should result for the majority of the proposed residents, although the cramped layout design reduces the optimum levels of amenity that could result from a better layout. Some garages are badly positioned and lack convenience meaning that their usage would be limited, and on street parking would ensue, and there would be a need for significant levels of boundary treatment, in order to give some residents privacy in their gardens, the nature of which could result in poor quality street scenes.*

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;

4.59 *The proposal shows over development of the site, with a poor standard of layout, dysfunctional parking, standardised housing types including 3 storey units within a locality of bungalow and 2 storey dwellings, and so misses opportunities to enhance character and appearance, street scene, buildings and open spaces.*

h) Contribute to the enhancement of biodiversity and geodiversity;

4.1 *The proposals result in a net loss in biodiversity.*

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

n/a

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

n/a

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;

4.60 *Beyond the minimum requirements of the Building Regs, little information is provided in the submission as to how energy efficiency is to be incorporated in the proposals. Sustainable drainage is considered elsewhere in this report and the site is not considered to be at risk of flooding.*

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

4.61 *An archaeological assessment has been submitted and this can be addressed further by attaching a suitably worded condition to any consent. The proposal is not considered to impact on heritage assets or their setting.*

m) Comply with Policy DS3.

4.62 *The proposal broadly comply with policy DS3 (Development Strategy) in that the submission is for housing.*

4.63 Policy DS3, 'Development Strategy,' identifies an overarching strategy of sustainable growth. It refers to a balanced portfolio of sites in a range of locations throughout the Borough and gives context to the housing allocations.

4.64 Policy DS5 echoes the NPPF and the National Design Guide in seeking to encourage good design and design is considered in more detail below but overall the proposal misses the opportunity to deliver a high quality design which could create a vibrant attractive place. 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, with an assessment in italics:

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

4.65 *The proposal sits on the edge of the urban area adjacent to open countryside and the retention and enhancement of trees and hedgerows, sensitive design and planning conditions could help to integrate the development and conserve and enhance the character of the adjacent natural environment. A landscaping plan forms part of the supporting information.*

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

4.66 *addressed elsewhere in this report.*

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

4.67 *There are no existing buildings.*

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

4.68 *Each dwelling will have dedicated private amenity space but only limited additional public open space is included within the development.*

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;

4.69 *This relatively small-scale development is reasonably intuitive in terms of site access and internal permeability. Whilst the nature of the location means there will inevitably be some reliance on private cars the site is accessible by bus and there is a train station (Roose) within*

walking distance. No details have been provided to show if or how EVCP's are to be incorporated although this is now a Building Regulations requirement. Only a small number of the proposed dwellings include garages (7 out of 19, approximately 37%) and no alternative storage is shown for any of the dwellings so there seems to be very little capacity for cycle storage facilities within the site. Financial contributions would be required towards the delivery of cycling provision if the proposals were found acceptable.

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

4.70 The site is relatively small and the basic layout makes it easy to navigate.

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

4.71 The proposals are somewhat dominated by hard surfacing in the form of the road or parking spaces, which are often poorly positioned as a result of the cramped layout, whereas a better designed scheme would show more integral landscaping.

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

4.72 The proposals fail to exhibit design quality or a strong ethos to create any sort of sense of place and instead relies on the use of generic, standard house types used on other urban sites. There appears to be an emphasis on maximising numbers at the expense of quality and good urban design. It is unclear if locally sourced materials are proposed.

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;

4.73 Unfortunately the developer previously entered the site, and the adjacent land allocated as "green wedge" and sought to strip the site of its green infrastructure, trees and hedgerows and this has impacted in a negative way on the existing character. Enforcement action sought to achieve mitigation through replacement planting, but this does not make up for the loss of mature hedgerows. The current proposal includes some limited planting but fails to take advantage of key viewpoints, skyline and vistas, particularly the impact of the taller house types on this, or to create a hierarchy of spaces and landscape to create a sense of place.

4.74 In addition the proposals lead to an overall loss of biodiversity.

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

4.75 As a small development the layout and access are fairly intuitive and there is a degree of natural surveillance, however there are some missed opportunities on some plots arising from poor orientation and isolated garages.

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

4.76 No public art is proposed although this could be required by planning condition, perhaps including a well-designed entrance feature, were the proposals found to be acceptable.

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

4.77 Little information is provided in terms of how any of the dwellings would meet accessibility or homes for life standards.

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

5.78 Discussed 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; and

4.79 The proposal will need to meet the Building Regs requirements, although minimum information has been submitted with this application about energy efficiency and how it has influenced layout design issues such as orientation, shelter planting or building grouping.

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

N/a.

4.80 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'.

4.81 By stating that approval will be granted in these cases creates a strong presumption in favour of approval. In other words it is the Council's policy that allocated sites such as this should be developed for housing, albeit the Plan needs to be read as a whole.

4.82 Policy H7: 'Housing Development' identifies a range of criteria against which new residential development will be considered. These are considered below in italics:

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;

4.83 The site is allocated for housing and is on the edge of the built up area.

b) Site planning, layout and servicing arrangements are developed comprehensively;

Broadly compliant.

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;

4.84 Your officers have concerns around the design and layout of the proposals, scale, detailing, security and landscape and the overall design quality, which fails to create a sense of place or add to the character of the area.

d) An acceptable standard of amenity is created for future residents of the property in terms of sun-lighting, day-lighting, privacy, outlook, noise and ventilation;

4.85 A reasonable standard of amenity should result for most plots, although the cramped layout and the consequent poorly sited car parking is considered to impact negatively on the outlook for some plots, and some plots will need significant enclosure to create private space.

e) The site is served by a satisfactory access that would not impact unduly on the highway network;

4.86 Access is considered elsewhere in this report, and this is a matter for the Highway Authority.

f) The site has been designed to promote accessibility by walking, cycling and public transport, as opposed to the private car;

4.87 The relatively isolated nature of the development means that there will inevitably be some reliance on private cars. However, there is a bus stop nearby, a train station within walking distance and Barrow is accessible by cycling. The key disappointment, as addressed above, is that there is little capacity within the site for cycle storage since very few plots have a garage or even a store.

g) The development is sustainable in its energy usage, environmental impact, drainage, waste management, transport implications and is not at risk of flooding;

4.88 considered elsewhere in this report.

h) The capacity of the current and proposed infrastructure to serve the development is adequate taking into account committed and planned housing development;

4.89 Some off-site infrastructure improvements would be required which the applicant would need to contribute towards.

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);

4.90 Some off-site infrastructure improvements would be required which the applicant would need to contribute towards.

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;

4.91 The site is on the edge of the rural area. Residential development offers the potential to keep local schools, services and businesses viable with increased footfall.

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;

4.92 The site is allocated for housing, existing landscape features are mostly retained, with some modest enhancement, and linkages are proposed with the adjacent settlement.

l) The proposal will not harm the historic environment, heritage assets or their setting;

4.93 There is not anticipated to be any harm to known heritage assets.

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

considered elsewhere in this report.

n) The development must comply with Policy N3 and the design principles set out in the Development Strategy chapter should be followed.

4.94 considered elsewhere in this report.

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

4.96 The site was previously used for tipping.

4.97 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. The policy states that in assessing whether a contribution from a particular site is appropriate the 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.

4.98 This is a relatively small scale proposal comprising the creation of 19 dwellings and there is the potential to be beneficial in terms of an increased use of nearby community facilities, such as transport, school, shops and leisure facilities. The provision of stand alone community facilities are not required for this scale of development, however, there are a number of

facilities within approximately 1 km of the site, such as a post office with associated convenience store, 2 primary schools, a social club, church and supermarket and a sports field. The site is also within cycling distance of the majority of retail, leisure and employment opportunities in Barrow. There are also bus stops sited nearby and the Roose Railway station is within 1 km of the site.

Design and Layout

4.99 The National Design Guide illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It is a material consideration for planning applications and sets out the ten characteristics of well-designed places, namely :

Context – enhances the surroundings;

Identity – attractive and distinctive;

Built form – a coherent pattern of development;

Movement – accessible and easy to move around;

Nature – enhanced and optimised;

Public spaces – safe, social and inclusive;

Uses – mixed and integrated;

Homes and buildings – functional, healthy and sustainable;

Resources – efficient and resilient;

Lifespan – made to last.

4.100 The National Design Guide (the NDG) states that a well-designed place comes about through making the right choices at all levels, including the layout, form and scale of buildings. Amongst other matters, it advises that is to be based on an understanding of the existing situation, including patterns of built form as well as the local vernacular and other precedents that contribute to local character, to inform the form, scale, appearance, details and materials of new development.

4.101 The applicant's Design and Access statement makes no reference to the National Design Guide and as a result the current submission fails to meet the requirements of good design as emphasised in the contemporary version of the NPPF and echoed in the aims of our Local Plan Policy DS5.

4.102 As discussed previously, Policy DS5 of the Local Plan requires high quality design, with planning applications demonstrating a clear process that analyses and responds to the characteristics of the site and its context, taking account of the Council's Green Infrastructure Strategy.

4.103 Policy DS5 (Design) states that;

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

4.104 The policy lists 15 criteria, (a) to (o) as referenced above. At their heart is an emphasis on the developer explaining and demonstrating how a particular scheme will relate to and enhance local character. Article 4 of the Town and Country Planning (Development Management Procedure) Order requires certain types of applications to be accompanied by a Design and Access Statement (DAS). This includes applications for major development. The purpose of a DAS can be summarised as providing a framework for applicants to explain how a proposed development is a suitable response to the site and its setting, and to demonstrate that it can be adequately accessed by prospective users. A DAS has been submitted which provides a basic assessment however, as with the developers effort at Combe House, it lacks a coherent explanation, does not explain the design ethos, nor how the proposals meet policy requirements. The need for demonstrating a clear process is consequently not met.

4.105 Instead, the layout appears to have evolved simply based on maximising dwelling numbers and utilising generic, standard house types used on other sites in the urban area. The site layout plan predominantly only considers the site edged red, with only minimal effort made to address the opportunity to enhance the green wedge. Likewise, there has been little attempt to show how the site will relate visually to the adjacent rural landscape. The Council's concern that the three storey dwellings could look alien against the rural landscape seems to be addressed by "digging in" some of the site to lower the natural levels, as illustrated on the proposed section. Officer concerns about the cramped layout shown on earlier iterations have bizarrely been addressed by increasing the dwelling numbers (from 17 to 19)

4.106 Policy DS5 requires designs to be specific to the site. However the proposal relies largely on the developers generic house types which are also provided on much larger residential infill sites in Barrow. The materials (facing brick and rendered panels), and elevational treatment give few clues as to how they have been influenced by this particular site or edge of rural context. The arrangement of the house types appears cramped, particularly in the south west corner. There is no obvious design philosophy for the development as a whole or design ethos in terms of how buildings of different heights work together, an example being a bungalow being located next to a three storey tall house which appears somewhat incongruous in the skyline and only serves to draw attention to the height difference.

4.107 The accompanying design and access statement does little to explain the design process and limits its assessment to the adjacent suburban areas, giving much weight to trying to develop proposals akin to the recent development on the other side of the road and failing to appreciate the more vernacular modest scale of much of the south side of Leece Lane. Nor does it consider landscape or biodiversity enhancement in a meaningful way, such as utilising hedges rather than walls or fences. The requirement of demonstrating a clear process that analyses and responds to the characteristics of the site and its context is not met.

4.108 The DAS references the use of 1.8m tall fences, although no details are given. This again seems to confirm that the developer is using a standard "urban" design approach rather than reflecting the rural edge context. More sympathetic treatments such as the use of waist high post and rail fencing with planting or hedgerows, or even low stone walls of local stone are excluded from the design considerations.

4.109 The layout generally feels tight and regimented, is built very close to the boundaries, and would not be in harmony with its open, landscaped, rural edge setting. It is all the more disheartening that the current proposal was submitted in response to 'pre-app' advice and the withdrawal of a previous unacceptable scheme; in summary the scheme fails to deliver a high quality residential design showing a cramped dysfunctional layout featuring the company's standard housing designs.

4.110 The cramped layout and emphasis on quantity rather than design quality means that few plots have garages or even stores and those that do have only a single garage, rather than a double garage that is typically found now on new developments with four or five bedroom family homes. The consequence of this would be that future house buyers would almost immediately be seeking to erect additional storage space in the form of sheds, stores or garages in a sporadic fashion, to the detriment of any design quality that the scheme possesses.

4.111 The layout should be of an appropriate density, in accord with Policy H8 of the Local Plan; the proposal as it stands appears to be cramped, and has a significantly higher yield than the indicative yield in the Local Plan. Whilst there is flexibility around densities, this would not be at the expense of design quality. Your officers have previously suggested that the developer aim for a scheme more akin to a farmstead style courtyard development with a traditional terrace of rendered dwellings along the frontage with low eaves and a courtyard arrangement of dwellings behind using a range of dwelling types and garage block groupings to form a sense of enclosure. Examples of good practice have been shared with the applicant to try and work proactively to find a solution but little has been achieved.

Secure by Design

4.112 Policy HC5 'Crime Prevention' states that 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. The proposals benefit from some natural surveillance, being constructed around a single access road although the Crime Prevention Officer has raised some concerns and so the proposals do not fully comply with this Policy.

4.113 In particular, the Cumbria Constabulary (Force Crime Prevention Design Advisor) notes that there is no detail that indicates how crime prevention measures will be incorporated into this development. Their interpretation of the Proposed Site Layout advises that natural surveillance opportunities are restricted in several places due to the proposed orientation of dwellings and the repeated presence of blank or 'inactive' gable walls (all house types) that do not permit views. Of particular concern they advise that:

- *Development entrance not directly addressed – the closest dwelling (Unit 3) presents only a gable wall towards the access road, with negligible supervision. The objective of direct supervision informs all visitors that their presence is being observed and declares ownership of the site. Lack of supervision in this manner promotes anonymity*

- *Adjacent to Unit 1 suggests unrestricted access towards the rear gardens and garages (and boundaries of adjacent existing dwelling No 12) and no surveillance opportunities in this direction*
- *Negligible supervision of garages/parking for Units 1, 2, 3, 4 & 19 which are not obviously associated with their respective dwellings and consequently lack ownership*
- *Unit 19 is unable to supervise any of its curtilage alongside the access road*
- *Although the majority of residents car parking is on-plot, the lack of windows in gables prevents direct overlooking of these private spaces. (In comparison, car parking spaces for Units 8, 9 and 15 are directly overlooked from their respective dwellings)*

4.114 *There is no indication of how garden curtilages shall be formed, i.e. to obviously separate public and semi-private space (e.g. how far does the curtilage of Unit 4 extend beyond the car parking space?).*

4.115 *What is the status of the land to the rear of Unit 16 (i.e. beyond the garage?). The drawing suggests unrestricted and unobserved approach to the rear garden boundary, which compromises security.*

4.116 *Similarly, the space adjacent and to the rear of Garages 1 – 3 & 19 lacks ownership and appears to permit unrestricted approach.*

4.117 Recommendations are also made in relation to door and window specifications.

4.118 Whilst the layout has since been amended, some of the above concerns remain and so the proposals do not comply with Policy HC5.

Landscape design and green infrastructure

4.119 This topic overlaps to some extent with the assessment elsewhere in this report around highway design, SUDs and bio diversity enhancement.

4.120 Policies DS2, DS5, GI1 to GI9 cover Green Infrastructure and the Draft GI Strategy is also relevant. Policy DS2 requires development to incorporate green infrastructure designed and integrated to enable accessibility by walking, cycling and public transport. The GI policies provide greater detail on the various components of green infrastructure. Whilst the landscape plan shows some green infrastructure, much of it is already existing or a replacement for that which was removed in 2021 and it is difficult to assess since it relates to a previous iteration of the layout. Crucially, there is no reference to green infrastructure in the D&A statement.

4.121 The Local plan describes the range of green infrastructure under policies GI1 to GI9 as follows:

4.122 GI1 Green Infra structure, GI2 Green Wedges, GI3 Green Corridors, GI4 Green Spaces, GI5 Green Routes, GI6 Green Links, GI7 Open countryside, GI8 Woodland, GI9 Private Garden Boundaries. Green Spaces should provide a focal setting for new development as part of a wider landscaping scheme that contributes to creating a sense of place, as required in Policy GI4 of the Local Plan. A small strip of landscape is shown on the entrance to the site, to the west of the footpath, and the accompanying landscape plan suggests that this will include wildflower seeding a boundary hedge and three trees. However, the majority of this strip is only about 2m wide so it is difficult to envisage how the landscape could be provided and

thrive and the space between the edge of the private shared drive and boundary with neighbouring property appears too narrow to establish a hedge .

4.123 Guidance on applying the policies is contained within the Draft 'Green Infrastructure Strategy' (GIS) though this remains a draft it includes useful guidance. The strategy advises with regards site REC05 as follows:

"Land South of Leece Lane: Greenfield site outside but adjoining the existing urban area. The site is adjacent to a proposed area of Green Wedge to the east. Stream to south-west. Green Corridor suggested along site frontage to create buffer along Leece Lane and reduce the visual impact of development on its surroundings. Green Links suggested through the site connecting the Green Corridor with the stream at south-west of the site and Green Wedge to east". (Page 105)."

4.124 Policy GI1 sits alongside the Council's Draft Green Infrastructure Strategy and seeks to encourage the creation, enhancement and protection of green infrastructure. The policy criteria includes utilising landscape and urban design techniques, protecting and enhancing biodiversity, tree planting and using GI to create distinctive place making. The cramped layout means that green infrastructure opportunities are not maximised by the development.

4.125 Policy G13 addresses Green corridor and the explanatory text accompanying the policy describes these as accommodating a sites infrastructure in a landscaped way '*creating a multifunctional approach connecting the various parts of the site and in supporting service and access connections with adjacent development areas*'. This can be interpreted as a landscaped area which could provide access, for example pedestrian and potentially infrastructure such as drainage.

4.126 Policy GI6 of the Local Plan states that proposals should not compromise the continuity or integrity of a hedgerow or Green Link. Therefore, all existing hedgerows should be retained with works limited to remedial measures such as filling gaps, cutting and laying to encourage new growth; this will also help to reduce the visual impact of the development, in accordance with p106 of the Draft SPD. The Green Link (existing hedgerows) along the Northern and Southern boundaries of the site are to be retained with additional planting to the West and East, although in some instances dwellings are positioned so close to boundaries that this would potentially compromise the future health of some hedgerows. A less cramped layout would allow the development to make the best use of existing features to provide screening and to contribute to a sense of place, as stated in paragraph 2.100 of the Draft SPD.

4.127 Policy GI9 relates to private garden boundaries and requires development proposals to incorporate specific measures to assist the local migration of wildlife between the side and rear garden boundaries. Hedgehog friendly fencing could be required by condition if the proposals are found acceptable.

4.128 A landscaping scheme has been submitted which includes some entrance planting, retention and enhancement of some hedgerows and a scattering of new street trees as required under the NPPF. Some new trees are also proposed within rear gardens and new shrub planting is proposed along the eastern boundary. In terms of the green wedge, little is proposed other than some additional tree planting in the north east corner which does not mitigate for the previous loss on this site. It is unclear whether the landscaper has had access to the BNG assessment in order that these elements could be co-ordinated to some

extent. There appears limited opportunities for landscaping in light of the cramped layout, and the scheme does not appear to adopt an holistic approach re SUDs, green infrastructure and bio diversity net gain as advised at pre-app stage. The cramped parking layout means that there is no opportunity to break up hard surfacing with landscaping within the parking areas.

4.129 The Draft Green Infrastructure Strategy SPD, p105, suggests a Green Corridor along the site frontage to create a buffer along Leece Lane and to reduce the visual impact of development on its surroundings and this is incorporated, although it is unclear if it would be left to individual house-holders to maintain. Green Links are also suggested through the site connecting the Green Corridor with the stream at the south-west of the site and Green Wedge to east (Dungeon Lane Green Wedge) although there appears to be little evidence of this.

4.130 The site is adjacent to the Dungeon Lane Green Wedge, therefore the proposal should also conform to Policy GI2 of the Local Plan which addresses proposals adjoining green wedges. The policy requires developments to respond to, maintain or enhance the open character of the green wedge, enhance the biodiversity value of the green wedge where possible, maintain and enhance its value as a setting for recreation and provide visual relief. There is little reference to the green wedge within submitted documents and only modest planting proposals and it is unclear if biodiversity is enhanced on this site.

4.131 A soft urban edge would also be required to the development on this gateway into Barrow to reduce the impact of the development on the landscape. Part 4 of the Draft Green Infrastructure Strategy SPD provides some design guidance as explained above.

4.132 The properties most impacted by the development are the detached bungalow to the east and a detached house to the west. These front onto Leece Lane such that the application site wraps around them on two sides. The applicant has sought to mitigate some of the inevitable change of character by incorporating a landscape strip to the eastern boundary of the existing bungalow, adjacent to the green wedge and hedgerow and/or tree planting to existing boundaries. This landscape strip is capable of forming part of the site's green infrastructure but to suitably achieve this further work is required to enhance the green wedge.

4.133 The proposed development is situated on a gateway into Barrow. Policy H7, criterion (k) of the Local Plan states that where a site is located on the edge of Barrow, the applicant will be required to demonstrate how the development integrates with existing landscape features and does not lead to an unacceptable intrusion into the countryside. Some effort has been made to show some additional planting to the eastern boundary of the site, but little attention is given to the green wedge and pond also within the applicant's ownership.

4.134 A landscape and visual assessment has been submitted with the application which considers impact from key viewpoints, although this does not relate to the current layout.

4.135 Policy DS5 of the Barrow Borough Local Plan also requires high quality design, with planning applications demonstrating a clear process that analyses and responds to the characteristics of the site and its context, taking account of the Council's Green Infrastructure Strategy.

4.136 Policy DS6 views landscaping as an integral part of the design process and encourages hard and soft landscaping, street furniture, lighting and public art where appropriate. Landscaping proposals have been submitted with the application and some existing trees and

hedgerows are shown on the submission documents/plans, along with proposed details of protective measures where appropriate; a detailed landscape scheme and maintenance arrangements could be secured by condition if the proposals are found acceptable. However, the cramped layout and dominance by hard surfacing means that opportunities for wider landscape provision are limited.

Housing Mix

4.137 Local Plan policy H11 'Housing Mix' states that 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.

4.138 The scheme includes a large mixture of house types for such a small site with eight different house types introduced and a range of 2, 3, 4 and 5 bed roomed units provided. There are some anomalies in the drawings in that the landscape plan, sections and visual impact assessment are based on a previous iteration of the layout.

4.139 Whilst a mixture of house types is proposed, the proposals are more focused on the larger property types with 13 out of the 19 dwellings proposed (68%) being four or five bedroom properties and only 6 (32%) being two or three beds. 17 dwellings will be open market housing and 2 will be affordable units, being the smallest properties at two bedrooms.

4.140 Whilst the SHMA 2016 is now slightly out of date it provides a useful starting point <https://www.barrowbc.gov.uk/residents/planning/planning-policy/examination-of-local-plan/examination-library/submission-documents/?entryid1=6029> and no evidence has been provided to show that the applicant has carried out an alternative assessment of housing need, other than their "expertise as a local developer". I consider this in the context of the fact that a number of their sites have taken many years to build out so may not, at face value, be reacting to market demand.

Density

4.141 The site is allocated for housing in the Local Plan (site REC05), with an indicative yield of 12 units. The submitted layout indicates 19 dwellings, so a significant uplift on the indicative number with a 58% increase. Whilst proposals for housing development with a greater yield may be acceptable they would need to comply with the relevant policies of the Barrow Local Plan 2016-2031, usually through careful design.

4.142 Policy H9 states that developers can determine the most appropriate density on a site by site basis, providing that the scheme meets the design principles set out in the Local Plan and is appropriate to the character of the location of the development. The policy places the onus on the developer in terms of determining density though with the proviso of meeting design principles. The scheme can be considered to be of high density given little green space or green infrastructure results and the dwellings are largely cramped together in regimented style.

Residential amenity

4.143 There are two aspects to residential amenity: the first relates to the impact of the development on existing residents and the second the level of amenity for any future occupiers;

(i) In terms of impact on adjacent residents, the nearest existing dwellings are a detached bungalow to the east of the site and a detached house to the west. Both dwellings benefit from large plots with generous rear gardens such that the back to back distance would be well over the 21m recommended by Policy. The nearest proposed dwelling to the bungalow would be sited approximately 9m to the west of it but would also be a bungalow and so any impact in terms of loss of privacy or overlooking is judged as modest.

4.144 Were the proposal to be acceptable, a Construction Management Plan and Method Statement and Construction Traffic Management Plan could be required by planning condition to safeguard residents from noise, dust and disturbance during the construction phase.

4.145 The development of the application site will inevitably result in a substantial change in the outlook for the properties which currently benefit from an open aspect to their east and west. However, private views are not recognised as "material" and a significant loss of openness is inevitable with a change from a field to a housing development. Privacy and sun lighting requirements as defined by policy are complied with and the scheme even where closest to existing dwellings, still complies with policy in this regard.

(ii) In terms of the level of amenity for proposed residents, a reasonable standard should result for some, but not all occupiers; the dwellings are standard house types which have generally been used on other sites within the urban area. The key concern in terms of amenity would relate to the impact of the cramped layout on car parking and the associated poor outlook for some plots.

Noise

4.146 Noise can be anticipated during the construction phase of the development and this could be mitigated through a Construction Management Plan if the proposals were judged to be acceptable.

4.147 In addition, there is potential for some noise and disturbance to the occupiers of Plots 8 and 9 due to vehicles manoeuvring in front of their dwellings.

Ecology, Protected species and biodiversity

4.148 Local Plan policy N3 states that proposals for new development should minimise impacts on biodiversity and provide net gains in biodiversity where possible. Policy N4 goes on to state that new development should conserve and enhance biodiversity features, including setting out how existing trees, hedgerows, ponds and other wildlife features will be integrated into the development. Policy GI9 states that development proposals will need to assist the local migration of wildlife between the side and rear garden boundaries of dwellings. It states that proposals that actively promote accessibility and habitat for wildlife will be encouraged. The development includes some landscaping and new street trees and existing hedgerows are mostly retained and improved, albeit they were removed in recent years without consent and

re-planting was required under enforcement powers. However, there is a net loss in biodiversity.

4.149 The need to achieve a net gain in bio diversity is a requirement of Local Plan policy (DS2 & N3) supplemented by the Council's 'Bio Diversity and Development' SPD. In the case of applications for major development there is a need for this to be demonstrated via a DEFRA based metric.

4.150 A metric has been submitted with the application which indicates a loss in biodiversity of 4.28 habitat units and a modest gain of 1.32 hedgerow units and an overall percentage net loss of 64.09% . The planning statement indicates that by way of mitigation a donation will be made to Cumbria Wildlife Trust but there is no indication if the submitted scheme is the optimum biodiversity that can be achieved on site first before offsite is considered nor as to where the donation to CWT will be spent as it will not necessarily make up for the loss near to the site.

4.1151 The need to rely on essentially off site mitigation is a consequence, to some extent, of the absence of a holistic approach to SUDs, green infra structure and bio diversity enhancement and the cramped layout. The metric is essentially a tool for the guidance of projects which should include expert ecological input and explanation.

4.152 Policy requires that the development should preserve and enhance biodiversity features, including trees and hedges. A Management Plan which shows how wildlife features will be integrated into the development and how the green wedge will be managed has not been submitted. The Council's preference is that landscaping, bio-diversity and SUDS should be considered as an holistic project and combined details submitted at application stage rather than being dealt with separately by condition.

4.153 Where the conservation of biodiversity features cannot be achieved, the Council must be satisfied that the loss is justified and replacement features will be required, in accord with Policy N4.

4.154 Natural England are not a statutory consultee on such matters with the assessment being a matter for this Council. On a separate matter Natural England have confirmed that the proposal will not have a likely significant effect on any designated sites of Morecambe Bay SAC and Ramsar or Morecambe Bay and Duddon Estuary SPA.

4.155 Pre-app advice was given in July 2021 which reminded the applicant that they should commission any necessary survey work, including habitat/species surveys at the correct time of year but the submitted assessment acknowledges the need for further surveys. It is somewhat disappointing therefor that the submitted ecological assessment is out of date and that DNA surveys of the pond have not been undertaken since the applicant is an experienced developer and this issue has cropped up before.

4.156 The application is accompanied by a 'Preliminary Ecological Appraisal' by Ascerta. The site does not appear to have been visited since November 2021 and the Executive Summary notes that " *this is within the sub-optimal time of year for phase 1 habitat surveys* " and " *if works have not commenced before November 2022, an updated walkover survey of the site will be required*".

4.157 The report makes various recommendations but it is unclear as to whether these are carried through into the application proposals. This is partly because the DAS does not make reference to the appraisal but also because some aspects appear contrary. For example the Appraisal recommends connectivity with the adjacent county wildlife site whereas the proposals appear to be self-contained as referenced above.

4.158 In addition, the appraisal identifies the need for further surveys including a preliminary bat roost assessment and DNA surveys for Great Crested Newts between mid April and June, alongside the provision of a CEMP, hedgehog RAMS and various other good practice. The great crested newt is fully protected under the Wildlife and Countryside Act, 1981 (as amended) and the Habitats Regulations 2017. It is also classed as a species of Principal Importance.

4.159 Natural England standing advice is that: "*You should not usually attach planning conditions that ask for surveys. This is because you need to consider the full impact of the proposal on protected species before you can grant planning permission*". In addition, it advises: "*GCN are [listed as rare and most threatened species](#) under Section 41 of the Natural Environment and Rural Communities Act (2006). You need to take account of the conservation of Section 41 species as part of your planning decision*".

4.160 Furthermore, since the important judgment handed down by His Honour Judge Waksman QC in the case of R (on the application of Simon Woolley) v Cheshire East Borough Council 2009, the legal duty of a Local Planning Authority ("LPA") is clarified when determining a planning application for a development which may have an impact on European Protected Species ("EPS"), such as bats, great crested newts, dormice or otters. Essentially, these matters cannot simply be dealt with by planning condition. This case set out the legal duty of an LPA when determining a planning application for a development which may have an impact on European Protected Species (EPS). This position was further clarified in Supreme Court in the case of R (Vivienne Morge) v Hampshire County Council in 2011. LPAs therefore, are not in a position where they can condition EPS surveys with legal defensibility. The court agreed, confirming that, "*...a planning authority...has a statutory duty under Regulation 3(4) to have regard to the requirements of the Habitats Directive in the exercise of its functions when dealing with cases where a European Protected Species may be affected.*"

4.161 Government advice also states: "*It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.*" In case of any doubt the guidance goes on: "*The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances*". Otherwise the situation can arise (and has arisen in the past) when conditioned surveys have discovered an ecological issue that has necessitated a material change to the approved design to ensure compliance with wildlife legislation, in turn requiring a new planning application or crucially the LPA is not meeting its statutory duties. For this reason, I am unable to recommend approval of the application and I have given this aspect considerable weight in the balancing exercise.

4.162 Separate to the Appraisal document there is a biodiversity metric. However, again its purpose is unclear as it concludes a net loss; the Metric identifies a loss of 64.09% in habitat units. It appears that some loss could be mitigated through enhanced on-site biodiversity. The overall impression is of a series of standalone, unconnected documents which collectively create a poorly presented scheme. This is the opposite of the policy requirements, which requires a holistic approach re SUDs, green infrastructure and bio diversity net gain. There is no evidence of any such approach being taken for this scheme.

4.163 The Council's Principal Ecologist notes that the only site visit was undertaken on 3rd November 2021. However November is outside the optimum period for the survey types undertaken and, since two years have now elapsed since the site visit and in line with CIEEM guidance¹, the submitted PEA and data included in it are out of date. Additionally, the site has variously been cleared, replanted so natural succession will likely have taken place the result being that the submitted PEA is not considered to represent the site in its current state.

4.164 He also observes that the words 'site' and 'survey area' are muddled throughout the submitted PEA, which makes interpretation of the results difficult. In addition, a large part of the survey area is Stone Dyke County Wildlife Site (CWS) designated for its wet woodland and reedbeds. This is immediately adjacent to/on the boundary of 'the site' to both the east and west. The effect of the development on the CWS habitats and the species they likely support are not given consideration in the submitted PEA.

4.165 The PEA states that a pond is present in the survey area (it is present in the CWS adjacent to the site) and that it was found to offer 'excellent' suitability for great crested newts (GCN) following a Habitat Suitability Index (HSI) assessment. It's noteworthy that Cumbria Biodiversity Data Centre (CBDC) holds records from 2016 for GCN within 500m of the site but these are not in the submitted PEA, despite a data search from CBDC. The council cannot discharge its duties as a competent authority under The Conservation of Habitats and Species Regulations 2017 (as amended) in relation to European Protected Species (in this case GCN) until the status of GCN on site has been ascertained.

4.166 In addition to GCN, the pond adjacent to the site may offer high quality foraging opportunities to bats and it is therefore likely bats roost in close proximity to (or on the site if suitable trees are present). It is expected these species would be afforded more survey effort than was utilised.

4.167 The PEA states that Japanese knotweed is present on site but also maps it as present in the CWS adjacent. The extent of this Schedule 9 plant on the site cannot be ascertained from the PEA.

4.168 The Council's ecologist advises that the application cannot be determined until an Ecological Appraisal is submitted that:

- Focuses on the current development proposal and an appropriate buffer;
- presents a current representation of the species and habitats present on site;
- has been undertaken at an appropriate time of year;
- uses UK Habs v2.0 and presents the results in a logical and consistent format;
- correctly identifies the locations and status of statutory and non-statutory sites within an appropriate Zone of Influence;

- identifies the presence/likely absence of great crested newts on the site, in all ponds within 250m and any mitigation required;
- Identifies the status of the site with regards to bats in accordance with the latest guidelines and any mitigation required;
- Identifies and maps the extent of Japanese knotweed on site and surrounding land and presents suitable mitigation;
- submits the latest version of the Biodiversity Net Gain Metric for the site in Excel format;
- sets out firm commitments on enhancements that will be included in the development."

4.169 Following on from previous comments by the LPA ecologist on the application, a new Ecological Appraisal (Ref: P.1565.21) has been submitted with some features updated.

4.170 The Council's ecologist has noted however that several key points need qualifying before the application can be determined and these are all listed in "Chapter 6 Conclusions" of the latest submitted Ecological Appraisal:

- The presence/likely absence great crested newts at the site must be ascertained before planning permission can be determined.
- A construction Environment Management Plan must be produced that shows how the species and habitats present on and adjacent to the site will be protected from construction activities before planning permission can be determined.
- In line with para. 174(d) of the National Planning Policy Framework¹, and Barrow Borough Local Plan N32, Westmorland and Furness Council requires the development to achieve a Net Gain in Biodiversity. A completed metric (4.0) has been submitted but it does not match the submitted habitat map or Landscape Plan and leaves a significant deficit in habitat units. The application must show coherently how a net gain is to be achieved before planning permission can be determined.

4.171 As a result the proposal does not meet the requirements of the NPPF, Local Plan Policy or SPD in relation to ecology and biodiversity and I have given this significant weight.

Public open space and play areas

Children's Play Areas

4.172 Policy HC10 of the Local Plan states that residential development proposals will be assessed on a site-by-site basis and where deemed appropriate through lack of provision or other limiting factors, will be required to provide well-designed and located children's play space within close proximity to the development and that is safe and accessible for users.

4.173 The proposed site is relatively isolated from existing children's play areas and the nearest equipped space is a small play area on Holbeck Park Avenue, on the other side of a busy road.

4.174 The SPD provides further guidance on the provision of children's play space. This is based on the recommendations in the Fields in Trust Guidance for Outdoor Sport and Play. In accord with the recommended guidance, the proposed development should include the

provision of children's play areas in the form of a "Local Area for Playing" (LAP) and "Local Equipped Area for Playing" (LEAP) (these could potentially be combined).

4.175 A LAP is a small area of open space specifically designed for younger children (minimum 10x10m), and it is recommended that the area is flat and level with grass, with a safety buffer to protect against highway traffic.

4.176 A LEAP is an equipped area for children of early school age (minimum 20x20m), ideally with at least five types of play equipment, situated at a minimum of 20m from the façade of dwellings.

4.177 Policy HC10 of the Local Plan states that developers will be expected to provide a commuted sum for a minimum of five years maintenance; the alternative is for a management company.

4.178 In this case no details of play space are shown on the layout.

Contamination

4.179 Policy C4 addresses contaminated land and a phase I Preliminary Risk Assessment (PRA) and a Site Investigation and Ground Assessment report has been submitted. The Policy states:

'Where the proposed use would be particularly vulnerable to the presence of contamination (ie residential) the planning application must be supported by an appropriate assessment of on-site contamination including proposals for remediation'

4.180 The Environment Agency note that the previous use of the proposed site as landfill presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. The controlled waters are sensitive in this location due to the presence of Mill Beck and a Secondary aquifer B. As such, they suggest a condition requiring a remediation strategy and verification plan. They also raise concern about the potential use of infiltration SUDS and suggest a drainage condition which would address potential risk to controlled waters.

4.180 They also suggest a piling condition to mitigate the risk of pollution/turbidity to groundwater and the aquifer and note that there is insufficient evidence to approve any soakaway scheme and require further evidence of the potential leachability of made ground at locations where any soakaway discharge will be required. They also suggest the potential need for environmental permits (which would be more of an informative issue).

4.181 The Council's Public Protection Officer advises that to determine the site fully, the following reports would need to be submitted where possible:

1: Asbestos Management Plan.

2: Ground Gas Risk Assessment & and Ground Water Addendum Inc sampling from Mill Beck up and down stream. (Note, this will need sampling before, during and after the completion of the development.

3: Construction Management Plan, inc noise and dust mitigation, track out, working times etc.

4: Contaminated Land Remediation Statement and Verification.

NOTE: This needs to be specific and third party monitoring compliance will be needed during the works due to the risks to public and site worker health. This also needs to encompass the possibility of Japanese Knotweed which has not been discussed but exists in the area.

5: Radon Protection measures incorporated in all new builds.

4.182 Any soil imported to site will need certification that it is suitable for its intended use. ie it is clean inert material.

Highways matters

4.183 The location is relatively sustainable with reasonable access to bus, rail and a range of services.

4.184 A Travel Plan has been submitted, in accordance with Policy I5 of the Local Plan.

4.185 A Transport Assessment has also been submitted , in accordance with the NPPF and the Cumbria Development Design Guide.

Car parking

4.186 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 Highway Authority have previously raised concern about the lack of parking and visitor spaces on the site. A further response is awaited on the latest iteration and this is addressed further below.

4.187 The application form indicates that the proposed parking spaces for the site is 52. However, from looking at the proposed site plan,48 are proposed and according to Cumbria Development Design Guide 48 spaces plus 3 visitor spaces (1 per each 5 grouped houses) should be provided. The Guide advises (page 62) *"Parking, if well designed for, can become an extremely useful asset in terms of safety and comfort with a development. The success of parking arrangements within schemes will only be achieved if developers devote enough consideration to these issues."*

4.188 The Highway Authority commented on the original layout submitted with this application (since amended) that the parking layout shown in application B07/2022/0653 (subsequently withdrawn) is considered a more suitable arrangement than the proposed plan submitted on this current application. It appears on this proposed plan that there is little or no space for cars to manoeuvre within the parking spaces allocated, nor is there adequate space for vehicle

users to enter and leave their vehicles safely due to the distance between themselves and the dwellings. They advise that the parking layout should be made more convenient for occupiers.

4.189 The applicant contends that the garage spaces can be counted as a parking space, however the internal dimensions for the single garages are only 2.65m (min) to 2.85m by 5.75m long. This is below the standard size which the Highway Authority would accept as a parking space (which would be a garage space min of 3m x7m internally or 21m² of internal space). Additionally, Policy H24 suggests minimum internal dimensions of 2.6 by 6m long with garage doors having an unrestricted clearance of 2.2m wide. This allows for sufficient space for the car, to open the doors and for additional storage. It is therefore debateable whether the garages would ever be able to serve a vehicle when considering the normal paraphernalia and storage associated with family life.

4.190 In addition, a standard parking bay is typically 2.4m by 4.8m but the guidance suggests that, in a domestic setting, this is increased to 2.6 by 5m to allow for access, (prams, wheelie bins etc) with a recommended minimum width of driveway to allow for a footway at 3.2m. The length of the driveway also needs to have enough space for the garage door to open with the parking spaces then positioned beyond this gap. In this submitted scheme, the parking spaces are below this size with no access space and positioned hard up against the garage which would either not give space to open the garage door or vehicles would need to park further forwards than indicated on the submitted plan, potentially over-hanging the footway/highway. A number of the parking spaces shown on the layout plan are shown as sandwiched between the dwellings. They appear to be only around 2.8m wide, which will be reduced after construction when the addition of gas meters, downpipes etc on the sides of the houses are taken into account. The spaces on Plots 12,13,14 and 18 look particularly tight whereby it would be potentially difficult to park and open car doors or accommodate families with children or anyone with a disability. It is likely that their use would be limited and could result in on-street parking being considered by occupiers to be more convenient.

4.191 The layout contains areas of communal parking, but the impression is that this aspect has been addressed purely to meet the required policy numbers rather than designed as an integral and workable solution for the occupiers. The allocated spaces for plots 7,8 and 9, shown grouped together in the southwest corner of the site, look problematic. It is difficult to see how they would function and how the users of the designated spaces for plots 8 and 9 could access their properties from the parking spaces without traversing over a neighbour's land. The indicated layout is not conducive to a good quality living environment and the outlook from the front rooms of the adjacent plots would also be poor, their view from the lounge windows effectively filled with parked cars.

4.192 Similarly, the allocated spaces for plot 15 are positioned within the turning head outline. As well as limiting the free movement of service vehicles such as the refuse wagon, the indicated layout would make manoeuvring difficult for the occupiers of plots 14 and 16. It is unclear if there is adequate visibility for the spaces shown for plot 3, given they would be to the south of the rear garden to plot 2. In addition, there is some confusion as to why some four bed properties(eg Plot 15) appear to be designated two spaces on the layout but smaller three bed properties three spaces (eg Plots 13 and 14). Furthermore, there appears to be only 1 designated visitor space. Without clear evidence, including swept path and visibility details and large-scale plans of the car parking layout and garages, I remain to be convinced that the

proposed car parking and garaging could function effectively or meet the Cumbria Highways Design Guidance.

4.193 In addition, the proposed parking space and garage shown for Plot 19 is distant from the dwelling with little natural surveillance meaning that the occupier would need to walk around 28m between their front door and the parking space/garage. In reality this is not convenient for daily use and would likely lead to on-street parking close to the front door with an attendant impact upon use of the adjacent turning head.

4.194 Overall the cramped layout has been compounded by a poorly designed car parking strategy which lacks quality and would not function well in reality, creating inconvenient or unusable spaces. This lack of provision could in turn necessitate residents and visitors having to park on verges or carriageway, to the detriment of highway safety. However, the technical aspects are not the only factor when considering the car parking layout of the development. 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 applicant's parking layout illustrates how the remote and visible parking would not be broken up by landscaping and in some instances the street scene would be dominated by the hard surfaced parking areas. This adds to the compact and more intensely developed character and appearance of parts of the site as identified above.

4.195 A further response is awaited on the latest amendment, but I remain concerned about the location, amount and functionality of the proposed car parking.

Access

4.196 The site access has been re-sited further to the east and the comments of the Highway Authority are awaited. There was a previous concern that the visibility splay relied on third party land outside of the applicant's control, although this would also form the visibility splay for the adjacent dwelling so is unlikely to be built on.

Developer contributions

4.197 The Developer Contributions remain unchanged for this application and the Highway Authority reference their response for application B07/2022/0653 (further details below).

Sustainable travel

4.198 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, although no details have been submitted to show that each property would have an EVCP this is now addressed under the Building Regulations. In terms of sustainable travel, there is little provision for cycle storage; whilst Paragraph 4.3 of the Travel Plan advises that "cycle parking is proposed to be located in secure cycle stores" there are no details of these on the layout plan. Additionally, Paragraph 6.5 of the Transport Statement advises: "the scheme proposes to

provide secure cycle parking located at the rear of the development" but it is unclear where this refers to.

4.199 Policies DS5 and H7 Pedestrian priority link in with the GI policies with the aim of placing the needs of pedestrians and cyclists over the private car. This aspect does not appear to have been considered nor referenced in the D&A.

Drainage matters

4.200 The site falls within Flood Zone 1 and the submitted document identifies flood risk to the new dwellings as being low. In terms of the policy requirement, the proposed development runoff rates match greenfield runoff for the site due to the use of infiltration.

4.201 *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 requires appropriate maintenance and management regimes for surface water drainage schemes and for discharge rates to be mimicked in relation to greenfield sites or reduced in relation to previously-developed land. Policy C3a requires SUDs to be prioritised commenting '*Drainage systems should be of a high design standard and will benefit bio diversity and contribute to improved water quality*'.

4.202 Planning Policy Guidance suggests the following hierarchy for surface water discharge:

1. Into the ground (infiltration)
2. To a surface water body
3. To a surface water sewer
4. To a combined sewer

4.203 The submitted scheme advises that soakaway testing has been undertaken which has deemed infiltration drainage to be suitable for the site, albeit it does not cross-reference with the contamination report. The highway is to be constructed using permeable asphalt with a subbase layer below acting as a soakaway. All driveways are to be permeable with channel drains collecting runoff. Roof areas are to be served by individual geo-cellular soakaways and infiltrate naturally. The drainage strategy has now been updated to a climate change allowance of 50% as required by the LLFA under current guidance. Maintenance of driveways and roof water drainage will be the sole responsibility of the individual home owners and a householder SUDS management plan is proposed to be included within sales packs. The highway, highway drainage and main foul drainage will be the responsibility of a management company to be established by the developer.

4.204 Due to the topography of the site, the foul drainage system will be a traditional gravity piped network to a pumping station to the west of the site (although the location has not been indicated on the layout plan, the drainage plan suggests it would be within the landscape strip). A rising main will then convey the effluent to a manhole within Leece Lane, before being

gravity fed and connected into the existing network at the junction of Leece Lane and Holbeck Park Avenue, approximately 230m to the west.

4.205 The DAS does not cover drainage, so there is no indication that a holistic approach has been taken to the design of SUDS, biodiversity and landscape, such as the provision of rain gardens and there is no reference to how drainage addresses the contamination issues on the site.

4.206 In addition, whilst United Utilities confirm the proposals are acceptable in principle and recommend standard conditions, the Environment Agency have commented that they do not believe that the use of infiltration SuDS is appropriate in this location (as referenced in the contamination section above) and that further evidence is required to support a soakaway scheme. This conflict between the advice of various statutory consultees would need to be resolved by the developer and amended proposals received before consent could be granted.

Energy efficiency

4.207 Policy C5 seeks to promote renewable energy. It advises that all new developments will be encouraged to incorporate renewable energy production equipment, sources of renewable energy such as photovoltaics and the potential for renewable, low carbon or decentralised energy schemes appropriate to the scale and location of the development. Unlike the recent Holbeck scheme on the other side of the road, no roof-mounted solar PV panels or air source heat pumps are indicated and the opportunity is missed to promote renewable energy to the benefit of future residents.

4.208 Despite advice at pre-app and with the previously withdrawn application, little information has currently been provided in terms of energy efficiency beyond the minimum requirements of the Building Regs. Whilst an Energy Statement has been provided, this appears to serve the purpose of primarily passing the Council's validation requirements and it seems to serve little purpose since the potential approaches identified therein, such as PV panels or ground source heat pumps have not found their way into the application submission and plans. The applicant suggests that these details could be addressed by condition, however a condition can only be imposed where there is a realistic chance of the matters it requires being provided and there is little confidence in this case. As such, the submission does not meet the requirements of Policy C5 unless updated details are provided.

Archaeology

4.209 In terms of archaeology, Policy HE1 states that the Council will seek to protect and enhance the character, appearance, archaeological and historic value and significance of the Borough's designated and undesignated heritage assets and their setting and Policy HE6 sets out the level of information required where sites are known to be of archaeological interest. The proposals are unlikely to impact on the setting of any nearby heritage assets and would comply with the requirements of the Act in terms of setting. In addition, an archaeological assessment has been provided and the Council's Historic Environment Officer has provided comment and suggested a condition should consent be granted.

4.210 Local Plan policy HE2 requires information to be submitted re archaeological investigations '*where there are reasonable grounds for the potential of unknown assets of archaeological interest to be*'. An archaeological assessment has been submitted with the

application and the Council's Historic Environment Officer has provided comment. The Council is very much guided by the Council's Historic Environment Officer in such matters who have raised no objection and recommended a standard condition.

4.211 The archaeological desk-based assessment indicates that the site lies in an area of archaeological potential. The Council's Historic Environment Officer notes that an archaeological investigation within a residential development site immediately to the north revealed an early Neolithic site containing flint tools and a large quantity of pottery. These were particularly important as they contained very early evidence for the first farming in the area. Other prehistoric artefacts have been revealed in the vicinity. It is therefore considered that the construction of the proposed development has the potential to disturb buried archaeological assets.

4.212 He recommends that in the event planning consent is granted, the site is subject to an archaeological investigation to determine the survival of remains and, where appropriate, a programme of recording of the archaeological assets that will be affected by the development. This archaeological work would need to be commissioned and undertaken at the expense of the developer and can be secured through the inclusion of a condition should planning consent be recommended.

4.213 In terms of heritage, the nearest designated heritage assets are The Crofters and associate buildings at Holbeck, over 400m to the north and the complex of listed farm buildings at Roosecote Farm on Dungeon Lane, approximately 590m to the southwest of the application site. I have been mindful of the general duty as respects listed buildings in exercise of planning functions imposed under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the impact on the setting of heritage assets and conclude any impact would be likely to be negligible.

Contributions to offsite infrastructure

Financial contributions

4.214 The Barrow Transport Improvement Study identifies the junction improvements required to deliver the Local Plan. It also proposes cycle infrastructure improvements. The Study identifies the junction at Holbeck Road and Leece Lane for improvement and also proposes a new cycle lane along Leece Lane.

4.215 Policy I4 of the Local Plan requires proposals to provide direct and safe access to the existing footpath and cycle network. A small section of new footway connection would be expected along the south side of Leece Lane to connect to the existing footway to the west of the site. Safe pedestrian links will also be expected from the site onto Leece Lane to help in encouraging a walking and cycling route to the nearby primary schools and reducing the reliance on cars. These new links will enable better access to existing services and amenities from the site.

4.216 Policy I1 relates to developer contributions and advises that development and infrastructure provision will be coordinated to ensure that growth is supported by the timely provision of adequate infrastructure, facilities and services.

4.217 Further justification for requesting financial contributions from this type of development is set out in the Council's recently adopted Affordable Housing and Developer Contributions SPD July 2022, Para 57 of the NPPF and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

4.218 The NPPF makes it clear that planning obligations must only be sought where they meet all of the following tests:

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

b) directly related to the development; and

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

4.219 Policy I3 states that the 'Infrastructure Delivery Plan [Barrow Borough Council 2017] will be used to identify the timing, type and number of infrastructure requirements to support the objectives and policies of the Plan'.

4.220 Whilst the Highway Authority have concerns about the proposals they have indicated that should the proposals be amended satisfactorily then the following financial contributions would be required:

Cycling Improvements

4.221 The Barrow Infrastructure Delivery Plan (2018) Appendix 3 (row 35 and 30) and Map 7: Proposed Cycle Routes and Housing Sites identify cycling improvements (Route 12) connecting the site eastwards and westwards along Leece Lane and also on Roose Road (Route 7).

4.222 Table 12: Estimated Costs for Cycle Infrastructure includes an on-road improvement at an estimated cost of £7,200 [at the eastern end] and an off-road improvement at an estimated cost of £100,000 [at the western end] along Leece Lane.

4.223 Table 3-2: Proposed Cycle Lanes and Developer Contributions included in the Barrow Transport Improvement Study (BTIS)) identifies developer contributions being required from sites REC26 and REC05 (noted that the TIS incorrectly refers to REC19b in Table 3-2) towards the Leece Lane cycle improvements. This reflects that the development of the application site will benefit from and place demand directly on this cycle route, with the cycle route also required to support the modal shift to walking and cycling (as cited in the submitted supporting application material and consistent with the policy of the Barrow Local Plan).

4.224 Consistent with the approach to calculating the contribution towards the improvement to be provided by the development to the north of Leece Lane (i.e. **a payment equating to £630.60 / dwelling) towards the Leece Lane cycle improvements, a contribution £11,350.80 is therefore recommended.** (N.B-this would need to be amended to take account of the revised layout for 19 dwellings)

4.225 *As the cost estimates are as at 2016 (included in the IDP from the Barrow Transport Improvement Study 2016 (BTIS)) they will need to be escalated to current cost using an appropriate index / rate.*

Highway Junction

4.226 Improvements are identified to the Holbeck Road / Leece Lane junction improvement at a cost of £30,687 (Table 5-2: Highway Infrastructure Costs in BTIS 2016 and Appendix 3 – Barrow Infrastructure Schedule Row 7 in the IDP). The development of the application site will place traffic demand on the junction.

4.227 Consistent with the approach to calculating the contribution towards the improvement to be provided by the development to the north of Leece Lane (i.e. a **payment equating to £180.51 / dwelling) towards the Holbeck Road / Leece Lane junction improvement, a contribution £3,249.18 is therefore recommended.** ((N.B-this would need to be amended to take account of the revised layout for 19 dwellings).

4.228 *As the cost estimate is as at 2016 (included in the IDP from the Barrow Transport Improvement Study 2016 (BTIS)) it will need to be escalated to current cost using an appropriate index / rate.*

4.229 The Highway Authority also previously requested that a pedestrian refuge should be considered at the junction of Leece Lane and Stonedyke Lane to create safe passage on the school route. This improvement, if supported, would need to be secured outside of and additional to the currently recommended developer contributions towards cycling infrastructure improvements and could be covered by a Grampian condition for off-site works and a Section 278 Highways agreement.

4.230 In addition, in terms of health, a financial contribution of **£36,823** has been requested from NHS Estates towards extension and reconfiguration at Liverpool House surgery/Risedale surgery. Liverpool House surgery closed in June 2023 and Risedale Surgery re-located to the new Alfred Barrow Health Centre in recent years and this was designed with capacity for expansion; alongside this the Barrow population has been decreasing for a number of years. Without clear evidence of need, and a clear capital programme of upgrades I cannot recommend that Members agree to such a funding request were the proposals to be supported and this could also impact on the viability of the proposals; this request does not appear to meet the three tests outlined above. I have made NHS Estates aware of this.

4.231 Whilst the proposals remain unacceptable the applicant is aware of the requests and any infrastructure contributions would need to be secured via a unilateral undertaking /obligation under section 106 of the Planning Act.

Affordable housing

4.232 Local plan policy H14 requires a minimum of 10% affordable homes in line with NPPG and paragraph 66 of the NPPF. New guidance requires 25% of these to be First Homes. The NPPG advises as follows:

What is a First Home?

4.233 *First Homes are a specific kind of discounted market sale housing and should be considered to meet the definition of 'affordable housing' for planning purposes. Specifically, First Homes are discounted market sale units which:*

- a) must be discounted by a minimum of 30% against the market value;*
- b) are sold to a person or persons meeting the First Homes eligibility criteria (see below);*
- c) on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and,*
- d) after the discount has been applied, the first sale must be at a price no higher than £250,000 (or £420,000 in Greater London).*

4.234 *First Homes are the government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations.*

4.235 Paragraph: 001 Reference ID: 70-001-20210524

4.236 To accord with Local Plan policy and the NPPG a minimum of 2 affordable dwellings are required.

4.237 An Affordable housing statement has been submitted with the application. It commits to delivering 10% 'Affordables' namely 2x 2 bed units of the WAD house type on plots 8 and 9, being 58m². The statement advises that these units would be delivered as :

-First Homes- as defined in the Written Ministerial Statement of May 2021, the default position being sale at 70% of their independently assessed Market Value

-Discount Sale dwellings-to be sold directly to eligible purchasers at 70% of their independently assessed Market Value

-Shared ownership dwellings-To be transferred to a Registered Provider (RP) for subsequent sale to eligible purchasers in accordance with the terms of the Homes England model shared ownership lease.

4.238 The applicant proposes a S106 agreement to allow for any of the above options, subject to market demand as of the date when construction commences, to include details of eligibility

as well as provisions to ensure that the units remain as affordable dwellings in perpetuity alongside a phasing restriction.

4.239 In addition, whilst it is proposed to offer the option for a Registered Provider to acquire affordable housing units, the applicant states that it is not possible to guarantee that such a body would be interested and they acknowledge that many RP's are not interested in managing a small number of units.

4.240 It is proposed that Plot 8 will be provided as a First Home (thereby exceeding the minimum requirement of 25%), being sold at 30% discount to its independently assessed Open Market Value. Plot 9 would be provided as either a Shared Ownership dwelling to be transferred to an RP, a Discounted Market Sale dwelling to be sold by the developer to eligible households (at a discount of 30% below Open Market Value) or as an additional First Home. It is suggested that the S106 would include eligibility criteria. There is a slight anomaly in the submitted document in that paragraph 3.16 refers to three affordable units, whereas elsewhere there is reference to two.

4.241 The Statement also suggests that a S106 agreement should also include a clause whereby the developer could make a financial contribution in lieu of on-site affordable housing provision if (having used reasonable endeavours) they are unable to dispose of First Home or discounted market sale dwelling within a reasonable time scale.

4.242 No registered provider (RP) is named, and no statement of interest from any RP has been provided so it is unclear whether the proposed units would meet the requirements of any RP. Incidentally no developer within the area, to date, has been able to agree acceptable terms with a RP for purchase for affordable rent (the Council's preferred tenure) for 2 bed units i.e. only 3 bed units have been considered to be viable (i.e. sale at a cost not exceeding a discount of 60% off market value). This is not recognised in the submitted statement. Had the developer carried out research to update the SHMA evidence and assess local need, then there might not be a requirement to include a clause about a financial contribution.

4.243 The details are deferred to a later date but there is confirmation that a minimum of 10% (rounded up) would be delivered. However there is no evidence to suggest that this 'house type', or any other on site, is of a form which is of interest to a registered provider or is suitable as a First Home. This is another example of inconsistency across the application documents and could be interpreted as merely playing a "numbers game" rather than seeking to create Affordable units that are inclusive with the wider scheme. The evidence set out in the Council's 2016 SHMA identifies a need for a mix of new homes, with a particular need for semi-detached houses and two and three-bedroom open market houses. There is also a desire for bungalows. Whilst it is acknowledged that this information is now somewhat out of date, there is no evidence that the applicant has carried out any research gathering to identify current need, other than their expertise as a developer, albeit many of their sites remain incomplete with lower build rates than competing firms.

4.244 The proposed dwellings also suffer from the lack of a design strategy for the development as a whole in that the two units are positioned in the south west corner, being set back behind three cramped rows of parking spaces and hard surfacing creating a very urbanised appearance at this one point. This design, as with the other house types, shows no cohesion or that it would relate to its context. Paragraphs 115 and 116 of the National Design

Guide state that well-designed neighbourhoods provide a variety and choice of home to suit all needs and ages, and where different tenures are provided, they are well-integrated and designed to the same high quality to create tenure neutral homes and spaces, where no tenure is disadvantaged; the proposals appear to conflict with this aim.

4.245 Paragraph 2.33 of the Affordable Housing and Developer Contributions SPD advises that affordable housing should be well designed to comply with Policy DS5 of the Barrow Borough Local Plan 2016-2031. Such provision must also be integrated with and not visually distinguishable from the rest of the development on the site. Rather than distributing the affordable units throughout the development, as advised in the SPD, and integrating the units in design terms, all such units would be in the south west corner. The units would also be potentially easily identifiable as the affordable units in terms of size, scale and design. The decision to locate all the affordable housing in the south west parcel, with the configuration of plots noted above, gives it a compact and more intensely developed character and appearance. This contrasts with some of the layout for other plots and exacerbates the sense of separateness and lack of integration within the site as a whole. Consequently, I am concerned that the way in which the affordable housing has been integrated into the overall layout of the scheme does not contribute positively towards achieving a balanced community.

4.246 While the proposal would provide a variety in house sizes it is very much skewed towards larger dwellings. The variety would not reflect the housing market pressures and mix indicated in the Council's SHMA or the guidance within the SPD. The proportion of four-bedroom+ market dwellings proposed within the scheme would be 13 out of a total of 19 dwellings. The proposal only includes 1 two-bedroom market dwelling and it would be below the SHMA's indications for three-bedroom market dwellings which is identified as being where the greatest need is, although the two bungalows proposed would contribute to addressing an identified need. However, there would remain a disproportionate level of four bedroom+ properties within the proposed scheme. It is therefore potentially the case that the scheme would not fully meet the identified local housing needs in terms of its mix. Consequently, in the absence of any up to date evidence, it seems that the proposed mix of housing would fail to accord with the requirement of the Local Plan for the creation of balanced communities. No substantive evidence has been provided to demonstrate that the site would be unviable if some smaller and/or affordable units were to filter further into the site. I am also not persuaded that the coherence of the built form would be adversely affected by the introduction of a greater mix of house sizes and/or plot configuration. This weighs against the proposal.

Homes for life and accessibility

4.247 Policy HC4 'Access to buildings and open spaces' states that the layout and design of developments should meet the requirements of accessibility and inclusion for all potential users. The site section suggests some re-modelling of the land with a slight gradient; it is unclear if the developer has sought to provide ease of access whilst considering lifetime changes.

4.248 Policy H12 'Homes for life' states that developers should state how their development will be able to meet the changing housing needs of occupiers and in particular, actively encourage developers to build new homes so that they can be readily adapted to meet the needs of those with disabilities and the elderly as well as assisting independent living at home. Whilst two

bungalows are proposed to the site frontage and this is welcomed, no information is provided as to how the Policy requirement is being met.

Pre-application Community engagement

4.249 Pre-application public engagement is strongly encouraged in Chapter 4 of the Framework (NPPF) and paragraph 40 advises: “*They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications*” and Paragraph 137 advises:” *Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.*”

4.250 This was drawn to the applicant's attention at pre-app stage however the applicant's response in their statement of community engagement concentrates its efforts on justifying why it does not need to engage with the local community. This contrasts strongly with the approach of Holbeck Homes on the site opposite who carried out a mail-drop and set up a website for pre-app comments from the community and responded to residents concerns early on in developing and amending their proposals.

Consultation Responses

4.251 Consultation responses have been received from a number of consultees and addressed where relevant within the body of the report above.

4.252 These can, in the main, be addressed via conditions on any approval were the application found acceptable. However some of the issues raised by the Highway Authority, the LLFA, the Environment Agency and the Council's Ecologist cannot be conditioned as the required details are fundamental to how the scheme would function (or have legal implications). As a result the recommended reasons for refusal takes these matters into account. The full list of subject areas is reproduced below:

1. access
2. parking (including visitor parking) and on site turning facilities
3. surface water drainage and infiltration
4. contaminated land
5. impact on sustainable travel
6. BNG
7. protected species surveys

Neighbour responses

4.253 Four objections have been received from neighbouring residents. A summary of the issues raised appears below in plain text with comment beneath in italics.

-there is a surplus of four bedroom houses in Barrow and a shortage of 1, 2 and 3 bedroom houses are needed

4.254 *Noted and housing mix is addressed elsewhere in this report.*

-speeding traffic on Leece Lane and associated noise

4.255 *This has been raised with the Highway Authority. If the scheme were found acceptable there would be a need for a Traffic Regulation Order (TRO) for this (and the proposed site at Holbeck) to reduce the speed limit on this part of Leece Lane.*

-Concerned about potential cumulative impact of traffic on Leece Lane from this and other developments including Holbeck and Stank village

4.256 *This is essentially a matter for the Highway Authority but was a consideration as part of the allocation of sites under the Local Plan. Should consent be granted there would be a need for some highway works to be carried out at the developer's expense.*

-Leece Lane needs traffic calming and better signage as there is an issue with speeding cars

This has been raised with the Highway Authority. If the scheme were found acceptable there would be a need for a Traffic Regulation Order (TRO) for this (and the proposed site at Holbeck) to reduce the speed limit on this part of Leece Lane.

-concerns about design statement and the density of dwellings proposed

4.257 *Noted and this has been raised with the applicant and is addressed elsewhere in this report.*

-site cannot be classed as "infill" and is different from north side of the road

4.258 *Noted, whilst the site is allocated in the Plan the decision remains one of the suitability of the design and compliance with other material considerations.*

-density proposed is akin to a town setting not the rural location of the south side of Leece Lane

Noted and concerns about the layout and density have been raised with the applicant and are addressed elsewhere in this report.

-from the roundabout to the application site there is very little development on the south side of Leece Lane

4.259 Noted and agree this is the case and that the south side of Leece Lane has a different character to the north.

-there is a high level of contamination and asbestos on the site and there will need to be care to deliver housing safely

4.260 Noted and a contamination report has been submitted and the Environment Agency and the Council's Public Protection team have commented and would require a series of conditions to cover contamination if consent were to be granted.

-bares little commonality to the pre application advice for this rural setting

4.261 Agree and this is addressed elsewhere in the report.

-concern about construction traffic, noise and vibration, and volume of traffic on Leece Lane

4.262 As addressed above. In addition should consent be granted then a Construction Traffic Management Plan and Construction Management Plan to mitigate site practices, would be required by condition.

-query whether roads will be repaired by developer after construction works

4.263 This would be a matter for the Highway Authority to determine but could be included within a CMP if required.

-concern about flooding and negative impact on rainwater of hedgerow removal

4.264 An FRA and Drainage Strategy would need to be approved before any development could commence and this would need to show that surface water can be managed and flood risk on the site or elsewhere would not be increased.

-concern about contamination on site

4.265 Noted and a contamination report has been submitted and the Environment Agency and the Council's Public Protection team have commented and would require a series of conditions to cover contamination if consent were to be granted.

-The planning statement emphasises the properties on Holbeck but this site is in a rural location

4.266 Noted and agree that there is the case for a sensitive design on the site.

-the Local Plan policy H3 listed a yield for the site of 12 dwellings which would be more manageable and more in keeping with the rural location

4.267 Noted and agree that this is the case, which is addressed in this report.

-no details of pollution control management during construction

4.268 *As addressed above. In addition should consent be granted then a Construction Traffic Management Plan and Construction Management Plan would be required by condition and this would need to show mitigation for noise, dust and vibration. Pollution control would also be addressed through conditions covering remediation and contamination.*

Relevant appeal decisions

(i) Affordable housing

4.269 Members attention is drawn to a recent appeal decision for a site at Land To The South of Lawsons Bridge Site, Scotforth Road, Lancaster (appeal reference: APP/A2335/W/23/3321406) which is also relevant to this application. The housing scheme failed at the reserved matters stage, as an inspector ruled that the layout of the affordable homes provided 'does not contribute positively towards achieving a balanced community'.

4.270 Rather than pepper potting the affordable units throughout the development, as advised in their SPD, all such units would have been bunched in a parcel of the site, as would most of the smaller dwellings. The Inspector noted that the decision to locate all the affordable housing and the majority of the smaller units in the northern parcel, with the configuration of plots would give it a compact and more intensely developed character and appearance. Also noted that there was no substantive evidence before the Inquiry to demonstrate that the site would be unviable if some of the smaller and/or affordable units were to filter further into the site. Consequently, it was concluded that the way in which the affordable housing was integrated into the overall layout of the scheme would not contribute positively towards achieving a balanced community. This weighed against allowing the proposal and the appeal was dismissed.

(ii) Design

4.271 Previously, local planning authorities have been reluctant to refuse poorly designed residential and other developments on design grounds, since there was a general view that, in the absence of any substantial government commitment to good design via the PPGs, the decision would not be supported by Inspectors at appeal and there could be a risk of costs.

4.272 However, recent research by Civic Voice has examined a representative sample of thirty-two design related 'major' planning appeals from 2021 onwards and it is apparent that a marked shift in the likelihood of local authorities successfully defending design-based appeals has occurred since the changes to the NPPF. The research suggests that this shift is clearly apparent in the arguments used by Inspectors who, on the face of it, seem to have been liberated to consider design on equal terms with other factors. In doing so they regularly reference the changed policy position in the contemporary NPPF, as well as guidance in both the National Design Guide and National Model Design Code, even in cases where authorities do not have a five year land supply and the "tilted balance" is engaged. The data suggests that since July 2020 there are now close to x2 more wins than losses for local authorities and suggests that we have moved into a new era in which design quality can be prioritised in decision making.

4.273 This research demonstrates that Councils have been much more able to refuse planning applications on design grounds since alterations to national planning policy made in 2020. In particular, the issue of quality seems to be considered on equal terms to quantity. In addition, a University College London (UCL) study has found that The Planning Inspectorate is now three times as likely to back local authority rejections of housing developments for poor design following the recent revision of the National Planning Policy Framework (NPPF). Despite the risk of an appeal from this applicant, this should give Members a degree of comfort and some recent relevant appeal decisions are referenced below:

(a) Amended plans for 126 houses on an allocated housing site outside a village in Essex (ref [400-038-070](#)) were rejected by an inspector who judged the quality of design and layout had diminished compared to the permitted scheme. In the inspector's assessment of the revised plans, some of the design and layout elements were not of the highest quality and would harm area character and appearance. Additional on-street parking had resulted in a car dominated layout and the omission of architectural details on some of the dwellings diminished the interest and quality of the appeal proposal, in the inspector's opinion.

4.274 The inspector held that the proposal was in conflict with development plan policies relating to design and layout, and also not consistent with the NPPF section 12 emphasis on the role of the planning system in the creation of well-designed places. Despite finding no harm in respect of changes to housing mix, the inspector identified additional harm to living conditions including noise and disturbance from cars parked at 90 degrees and concluded overall that the scheme would conflict with the provisions of the development plan as a whole and he dismissed the appeal.

(b) In an appeal dismissed for the erection of dwellings in Northumberland ([400-032-753](#)) as well as sustainability issues the Inspector noted that the site exhibited a rural character, with the existing buildings having a dispersed and informal form in a Northumberland farm vernacular style. In contrast, he found that the proposed development's use of standard house types in a typical suburban layout would not be consistent with the area's character. Its failure to respond to local identity would not deliver a high-quality design.

(c) In dismissing an appeal for the erection of 128 dwellings for the redevelopment of former college buildings in Aldershot, it was noted that the developer was using some standard house types which resulted in an anonymous and poorly detailed scheme that would not create its own identity. The proposed development would represent a missed opportunity to exploit the site's unique character and location and the appeal was dismissed.

(d) The Secretary of State, in his decision letter in relation to a dismissed appeal for 165 dwellings in Tunbridge Wells ([200-011-745](#)) did not accept some of the benefits of the proposal as identified by the inspector. In particular, he did not find that the proposal was of a high standard or that the scheme was sensitively designed having regard to its setting. In his view, it was of a generic suburban nature which did not reproduce the constituent elements of local settlements.

5. Conclusions and planning balance

5.1 The application site comprises open fields to the south of Leece Lane . The surrounding land is undeveloped to the south and east and the site is very prominent in public views being described as a gateway into Barrow. Whilst the principle of development is not in doubt with its Local Plan allocation for housing (with supporting text to guide applicants) and the proposal helps to meet the Council's housing targets, including Affordables, the submitted design does not deliver the high quality development required by local plan policy and contemporary national guidance, nor deliver a holistic approach to the provision of SUDs, green infrastructure or bio diversity net gain. Instead the scheme seeks to maximise quantity over quality by offering a series of generic, standard house types with no credible assessment as to how the finalised scheme meets with the characteristics of the locality, including cramming in two affordable units with no explanation as to how these will address the (unidentified) local need.

5.2 The scheme has reached an advanced stage with detailed drainage and road design along with layout plan and house types and has been in evolution for a number of years now. It represents a revised scheme to that which was the subject of paid pre-app advice and to that scheme withdrawn under Ref 2022/0653. However, many of the concerns previously expressed remain and there is a palpable absence of analysis and explanation. The proposals are still not obviously influenced by national guidance or Local Plan policies including crucially in relation to design quality, parking and sustainable travel, energy efficiency, green infrastructure, protected species and (bio diversity) net gain. The layout indicates tightly packed houses, with very poorly considered off street parking.

5.3 Neither does the application design demonstrate a clear process that analyses and responds to the characteristics of the site and its context. As such the scheme does not accord with the Development Plan, the NPPF or the National Design Guide and other material considerations have not been advanced to outweigh this conflict, nor does the provision of new homes outweigh these conflicts.

5.4 Finally in relation to ecology, further species surveys are required to be carried out at the correct time of year and an update to the PEA required. This is a requirement in advance of any planning consent in order for the Council to meet its statutory duties.

5.6 A planning balance needs to be undertaken of the proposal, and there are matters which weigh in its favour, such as the open market housing and affordable housing provision and some additional landscaping. However, the concerns expressed above are considered to outweigh the benefits of the development in terms of the delivery of 19 dwellings including two affordable units. The weight to be attached to these benefits is reduced given that a submission offering a much higher quality design could equally be expected to meet the Council's housing targets and deliver affordable housing and additional landscaping.

5.7 There are clear disadvantages in the proposed appearance, layout and scale of the development. Taken individually, these issues may not result in an unacceptable development. However, when taken together, cumulatively they are indicative of a scheme that falls short of the expectations of Policy and Guidance, including several of its principles which are identified as being at the very core of the planning and development function. Many of the likely harmful effects identified would persist for the long term , such as the poorly functioning car parking, to the detriment of future residents. Overall, any identified benefits of the scheme would not outweigh the harm. The submitted details of layout, scale, appearance and landscape would

not represent an appropriate design solution for this site and context. Hence, the development would not appropriately define a sense of place and design quality. Consequently, the proposal would conflict with Policy and the objectives of the Framework and National Design Guide for achieving well-designed and beautiful places

5.8 The Local Planning Authority has tried to work with the applicant to overcome concerns but the above issues are of such fundamental concern that refusal is the only option.

5.9 In assessing this application, I confirm that the Authority has exercised the following duties:

1. Under Section 149 of the Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions (i) eliminating discrimination, (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are age (normally young or older people) disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

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

6. Recommendation

I recommend 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, GI1, 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 G11.
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 bedroomed 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.

Schedule of submitted documents

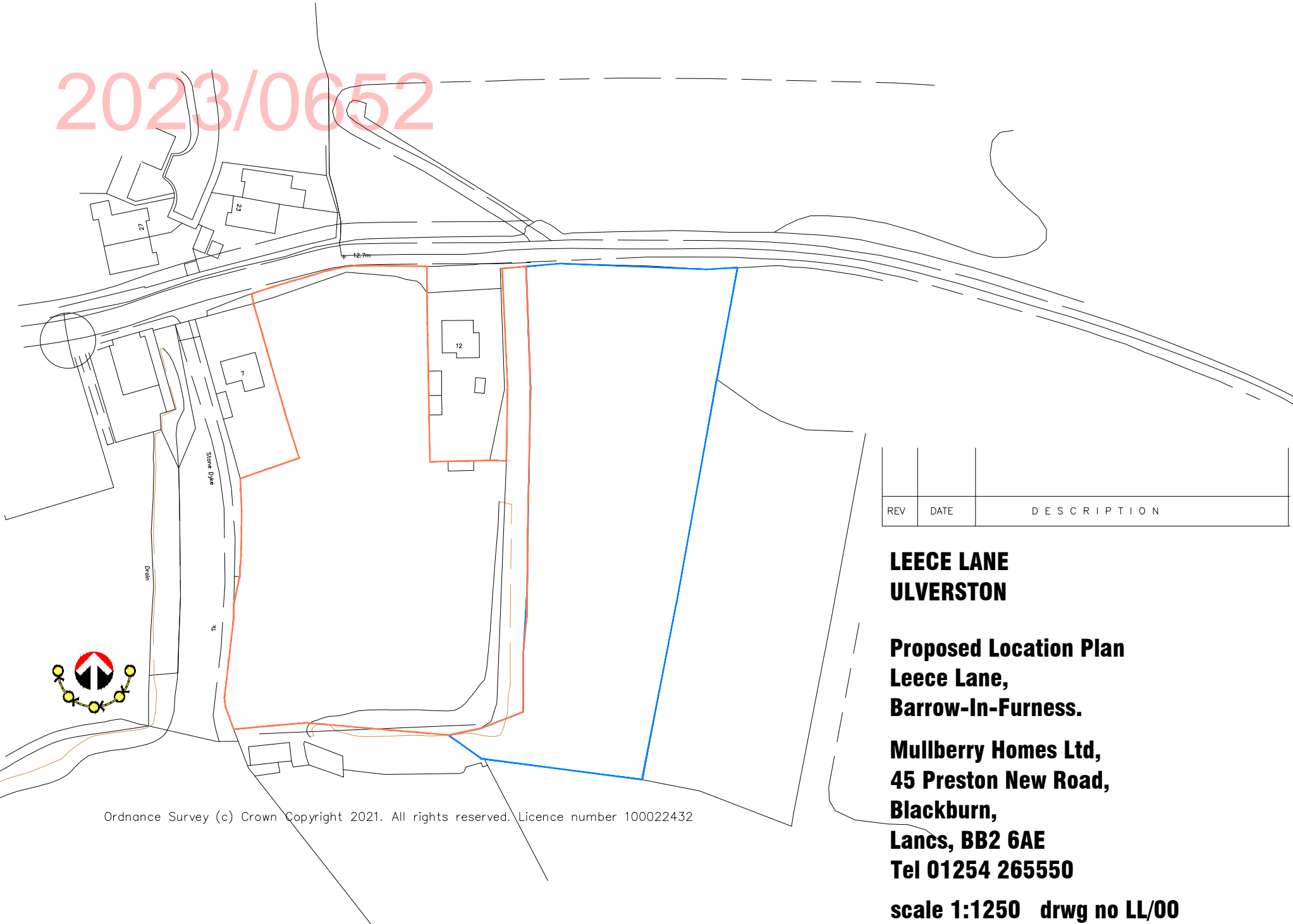
Pending

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

2023/0652

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REV	DATE	DESCRIPTION

**LEECE LANE
ULVERSTON**

**Proposed Location Plan
Leece Lane,
Barrow-In-Furness.**

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

**scale 1:1250 drwg no LL/00
drawn atl-h**

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2023/0652



PLOT No	HOUSE TYPE	BEDS	PARKING SPACES REQUIRED	AFFORDABLE
1	105D	3 BED	2 SPACES	N
2	BD262	2 BED	2 SPACES	N
3	OU	4 BED	3 SPACES	N
4	MR	4 BED	2 SPACES	N
5	ST	5 BED	3 SPACES	N
6	OU	4 BED	2 SPACES	N
7	MR	4 BED	3 SPACES	N
8	WAD	2 BED	2 SPACES	YES
9	WAD	2 BED	2 SPACES	YES
10	MR	4 BED	2 SPACES	N
11	MR	4 BED	2 SPACES	N
12	MR	4 BED	3 SPACES	N
13	D5	3 BED	3 SPACES	N
14	D5	3 BED	3 SPACES	N
15	K	4 BED	2 SPACES	N
16	ST	5 BED	3 SPACES	N
17	ST	5 BED	3 SPACES	N
18	ST	5 BED	3 SPACES	N
19	MR	4 BED	2 SPACES	N
19 UNITS)			48 SPACES	

REV	DATE	DESCRIPTION
R	17/01/24	PLOTS AND HOUSING SCHEDULE ALTERED TO SUIT PLANNING CONSULTANTS COMMENTS
P	08/01/24	PLOTS 1-3 AMENDED AND SUBSTITUTED FOR BD262, 105D AND OU FROM HOUSE TYPE MR AND PARKING REDUCED
N	18/12/23	ADDITIONAL CAR PARKING REDUCED (52 NO OF SPACES)
M	18/12/23	ADDITIONAL CAR PARKING ADDED (60 NO OF SPACES)
L	04/10/23	RED EDGE TO BE REMOVED FOR PLANNING CONSULTANT
K	26/09/23	GARAGES ON PLOTS 1-3 MOVED WESTERLY
J	19/09/23	ENTRANCE ACCESS MOVED EASTERLY TO REMOVE SIGHT LINES OVER THIRD PART OWNERSHIP
H	19/07/23	PLOTS 1-3 AMENDED TO MR'S AND HOUSES TO BECOME DETACHED AS PER CLIENTS REQUEST
G	07/06/23	PLOTS 1-3 AMENDED TO BD362'S AND HOUSES TO BECOME DETACHED AS PER CLIENTS REQUEST
F	17/05/23	AMENDMENTS TO SUIT PLANNING CONSULTANTS COMMENTS INPUT OF 17/05/23
E	15/05/23	AMENDMENTS TO SUIT PLANNING CONSULTANTS COMMENTS INPUT OF 12/05/23
D	14/03/23	AMENDMENTS TO SUIT PLANNING OFFICERS COMMENTS OF 03/03/23 AND EMERY CONSULTANTS INPUT
C	22/08/22	RED EDGE AMENDED ON EASTERN BOUNDARY TO FACILITATE LANDSCAPING
B	22/02/22	PLOT 4 MOVED WESTERLY, PLOT 6 CHANGED FROM 'OU' TO 'MR', PLOTS 7-10 MOVED WESTERLY, PLOT 11 SUBSTITUTED TO K3S TO MAKE PLOTS 11 AND 11A, PLOTS 12-15 MOVED WESTERLY AND PLOT 13 SUBSTITUTED FROM 'MR' TO 'ST'
A	28/01/22	PROPOSED LAYOUT UPDATED.

**LEECE LANE
BARROW-IN-FURNESS**

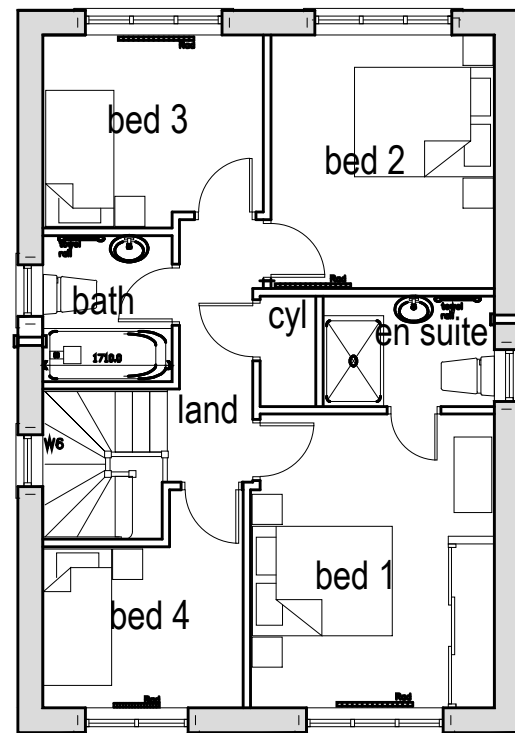
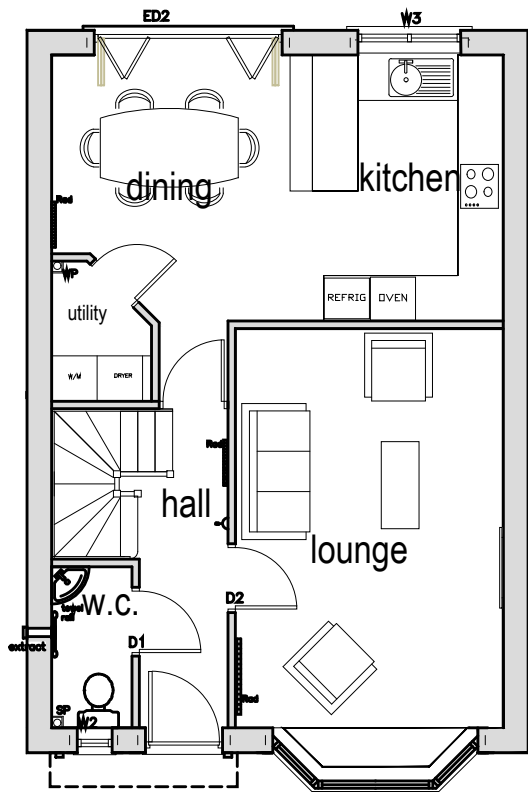
**Proposed Site Layout,
Leece Lane,
Barrow-In-Furness.**

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

**scale 1:250 drwg no LL/200 REV R
drawn atl-h**

NOTES:
1: Do not scale this drawing, use figured dimensions only 2: The Contractor, Sub-Contractor or specialist supplier are responsible for confirming site dimensions prior to fabrication 3: Any dimensional discrepancies are to be reported to the Architect immediately

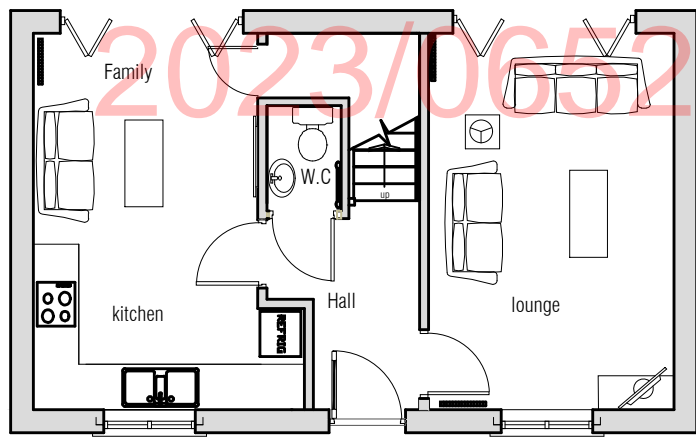
2023/0652



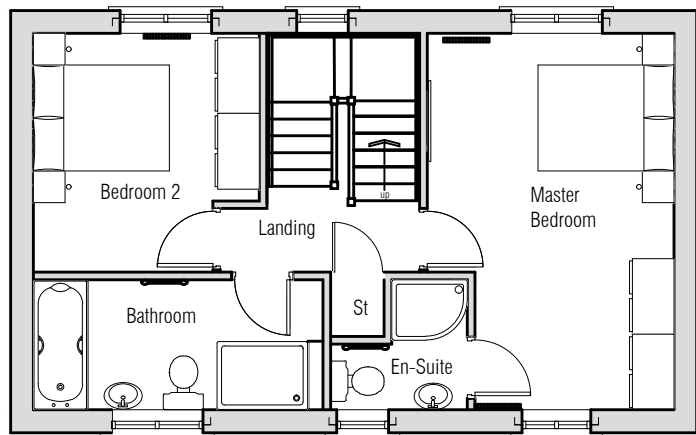
GROUND FLOOR PLAN

FIRST FLOOR PLAN

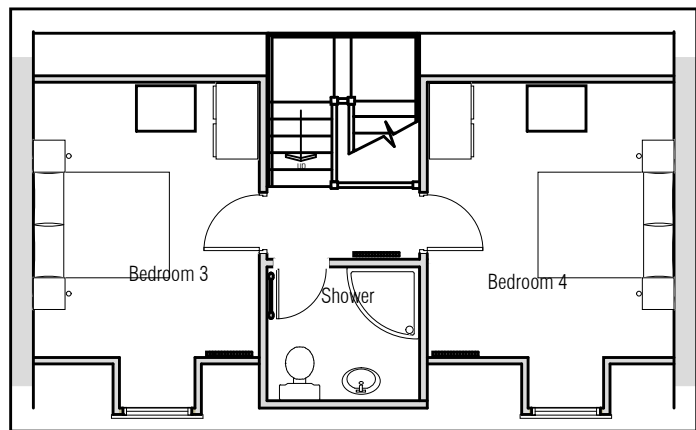
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			Drawn: ATLH	Checked:	Scale: 1:100		Date: 23.03.23
			<small>Address : 45 Preston New Road, Blackburn, Lancashire, BB2 6AE Tel : 01254 265550 Fax : 01254 264445 Email : mulberryhomes@gmail.com</small>				



GROUND FLOOR



FIRST FLOOR



SECOND FLOOR



FRONT ELEVATION

SIDE ELEVATION



REAR ELEVATION

SIDE ELEVATION

68

House Type: OU	Sites:	Drawing Title: Planning Drawing	Site Ref: OU	Drwg_No: 1	Rev:		
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FRONT ELEVATION

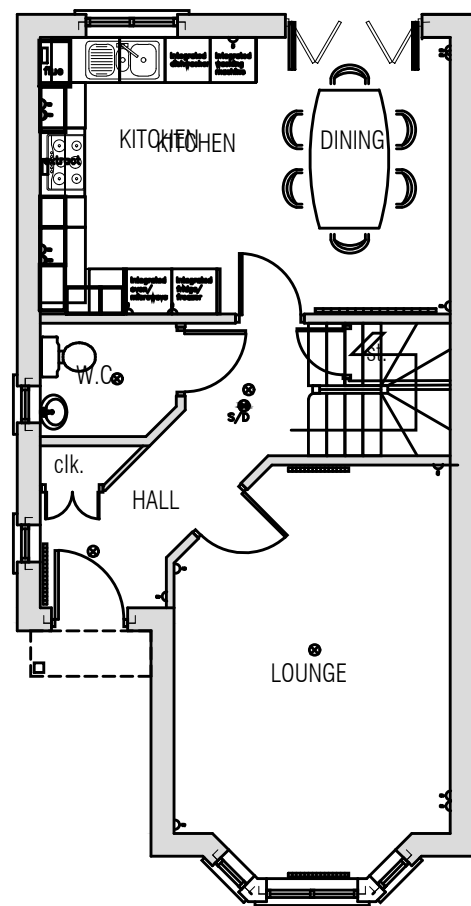


SIDE ELEVATION

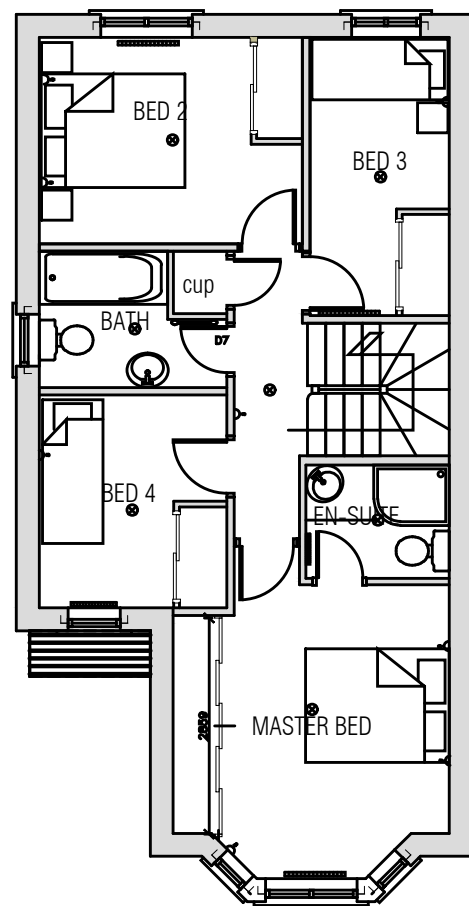


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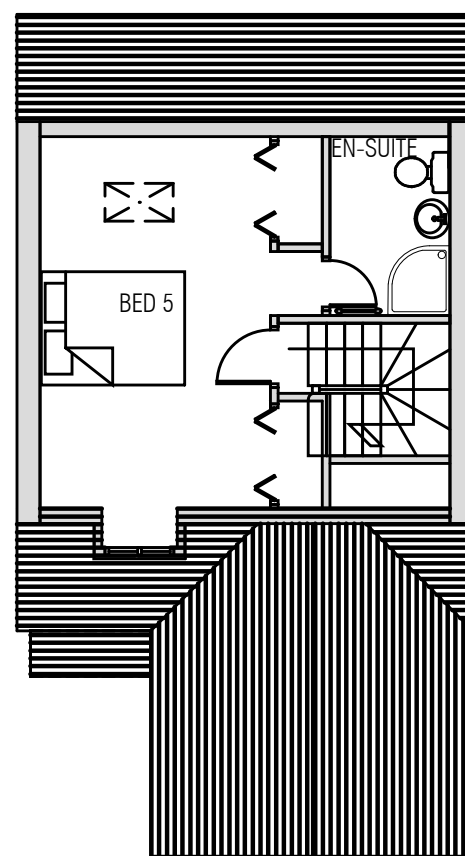
06



GROUND FLOOR PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN

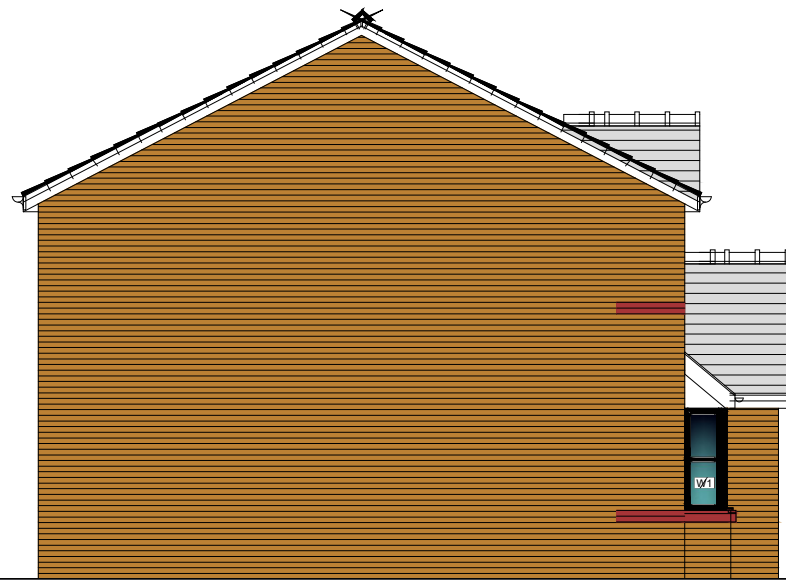


SIDE ELEVATION

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			Address : 45 Preston New Road, Blackburn, Lancashire, BB2 6AE Tel : 01254 265550 Fax : 01254 264445 Email : mulberryhomes@gmail.com				



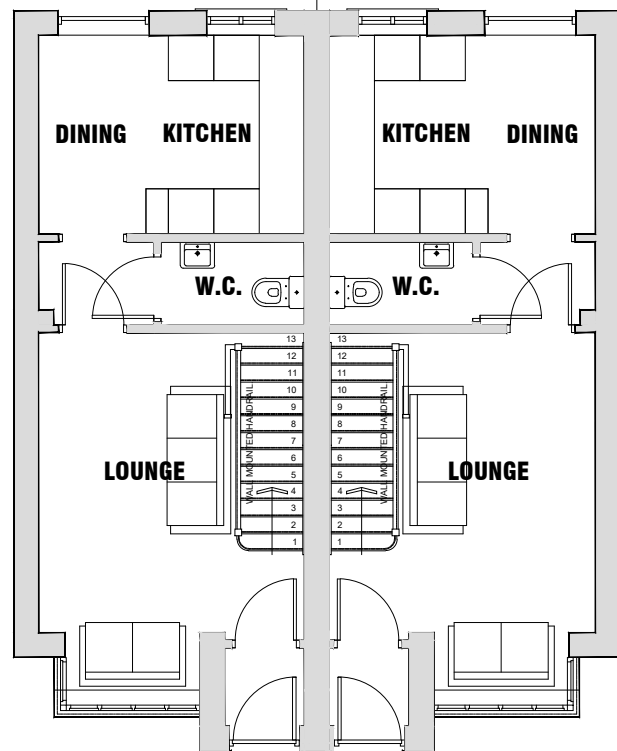
FRONT ELEVATION



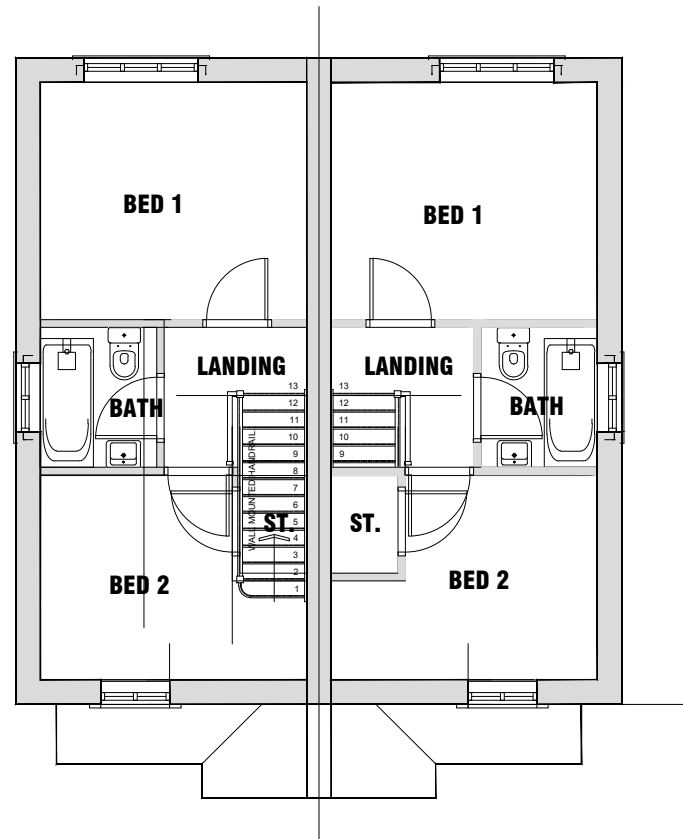
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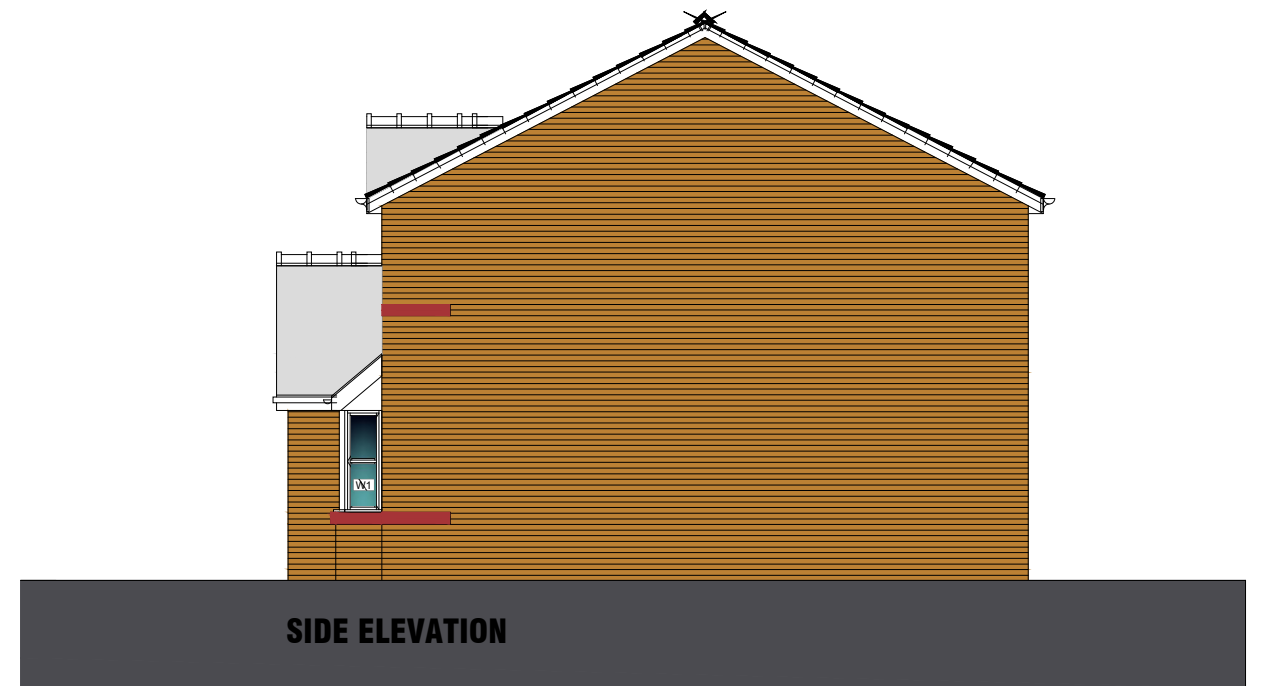
REAR ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN



SIDE ELEVATION

91

House Type:
WAD

Sites:

Drawing Title:
**Planning
Drawing**

Site Ref:
WAD

Drwg_No:
1

Rev:

Drawn:
ATLH

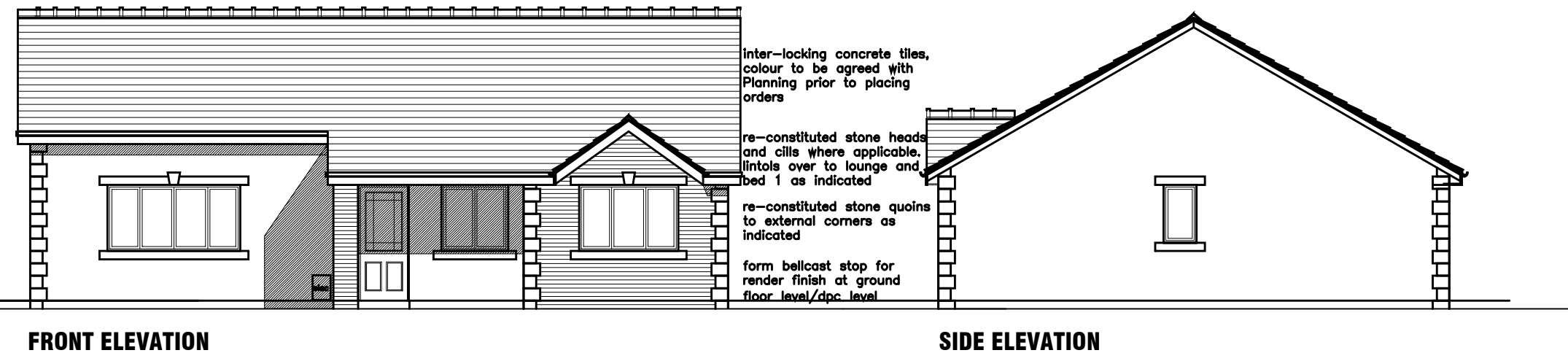
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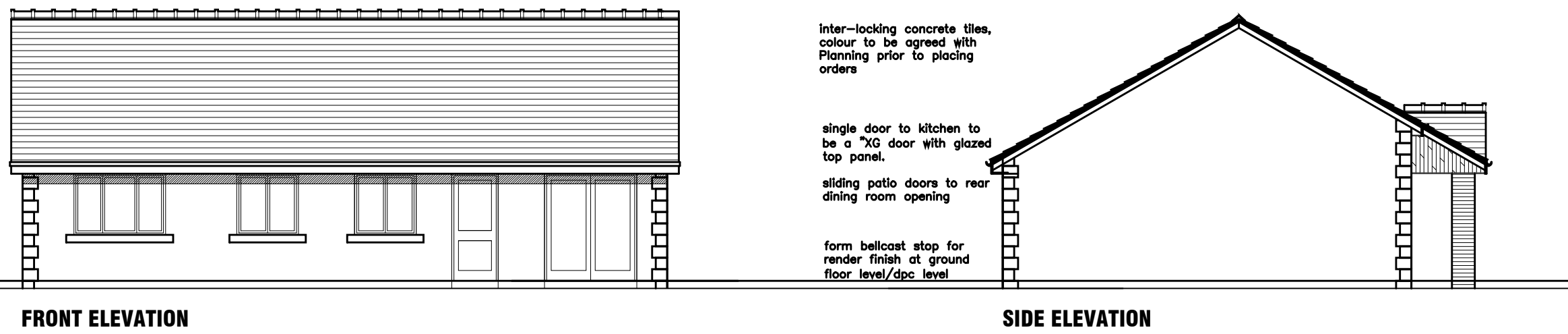
Date:
23.06.23

**mullberry
Homes**

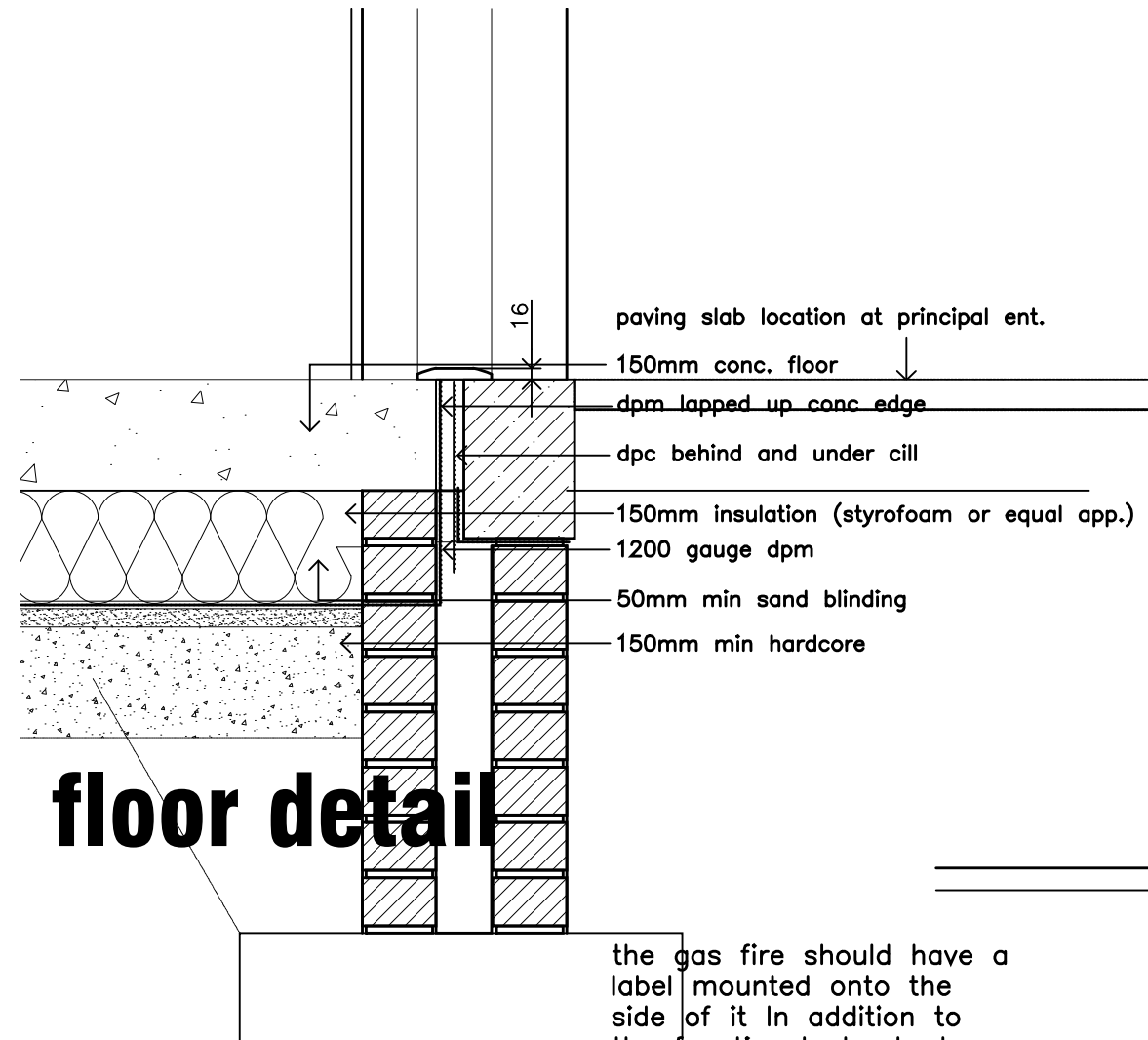




inter-locking concrete tiles, colour to be agreed with Planning prior to placing orders
re-constituted stone heads and cills where applicable, lintels over lounge and bed 1 as indicated
re-constituted stone quoins to external corners as indicated
form bellcast stoop for render finish at ground floor level/d.p.c. level



inter-locking concrete tiles, colour to be agreed with Planning prior to placing orders
single door to kitchen to be a "XG" door with glazed top panel
sliding patio doors to rear dining room opening
form bellcast stoop for render finish at ground floor level/d.p.c. level



floor detail

hot and cold water pipes to be lagged with insulation surround

roof insulation to be two layers of 150mm thick glass fibre roof insulation, first layer laid between the ceiling joists, and the second layer to be laid at 90 degrees over the trusses etc, allowing for proprietary eaves vents to sit over the trusses to maintain the air flow.

proprietary eaves and soffit vents. soffit of eaves to have a continuous 25mm air strip along eaves by glidvale or similar approved.

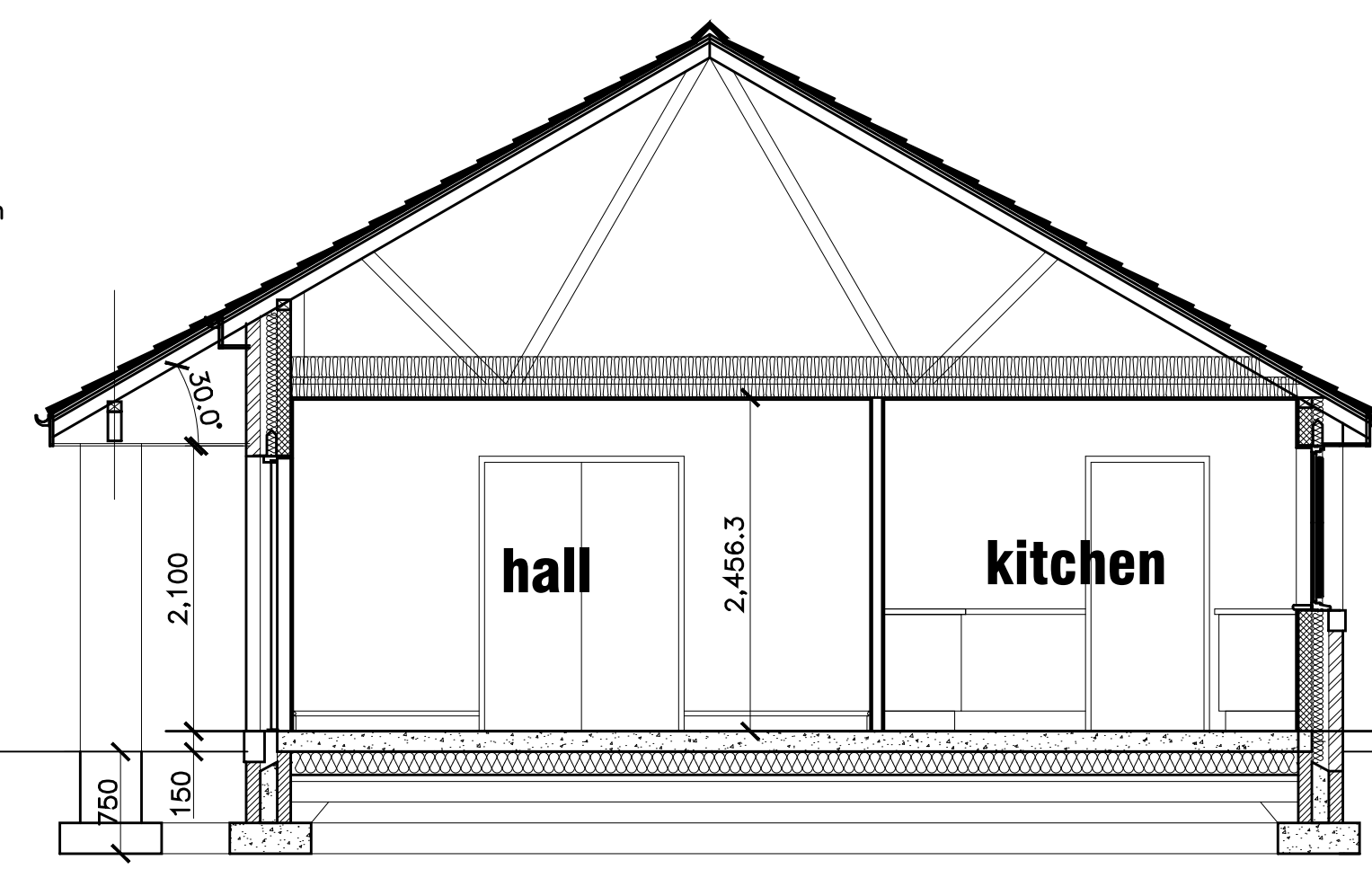
weep holes to brickwork above lintels

conc. block on side or slate to close cavities.

d.p.c. min 150mm above g.l. 1200 d.p.m. sealed to d.p.c.

see site plan for drainage layout

foundation depth and design to suit ground conditions and to be local authority approval.



TYPICAL CROSS SECTION

where water tank is within the roof space, this is to have insulation wrapped around to maintain insulation and prevent cold bridging

roof insulation in traditional ceiling to be 2 layers of 150mm thick quilt insulation by Kingspan. roof to provide 0.20w/mk or greater

roof covering as general spec. trussed designed and braced to B.S. 5268 Pt 3 1985.

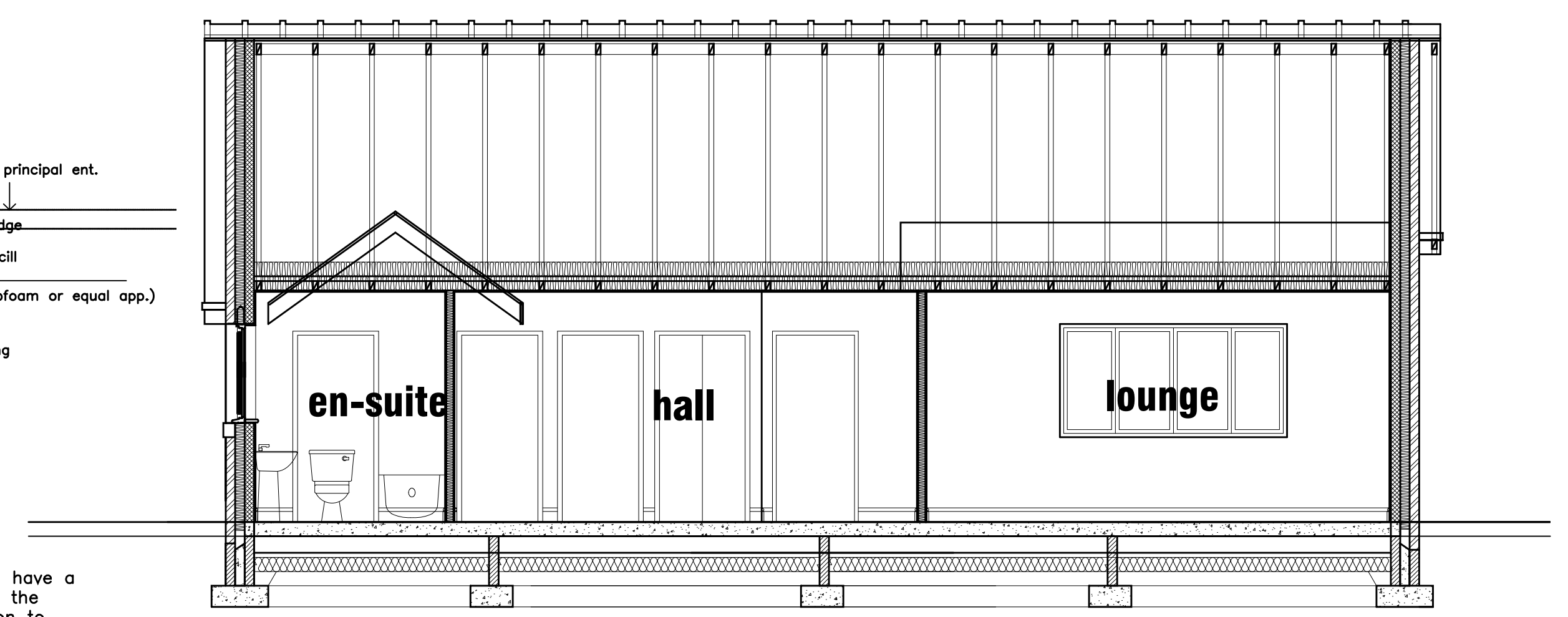
pipework in roof space to be run under insulation and insulated where it rises to the tank.

12.5mm thick plasterboard and skim ceilings finish to fixed 25x75 counter battens at 400 centres fixed to u/side of truss

external wall construction 102.5mm thick facing brick or block and rendered 125mm cavity 100mm dense conc. shield 2000block. 12.5mm thick plasterboard on dabs and 3mm skim finish 75mm Kingspan ECOtherm insulation batts in cavity.

all elements of the structure are to have 1/2 hour fire resistance

average ventilation to dwelling to be 6000mm sq.



TYPICAL LONGITUDINAL SECTION

maximum step between outside ground level and principle entrance door to be 16mm, pavings on each side graded, and landing formed outside door to be 900 wide x 1200mm long entrance door to principal entrance to have a 950mm wide door set, and have a level threshold max step down from the house floor level to the paved access entrance and paving to be at a max. 1:15 gradient.

shower over bath to be fitted with anti-scauld heat control

all internal wall and floor construction is to be minimum 1/2 hour fire resistant

bathrooms and en-suites bathrooms to have mechanical extract min. rate 15 litres/sec.

kitchen to have 60 litres per/sec air changes.

shower area to be tiled full height to provide impervious surface

all windows to habitable rooms to have opening lights min. 1/30th of the floor area. with a 10,000mm sq. mm vent over.

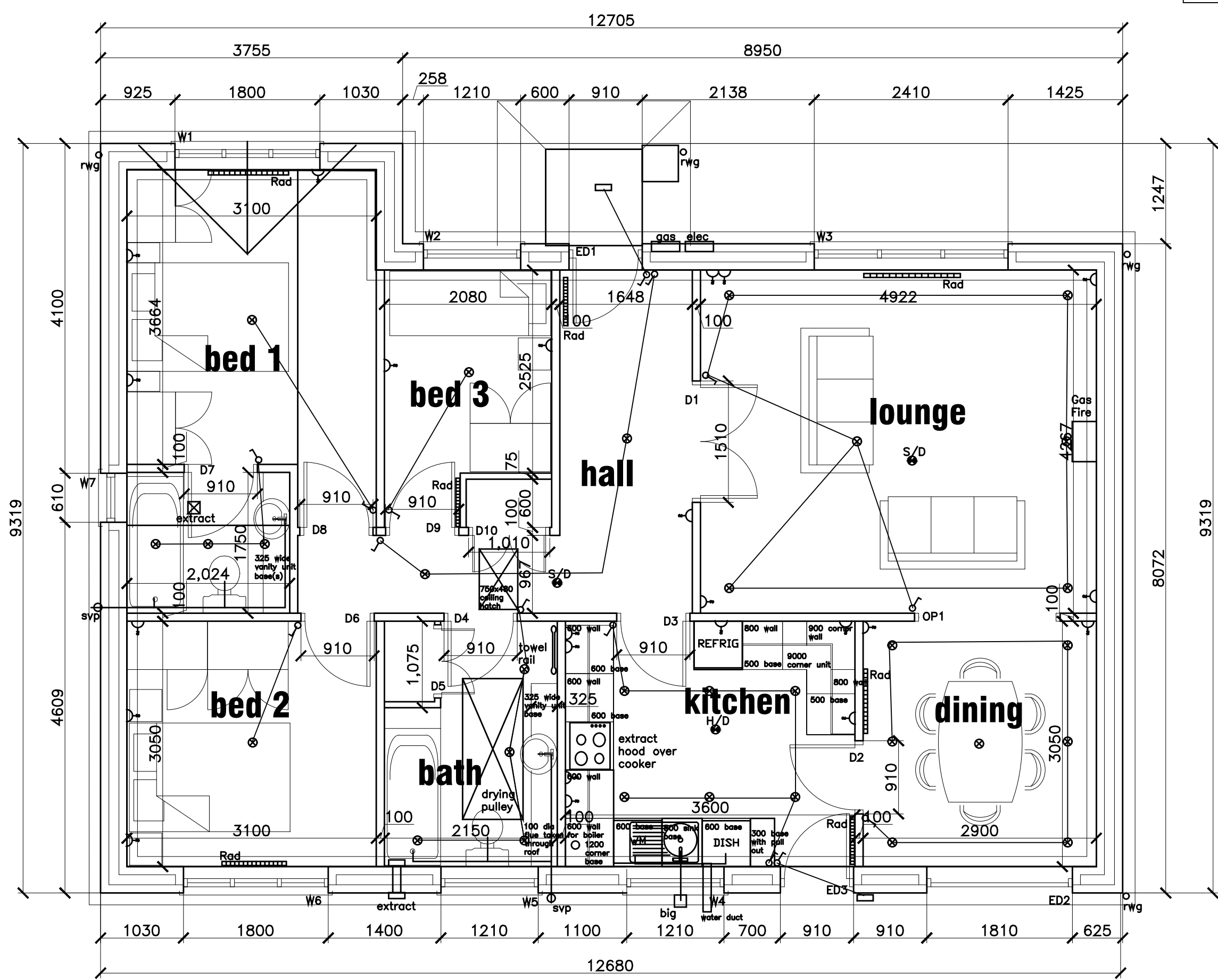
broken lines indicate location of 600mm wide foundations to external wall construction

all electrical work to be carried out in accordance with BS7671:1992

boiler to be in wall unit housing, and flue taken up through roof and terminated above roofline.

drying pulley to be ceiling mounted with a lowering device to allow for drying internally approx. 1750x750 wide

all electrical recessed lights are to conform to BS476 Part 20, and where they are used in wet areas (i.e. w.c., bath, en-suite and kitchens etc) these are to be IP rated



GROUND FLOOR PLAN

the gas fire should have a label mounted onto the side of it in addition to the functional standards, gas-fired appliance installations must also comply with the Gas Safety (Installation and Use) Regulations 1998. Where a hearth, fireplace (including a flue box), or system chimney is provided, extended or altered, information essential to the correct application and use of these facilities should be permanently posted in the dwelling

all radiators are to have thermostatic valves fitted.

all electrical work to be installed to BS BS7671 :1992

cooker hood to have an extract fan discharged to external air, extract rate 30 litres/sec

door to patio area to have proprietary vent over, to provide 10,000 sq. mm

Dunbrick or similar approved chimney linings constructed in accordance with manufacturers specification flue to be a min. 200x200 clear opening gas central heating boarding to balanced flue with external guard.

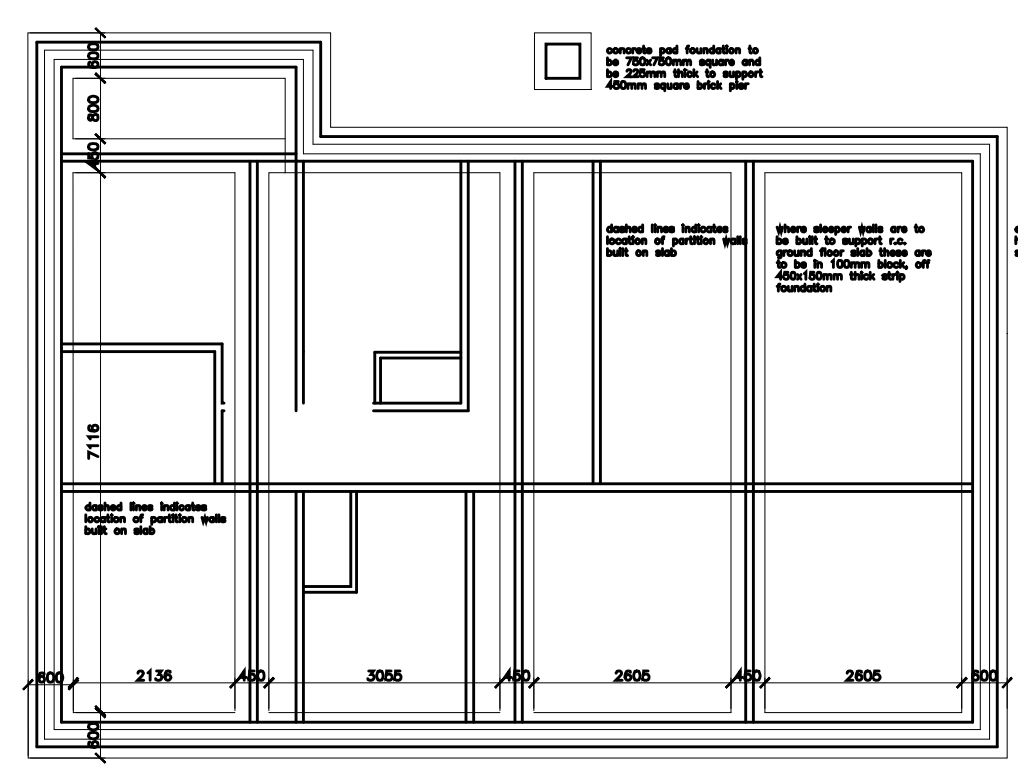
where windows on gables are between 0.5 and 1m from the boundary, then the window shall not exceed 1m sq. where the external wall is less than 0.5m then no openings.

kitchen/utility room and bathroom windows to have vents over a min. of 10,000sq.mm

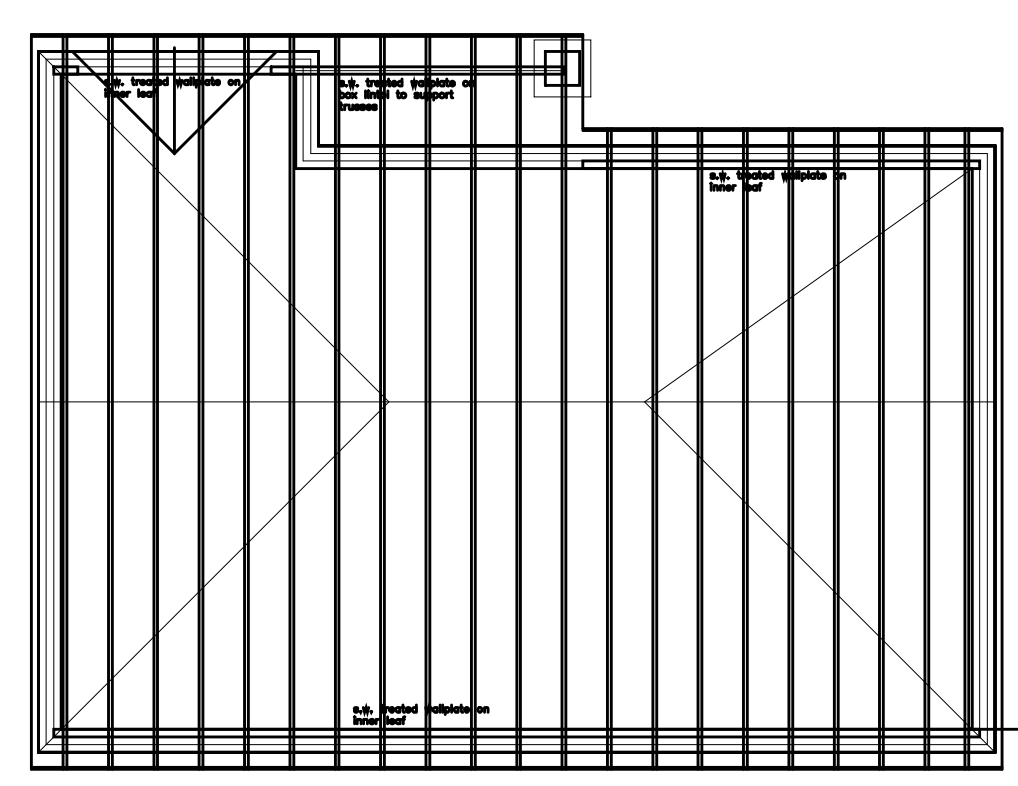
mechanical extract fitted to w.c., bathroom, en-suite, and utility rooms where applicable, with 60 litres/sec in bathrooms and kitchens.

opening lights to provide a min 1/30th floor area with glidvale vent over to provide 10,000sq. mm

insulated water entry to be in 100mm dia duct.



FOUNDATION PLAN



ROOF LAYOUT PLAN

DOOR OPENING SCHEDULE

ref	description
D1	1438x1981high (double)
D2	838x1981high
D3	838x1981high
D4	838x1981high
D5	910x1981high pair
D6	838x1981high
D7	838x1981high
D8	838x1981high
D9	838x1981high
D10	938x1981high (double)

OPENING SCHEDULE

opening ref	opening size	lintel ref	lintel size
W1	1810x1210	CB90	2100
W2	1210x1210	CB90	1500
W3	2410x1210	CB90	2700
W4	1210x1050	CB90	1500
W5	1210x1050	CB90	1500
W6	1810x1210	CB90	2100
W7	610x1050	CB90	900
ED1	938x2100	CB90	1350
ED2	1810x2100	CB90	2100
ED3	910x2100	CB90	1350

lintel references as Birtley Building Products Ltd

KEY TO MASONRY SCHEDULE

[Pattern]	Facing Brickwork 102.5mm thick by PB Edenhall or equal approved
[Pattern]	Durox supablock 100mm thick with 12mm plaster applied
[Pattern]	Dense blockwork 100mm thick unless noted otherwise
[Pattern]	Stud partitions ex.75x50 studs at 400 centres with plasterboard and skim

F 16.01.18 Cavity amended to 125mm to take 75mm Kingspan insulation EDO Therm batts.
E 08.11.11 alterations to suit DHB changes to lighting etc
D 03.11.11 lighting amended to get area's and service boxes added
C 02.11.11 vanity units added to bath and en-suite
B 31.10.11 Alts to ensuite and bedroom 1 layout
A 15.06.11 Alts to suit Bldg Ctrl notes

HOUSE TYPE 105D Rev F
SCALE 1:50, 1:100
FLOOR AREA 93.24SQ M, 1003SQ FT

drawn	checked	date
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Appendices of Policies

Note to Members

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

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 C5 - Promoting Renewable Energy

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

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

Policy C7 - Light Pollution

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

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

Policy DS1 - Council's commitment to sustainable development

When determining planning applications the Council will take a positive approach to

ensure development is sustainable. The Council will work pro-actively with applicants to find positive solutions that allow suitable proposals for sustainable developments to be approved wherever possible.

The Council is committed to seeking to enhance the quality of life for residents by taking an integrated approach to protect, conserve and enhance the built, natural and historic environment whilst ensuring access to essential services and facilities and a wider choice of housing. This will enable the Local Plan's Vision and Objectives to be met and to secure development that simultaneously achieves economic, social and environmental gains for the Borough.

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

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

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

Policy DS2 - Sustainable Development Criteria

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

- a) Ensuring that proposed development incorporates green infrastructure designed and integrated to enable accessibility by walking, cycling and public transport for main travel purposes, particularly from areas of employment and retail, leisure and education facilities;
- b) Ensuring development does not prejudice road safety or increase congestion at junctions that are identified by the Local Highway Authority as being over-capacity;

- c) Ensuring access to necessary services, facilities and infrastructure and ensuring that proposed development takes into account the capacity of existing or planned utilities infrastructure;
- d) Ensuring that the health, safety and environmental effects of noise, smell, dust, light, vibration, fumes or other forms of pollution or nuisance arising from the proposed 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 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 GI3 - Green Corridors

Where on site infrastructure is to be provided this should be located, where possible, within a Green Corridor. Applicants are required to identify Green Corridors as part of their proposal and conditions may be attached to any consent to ensure these are retained over the lifetime of the development. Green corridors must meet the following criteria:

- a) Proposals must demonstrate how existing vegetation and landform features both within and adjacent to the Green Corridor have informed the layout and design of infrastructure;
- b) An appropriate survey will be required to determine the nature and extent of ecology within the Green Corridor to ensure that any existing habitats or species are protected and enhanced and how the resulting environment is to be managed during and after the construction period;

- c) Landscaping proposals will need to demonstrate that only naturally occurring species are used encouraging durable, low-maintenance natural succession forms of planting that provide landscaping for infrastructure and continuity of movement and foraging for wildlife;
- d) Proposals must demonstrate how accessibility, activity, infrastructure and development frontage are interwoven together into a landscape-orientated layout design;
- e) Movement through the site layout must be designed clearly as a hierarchy. Connections between development areas must be legible in terms of siting, design and landscaping with sufficient variation in route direction, width and enclosure to manage cycle speeds;
- f) Incorporate water intercept and storage capacity sufficient to retain and discharge current and anticipated levels of surface water drainage appropriately to a suitable watercourse if required as an intrinsic part of layout and landscape design; and
- g) Ensure that all routes and spaces are capable of being at least indirectly overlooked in contributing to community and personal safety.

Proposals for infrastructure, sports facilities or formal open space including children's play areas will be encouraged where possible, providing that any structures relate closely with existing or proposed landscaping and are not in visually isolated or prominent positions.

Policy GI5 - Green Routes

Green Routes fall into two categories, strategic and local. Strategic Green Routes play an important role in presenting the Borough's character, image and identity to visitors and as such require the highest standards of development, landscape and highway frontage design, including lighting. Strategic routes include Abbey Road, Park Road and Rawlinson Street in Barrow and the England Coastal Path.

Local Green Routes connecting development areas and or other Green Infrastructure Assets between existing built up areas and new development sites also need to be well-designed in making sure that they are fit for purpose, safe and attractive so that they are well used.

Proposals and accompanying Design & Access Statements will need to demonstrate how the following criteria have been met:

Strategic Green Routes

- a) Development and associated advertising and signage proposals fronting onto a Strategic Green Route must deliver a high standard of design and landscaping and be of a form, scale and proximity complementary to the character of the site's location and setting;
- b) Site, architectural and signage illumination will need to be specified to avoid light pollution. White light sources will need to be used for way-marking and signage clarity with secondary amenity lighting providing subtle colour to architecture or landscaping if required. All lighting is to be static with all light sources concealed from direct view from the public realm and highway; and
- c) Where an important route continues off-site that would be beneficial to the function of the development, a S106 and / or S278 Planning Obligation may be required to enhance its integration and connectivity with site design and landscaping proposals.

Local Green Routes

- d) Local Green Routes between existing and new developments will need to be well-landscaped and located to achieve a good standard of natural surveillance with planting along the route designed not to inhibit visibility or accessibility over time;
- e) Lighting, apart from vehicular crossing points, will need to be of a durable low-level design and integrated as part of the landscaping scheme;
- f) Vertical 'pinch points' combining change of direction, gateways and continuous landscaping will need to be achieved at the edges of a development layout design to prevent the misuse of Local Green Routes by motorised vehicles; and
- g) Local Green Routes that are well defined whilst avoiding being segregated from the areas they pass through will be encouraged.

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 GI7 - Open Countryside

Development within the open countryside which accords with the Development Plan will be supported providing that it accords with the principles of the Green Infrastructure Strategy and recognises and respects the intrinsic character and beauty of the countryside

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 H12 - Homes for Life

Developers should state how their development will be able to meet the changing housing needs of occupiers.

The Council aims to ensure that every resident, in particular older people, are able to secure and sustain independence in a home appropriate to their circumstances and to actively encourage developers to build new homes so that they can be readily adapted to meet the needs of those with disabilities and the elderly as well as assisting

independent living at home.

Provision of retirement accommodation, residential care homes, close care, Extra Care and assisted care housing and Continuing Care Retirement Communities will be encouraged in suitable sustainable locations.

Policy H14 - Affordable Housing

Delivery of affordable housing, including Rent to Buy homes, will be supported where the proposal meets national and local policy. Proposals for housing development will be assessed according to how well they meet the identified needs and aspirations of the Borough's housing market area as set out in the most up-to-date Strategic Housing Market Assessment and/or any more recent evidence of need. It is expected that 10% of dwellings on sites of 10 units or over should be affordable (as defined by the NPPF (2012) or any document which replaces it). Alternatively contributions to the provision of affordable units off-site will be considered where justified. On and off site provision will be secured through a Section 106 Agreement. Tenure split must reflect that stated as required in the latest Strategic Housing Market Assessment where possible.

A lower proportion of affordable housing, or an alternative tenure split, may be permitted where it can be clearly demonstrated by way of a financial appraisal that the development would not otherwise be financially viable either due to this requirement or due to the cumulative impact of this requirement and other required contributions. Early dialogue with the Council on this matter is essential. It is not acceptable to sub-divide a site and purposely design a scheme to avoid making affordable housing contributions.

Policy H3 - Allocated Housing Sites

In order to meet the housing requirement over the Plan period, a number of specific sites are allocated for residential development. These are listed in Table 7 and are identified in the Proposals Maps (Appendices A-C) and in Appendix F.

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 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 play space 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 HE6 - Scheduled Ancient Monuments and Archaeological Assets

Development will not be permitted where it would cause unacceptable harm to a scheduled ancient monument, a non designated asset of national importance, and their settings.

Proposals that affect non-designated assets will be assessed on the significance of the assets and the scale of likely harm to establish whether the development is acceptable in principle. Where this is the case, the Council will seek to ensure the mitigation of archaeological harm through the preservation in situ as a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for the excavation and recording of assets to a level that is proportionate to their significance and to the scale of the impact of the proposal. Where possible, opportunities should also be taken to promote and provide interpretation of archaeological assets.

Where there is knowledge that there are archaeological remains or where there are reasonable grounds for the potential of unknown assets of archaeological interest to be, proposals should be accompanied by an assessment of the significance of the asset and how it will be affected by the proposed development including where their significance, extent and state of preservation is not clear. The level of information required will be proportionate to the asset's significance and to the scale of the impact of the proposal, and may require, where necessary, archaeological desk-based assessment and field evaluation.

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.

Policy I3 - Access to Community Facilities

Proposals for new housing development will demonstrate how the existing local community facilities will be suitable and accessible for the users of the proposed development.

Where such facilities are not suitable and accessible, development proposals for housing developments should provide appropriate community facilities to fulfil the needs

created by the proposed development, or a contribution towards the provision of the facilities where this is considered more applicable.

Community facilities will relate directly and be fairly and reasonably related in scale and kind to the proposed development.

In assessing whether a contribution from a particular site is appropriate the Borough Council will have due regard to the following considerations:

.; 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.

Policy I4 - Sustainable Travel Choices

Development will be accessible by a range of sustainable transport options, including walking, cycling and public transport. Early engagement with the Borough Council and the Local Highways Authority is encouraged. Development likely to generate significant levels of transport within isolated and poorly accessible areas will be resisted unless a clear environmental, social or economic need can be demonstrated.

Proposals should provide direct and safe access to the existing footpath and cycle network including pedestrian links between developments and bus stops to maximise use of public transport to access green space, shopping, schools, health and other amenities. Where this would require the provision of links beyond the development site, such as provision of new footpaths and cycleways or a new or enhanced bus service an appropriate planning obligation will be negotiated between the local planning authority and the applicant.

Pedestrian and cycle routes within new developments must be suitably lit so as to create a safe, attractive and useable environment for all.

Development proposals located on, or adjacent to, a proposed network of cycle routes should incorporate the appropriate section of route, and / or links to it. Where

development affects the line of an existing route, the route will be required to be reinstated, or an acceptable alternative provided. The continuing integrity of the route should be maintained through the construction process. Routes, both interim and replacement, should be constructed to a standard and design acceptable to the Council and consistent with the Green Infrastructure Strategy requirements.

Secure cycle parking provision, in accordance with the Council's adopted guidelines, will be required in all new car parks, particularly those associated with housing, employment, retail, leisure and educational developments. In addition the Authority will encourage the provision of shower facilities at employment-generating developments.

The Council will encourage the integration of vehicle charging infrastructure within new development, particularly commercial development.

Policy I6 - Parking

Proposals for new developments will be required to provide evidence to demonstrate that adequate parking provision has been provided in consultation with the Local Highways Authority and in accordance with the parking standards in the "Parking Guidelines in Cumbria" SPG or any update to it.

In areas suffering from significant on-street parking problems, greater provision will be sought where possible, or alternative arrangements will be required. When applying parking standards each site should be assessed on its own merits and, if a developer can demonstrate to the satisfaction of the authority that their proposed parking provision is sufficient, the 'Parking Guidelines in Cumbria' can be relaxed in favour of the demonstrated proposal.

The design of on and off site parking provision will be safely accessible and appropriate to the streetscene and character of the local area. Consideration should be given to Policy C3 (water management) and Policy DS6 (landscaping).

Policy N1 - Protecting and enhancing landscape character

Land use proposals should protect and enhance where appropriate, local landscape character, as defined by contemporary adopted local landscape character guidance,

currently the Cumbria Landscape Character Guidance and Toolkit. In addition, major land use proposals will require an assessment of the effects of the proposed development on landscape character and visual effects at the time of submission.

Where new development will impact upon the character of the landscape, such impact will need to be minimised and priority will be given to protecting and enhancing the landscape's distinct assets. Where there is loss or damage to the assets, the applicant must submit a statement demonstrating that this is unavoidable e.g. the development cannot be sited elsewhere due to operational requirements. In cases such as these, the unavoidable damage must be mitigated, and unavoidable loss must be compensated for, so that there is no net loss in resources.

High protection will be given to the undeveloped coast in order to maintain its openness, tranquillity, heritage and nature conservation value and to maintain the Borough's recreation and tourism appeal.

High protection will also be given to the setting of the Lake District National Park in order to maintain the valued views to and from this nationally designated area, its tranquillity and its attractiveness to tourists.

Measures to enhance the character of the Borough's landscape will be supported, with particular importance given to the following:

- a) Improved access to the landscape for recreation and tourism, including managed access to the undeveloped coast.
- b) The regeneration of unsightly brownfield sites, particularly former industrial sites.
- c) Increase in tree and woodland cover where such planting complements the scale of the landscape.
- d) Enhancement of the nature conservation value of the landscape.

Policy N3 - Protecting biodiversity and geodiversity

The Council will support development which maintains, protects and enhances biodiversity across the Borough. Proposals for new development should minimise impacts on biodiversity and provide net gains in biodiversity where possible. Proposals will be expected to improve access to important biodiversity areas, and will be required to show full details of measures to achieve this in the form of a suitable Management Plan. Consideration must be given to the Council's Biodiversity and Development Supplementary Planning Document (SPD) and any other relevant guidance.

Designated biodiversity and geodiversity sites

There is a presumption in favour of the preservation and enhancement of sites of international and national importance. Development proposals that would cause a direct or indirect adverse effect on any site of international or national importance, including its qualifying habitats and species will only be permitted where the Council and relevant partner organisations are satisfied that:

.; The adverse effect cannot be avoided (for example through locating the development on an alternative site); and

.; Any adverse impacts can be mitigated for example through appropriate habitat creation, restoration or enhancement on site or in another appropriate location, in agreement with the Council and relevant partner organisations, via planning conditions, agreements or obligations.

Where mitigation is not possible or viable or where there would still be significant residual harm following mitigation, compensation measures should be made to provide an area of equivalent or greater biodiversity value. Compensation should be secured through planning conditions or planning obligations.

Special compensation considerations apply in the case of Natura 2000 sites. If harm to such sites is allowed because the development meets the above criteria and imperative reasons of overriding public interest have been demonstrated, the European Habitats and Wild Birds Directive requires that all necessary compensatory measures are taken to ensure the overall coherence of the network of European Sites as a whole is protected.

Local wildlife sites and geological designations such as County wildlife sites, wildlife corridors and Local Geological Sites (LGS) will be afforded a high degree of protection from potentially harmful development, unless a strong socio-economic need can be

demonstrated and the development cannot be situated in a less sensitive location.

Assessing the effects of development on biodiversity and geodiversity

Proposals for new development which may result in significant harm to biodiversity must be accompanied by appropriate surveys, undertaken by a suitably qualified person, to identify the potential effects of development. In such cases, the mitigation hierarchy, as referenced in the Council's Biodiversity and Development SPD should be applied and it must be demonstrated that avoidance measures have been considered and justification for ruling these out must be given. Where significant harm is avoidable, it should be adequately mitigated, or as a last resort, compensated for.

Where mitigation is required in the form of species translocation, the Council will work with partners to identify suitable sites for translocation.

Where there is evidence to suspect the presence of protected species, the planning application should be accompanied by appropriate, up-to-date surveys carried out at the correct time of year for the particular species assessing their presence to ensure that the proposal is sympathetic to the ecological interests of the site.

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.

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Local Area Planning Committee	Extra Information Item
Date of Meeting : 13/02/2024	
Reporting Officer : Head of Development Management (Barrow)	
Reference Number : B07/2023/0652	
Location : Land south of Leece Lane, Barrow-in-Furness, Cumbria	
Proposal : 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)	

Report :

Since the agenda was produced the following additional responses have been received:

1. **Lead Local Flood Authority (LLFA) 5.2.24**

“A further response from LLFA on this proposal will be issued in due course ”

2. **Local Highway Authority 5.2.24**

“Our parking requirements for this development are 48 spaces along with 3 visitor spaces based on the number of bedrooms provided for each dwelling.

If any garages are to contribute the parking numbers, then these must be designed to the measurements in accordance with our Cumbria Development Design Guide so that they can accommodate a vehicle and so pedestrians can safely enter and exit them without obstruction. I can confirm my previous response made to this application should still apply.”

3. **Environment Agency response 12.2.24**

The applicant has submitted further details of surface water sampling and the Environment Agency have been re- consulted and have responded as follows:

Thank you for re-consulting us on the above planning application.

We have reviewed the following documents:

- Phase 1 Preliminary Risk Assessment (PRA) prepared by bEk Enviro Ltd. (referenced: BEK 21959-1 Rev A; dated August 2023)
- Site Investigation & Ground Assessment prepared by bEk Enviro Ltd. (referenced: BEK-21959-2 Rev A; dated August 2023)
- Gadsen consulting Drainage Strategy
- BEK surface water sampling -5 May 2022

During the previous application for this development (B07/2022/0653 which was withdrawn) and in our letter NO/2023/115622/01-L01 dated 14 November 2023, the EA has responded with various conditions, including a condition for a SUD scheme integrated into the drainage plan. However, after a further discussion with the LPA and have been provided further background information of the site, we considered the use of SuDS is inappropriate for the site. We have therefore reconsidered our position.

Environment Agency position – SuDS

We object to this development because the information submitted with the application does not demonstrate that the risk of pollution to controlled waters is acceptable. We therefore recommend that planning permission is refused.

Reasons

The previous use of the proposed development site as landfill presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is in close proximity to Mill Beck and is located upon a Secondary aquifer B.

The application's geoinvestigation reports demonstrate that it may be possible to manage the risks posed to controlled waters by this development providing further detailed information is submitted to help with conditional development of the site. This should be carried out by a competent person in line with paragraph 189 of the National Planning Policy Framework.

In review of the Gadsden Drainage strategy document together with the Site Investigation & Ground Investigation report BEK-21959-2 RevA August 2023, it appears that p2.5 contradicts the findings of the BEK report with regard to made ground.

The BEK document reports a heterogenous mix of waste in all the borehole and trial pit logs and chemical testing that shows the presence of total and leachable contaminants.

The Gadsden drainage assessment states "Made ground – records suggest that there is little or no made ground".. this is incorrect.

The geotechnical properties of the fill material may be adequate, but there is insufficient evidence from the ground investigation and risk assessment to approve any soakaway scheme. Further examination of the potential leachability of made ground at locations where any soakaway discharge will be required.

Overcoming our objection

The applicant should provide information to demonstrate to the local planning authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures.

The options for an acceptable soakaway drainage system to protect water quality will depend on either further investigations and risk assessment or removal/treatment of made ground. An alternative drainage scheme allowing surface water to discharge directly to surface water via impervious flood retention is acceptable.

Contaminated Land – advice to applicant

The Site Investigation conclusions outline the need for further ground investigation on the eastern periphery on the extra strip of land and monitoring of the surface watercourse, Mill Beck. Supplementary ground investigations should also be extended through the development plot as there is insufficient detail to determine the risk to water quality.

The Site Investigation and Ground Assessment report shows soluble contamination of metals in shallow groundwater and these results are deemed to represent the effect of leaching from made ground. In accordance with EA Remedial Target Methodology (RTM) for contaminated land, risk assessments where level 1 targets are exceeded require further levels of assessment to quantify fate & decay of pollutants or remedial works to treat/remove source or remove flow pathway.

The surface water monitoring of Mill Beck undertaken on 5 May provides an indication of water quality. This information pre-dates the findings of the BEK August report which recommends extra monitoring .

The single set of samples in isolation of supporting evidence from quantitative risk assessment are inadequate .

Any water surface water sampling data should represent variable flow and/or seasonal fluctuations and can be used as a means of assessing the impact of dilution from predictive modelling of contaminants in groundwater baseflow to the watercourse. Hence the need for further comprehensive ground investigation to enhance the confidence of data and the findings of any quantitative assessment (as per the tiered approach outlined in RTM).

The impact on Mill Beck should be addressed with the appropriate siting of groundwater compliance points before groundwater enters the surface water system down gradient of landfilled areas. This is likely to require the installation of additional boreholes and additional groundwater monitoring sufficient to enable quantitative modelling to address risk. The single groundwater sample from each borehole is insufficient to represent groundwater conditions in the full extent of the drilling depth because the dual-purpose (gas/groundwater) slotting is restricted from 1-5m bgl. Replacement/new boreholes should be dedicated specifically to monitor groundwater.

The carbon dioxide gas concentrations in CP2/3 reflect ongoing aerobic decomposition of hydrocarbons in made ground and this supports the view that made ground is continuing to release contaminants into groundwater and there is need for further assessment.

It should be noted, we normally object to piling proposals through landfill. Detailed design and mitigating measures to prevent piles from acting as a conduit for leachate migration into uncontaminated, superficial groundwater formations and the bedrock aquifer are required. These foundation proposals are required to assess the risk to groundwater resources. A separate risk assessment for deep piled foundations design and implementation will be required.

Model procedures and good practice

We recommend that developers should follow the risk management framework procedures in DEFRA publication 'Land contamination risk management (LCRM) - GOV.UK (www.gov.uk)' when dealing with land affected by contamination.

Refer to our Guiding Principles for land contamination here: Land contamination: technical guidance - GOV.UK, for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health. Refer to the contaminated land contaminated land pages on gov.uk for more information.

4. In addition an amended landscape plan has been submitted (details attached).

Local Area Planning Committee	Extra Information Item
Date of Meeting : 13/02/2024	
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<p>Reference Number : B07/2023/0652</p> <p>Location : Land south of Leece Lane, Barrow-in-Furness, Cumbria</p> <p>Proposal : 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)</p>	

Report :

Revised Landscape Plan has been submitted (Rev K).

TOPSOIL CULTIVATION In accordance with BS 3882. Apply glyphosate herbicide prior to cultivation and allow the recommended period before further action. Ensure ground is free draining by breaking up subsoil and installation of land drainage as required. Do not work the soil in frozen or waterlogged condition. Remove any debris and stones greater than 50mm from surface and cultivate to suitable till for planting. Rake surface to achieve required level flush with adjacent paving for turf and 50mm below for planting to allow for mulch layer and smooth flowing contours for open space areas without hollows or soft areas. Topsoil depths to be minimum 150mm for grass and 450mm for planting and at least 300mm of suitable subsoil beneath the topsoil layer. Site topsoil to be supplemented with imported topsoil in accordance with BS 3882. Shrub beds in grass areas to be neatly cut to layout shown.

PLANTING Plant material shall conform to the National Plant Specification and be healthy, vigorous specimens, well rooted but not pot bound, free from pests and disease, hardy and undamaged by transport operations in accordance with HTA 'handling and establishing landscape plants'. Planting and turfing to be in accordance with BS 3936 and 4428. Plant species substitutes will be permitted to accommodate availability and to include stock of particular good quality in nursery provided these are of a similar habit, size, colour, value etc and that they are approved in advance by the Landscape Architect. Native species to be local provenance. Bare root and rootballed plants to be planted between November and March. Backfill of planting holes and tree pits to be excavated topsoil with 25% by volume tree and shrub planting compost. Shrub pits to be generally 300 x 300 x 300mm or 75mm wider and deeper than the root spread. Tree pits to be 900 x 900 x 600mm or 150mm wider than the root spread. Stakes to be two 75mm diameter pointed stakes driven until firm and trimmed to 900mm above G.L. with 50 x 100mm crossbar screwed to stakes. Rubber tree cushion nailed to crossbar and rubber tree belting nailed to secure tree. Single 75mm diameter stake for bare-rooted trees with rubber tree belting with spacer. Apply slow release fertiliser (16:10:10) at rate of 100g/ sq.m. to planting areas and 250g per tree. Thoroughly water planting.

PLANTING DENSITIES/ SETTING OUT Refer to the Planting Schedule for densities. Where a bed is indicated as mixed species on the plan, the area should be divided equally between the species shown and the relevant density for that species applied to that proportion of the bed. Taller species to the rear of the bed and smaller species to the front planted in bold groups of single species and not mixtures unless clearly requested on the plan annotations.

TREE RABBIT GUARDS If rabbit activity is noted in the area and guarding is authorised each bare-rooted native plant hedge plant to receive a 12/14 weight 900mm cane and 60cm clear spiral guard. Trees to receive 90cm spiral guard. If extensive rabbit activity is observed rabbit fencing to ornamental areas will be required as directed by the Landscape Architect.

MULCH Spread 50mm layer of general purpose bark mulch, free from large sticks, and debris over all shrub areas, 800mm wide strips for hedging and 800mm diameter circles for tree pits in grass with neatly trimmed edge.

TURFING Following cultivation preparation specified above supply and lay Laidlaw Medallion turf or similar approved with staggered joints close butted to uniform levels to finish 25mm above adjacent paving levels once well tamped down. Use sharp sand spread on surface to achieve fine tuning of levels. Thoroughly soak turf on completion and ensure regular watering is arranged until the turf has rooted. Do not turf in waterlogged or frozen conditions.

SEEDING AMENITY GRASS. Following cultivation preparation specified above apply Cropwise low maintenance amenity mix or similar approved at a rate of 35gms/ sq.m. and roll with quad or hand drawn ballast grass roller. Apply water with sprinkler hose in dry conditions to ensure germination. Levels to be flush with adjacent paving following firming and settlement of topsoil. Further stone-picking, top-dressing and re-seeding of bare patches to ensure uniform, level grass is established. Re-roll as required at first cut stage.

SEEDING WILDFLOWER GRASS
Prepare as for amenity seed. Sow BS7M @ 5gms/ sq.m. in accordance with supplier recommendations in May or September.

LANDSCAPE MAINTENANCE. Any plants which fall within 5 years to be replaced in the season following failure to the original specification. Check and adjust stakes and ties every month, and remove stakes in year 5 when trees are suitably stable. Prune trees and shrubs once each year - formative prune to encourage good habit. Apply fertiliser once in Spring each year to grass 40gms/ sq.m. Apply fertiliser once in Spring each year to shrubs 20gms/ sq.m - Osmocote slow release. Top up bark mulch to 50mm depth annually. Check for pests and diseases - treat as required. Water as required all landscape areas. Mow grass 10 times annually and remove arisings, trim edges. Apply selective herbicide and moss killer to grass as required. Re-seed, top dress and aerate lawns as required to maintain grass in good condition. Cut and rake off wildflower grass twice annually. Collect litter from all landscape areas monthly. Apply Glyphosate herbicide to hard paved areas as required.

PLANTING SCHEDULE				
Type	Key	Specification	No/SQ.M.	
TREES				
<i>Alnus glutinosa</i>	AG	2-2.5m BR	N/A	
<i>Pinus Pin Perfecta</i>	PP	RB, 10-12cm, 3m	N/A	
<i>Pinus avium</i>	PA	RB, 14-16cm, 4.4-5m	N/A	
<i>Sorbus aucuparia</i>	SA	RB, 14-16cm, 4.4-5m	N/A	
<i>Salix pendula</i>	BP	RB, 14-16cm, 4.4-5m	N/A	
<i>Salix alba</i>	SAL	2-2.5m BR	N/A	
SPECIMENS				
<i>Ametanther lamarckii</i>	AME	C20	N/A	
<i>Buddleia Lochinch</i>	BUD	C10	N/A	
<i>Hydrangea paniculata LimeLight</i>	HPL	C15	N/A	
<i>Phormium tenax Variegatum</i>	PHD	C10	N/A	
<i>Saxifraga cuneata Kew Green</i>	SKG	C10	N/A	
SHRUBS & HERBACEOUS				
<i>Aucuba japonica Variegata</i>	Alv	C3	3	
<i>Chrysa ternata Sundance</i>	Chs	C3	4	
<i>Cornus alba elegantissima</i>	Ca	C3	3	
<i>Cytisus praecox All Gold</i>	Cal	C3	4	
<i>Escallonia Red Elf</i>	Ere	C3	3	
<i>Eucyrtus Emerald Galaxy</i>	Eng	C2	4	
<i>Eucyrtus Emerald n Gold</i>	Ego	C2	4	
<i>Hebe rakaeensis</i>	Hra	C5	4	
<i>Hebe Marjorie</i>	Hma	C5	4	
<i>Hebe suffruticosa</i>	Hsu	C5	4	
<i>Hebe Autumn Glory</i>	Hag	C5	4	
<i>Hydrangea Blue Wave</i>	Hbw	C3	3	
<i>Hypericum calycinum</i>	Hca	C3	3	
<i>Ligularia ovalatum Aureum</i>	Lca	C3	3	
<i>Lonicera Maygreen</i>	Lma	C3	3	
<i>Plantilla Abbotswood</i>	Plb	C3	4	
<i>Prunus sibirica hibernica</i>	Prs	C3	3	
<i>Pyracantha Red Cushion</i>	Phc	C3	4	
<i>Senecio sunshine</i>	Sen	C3	4	
<i>Saxifraga japonica rubella</i>	Sjr	C3	3	
<i>Spiraea japonica Goldflame</i>	Ssj	C3	4	
<i>Viburnum davidii</i>	Vda	C3	4	
<i>Vinca minor Atropurpurea</i>	Vma	C3	4	
PERENNIALS				
<i>Asilbe Bressingham Beauty</i>	Abb	C2, 20-30cm	6	
<i>Geranium Johnson's Blue</i>	Gjb	C2, 20-30cm	7	
<i>Bergenia cordifolia</i>	Bco	C2, 20-30cm	6	
<i>Heuchera Palace Purple</i>	Hcp	C3, 20-30cm	4	
HEDGES				
<i>Ilex aquifolium</i>	IAQ	C3, 75-90cm	N/A	
NATIVE BOUNDARY HEDGE				
<i>Prunus spinosa</i>	BR	45-60cm	13	
<i>Crataegus monogyna</i>	BR	60-90cm	40	
<i>Ilex aquifolium</i>	C3	45-60cm	30	
<i>Corylus avellana</i>	BR	50-60cm	5	
<i>Sambucus nigra</i>	C2	45-60cm	5	
<i>Rosa canina</i>	BR	45-60cm	5	
<i>Lonicera periclymenum</i>	C2	60-80cm	2	
NATIVE SCRUB MIX				
<i>Crataegus monogyna</i>	BR	45-60cm	20	
<i>Corylus avellana</i>	BR	45-60cm	25	
<i>Prunus spinosa</i>	BR	45-60cm	20	
<i>Cornus sanguinea</i>	BR	45-60cm	25	
<i>Viburnum opulus</i>	BR	45-60cm	10	
POND MARGINALS				
<i>Iris pseudacorus</i>			40	
<i>Filipendula ulmaria</i>			20	
<i>Calltha palustris</i>			10	
<i>Mentha aquatica</i>			10	
<i>Lythrum salicaria</i>			10	
<i>Veronica beccabunga</i>			10	
HEDGEROW TREES				
<i>Acer campestre</i>	Aca	2-2.5m BR		
<i>Crataegus monogyna</i>	Cmo	2-2.5m BR		
<i>Malus sylvestris</i>	May	2-2.5m BR		
<i>Prunus avium</i>	Pav	2-2.5m BR		
<i>Sorbus aucuparia</i>	Sau	2-2.5m BR		
BULBS				
<i>Narcissus - native</i>	Nat		25	

- WILDFLOWER SEED MIX BOSTON SEEDS LT B57M**
- 1 Angelica, Wild Angelica *silvestris* 1% Jul - Aug 100 - 200cm Perennial
 - 2 Bedstraw, Hedge Galium *mollugo* 1.8% Jun - Oct 10 - 50cm Perennial
 - 3 Buttercup, Meadow Ranunculus *acris* 1% May - Jun 30 - 100cm Perennial
 - 4 Campan, Red Stone daisy 1.4% Apr - Sep 60 - 90cm Perennial
 - 5 Campan, White Stone daisy 0.6% May - Oct 50 - 100cm Perennial
 - 6 Cowslip *Primula veris* 0.2% Apr - May 15 - 30cm Perennial
 - 7 Daisy, Ox-eye *Leucanthemum vulgare* 0.6% May - Sep 20 - 100cm Perennial
 - 8 Fongine, Wild Digitalis *purpurea* 0.4% Jun - Aug 50 - 100cm Biennial
 - 9 Hedge Parsley, *Lithospermum* 1.4% Jul - Aug 30 - 80cm Annual
 - 10 Knapsweed, Common *Centaurea nigra* 1.8% Jun - Sep 30 - 80cm Perennial
 - 11 Knapsweed, Greater *Centaurea scaberrima* 1% Jun - Sep 50 - 90cm Perennial
 - 12 Mullein, Dark *Verbascum thapsus* 0.4% Jun - Sep 15 - 45cm Perennial
 - 13 Mullein, Great *Verbascum thapsus* 0.4% Jun - Sep 100 - 180cm Biennial
 - 14 Musk Mallow *Malva moschata* 0.8% May - Sep 20 - 150cm Perennial
 - 15 Mustard, Garlic *Alliaria petiolata* 1.4% Apr - Jul 40 - 80cm Biennial
 - 16 Self heal *Prunella vulgaris* 0.8% Jun - Sep 15 - 30cm Perennial
 - 17 St John's-wort, Common *Hypericum perforatum* 0.6% Jun - Sep 30 - 90cm Perennial
 - 18 Tassel Spigelia *fulvum* 1% Jul - Aug 100 - 200cm Biennial
 - 19 Vetch, Common *Vicia sativa* 1.2% Jun - Sep 25 - 50cm Perennial
 - 20 Vetch, Tufted *Vicia cracca* 0.4% Jun - Sep 100 - 150cm Perennial
 - 21 Woodwort, Hedge *Stachys sylvatica* 1.4% Jun - Sep 50 - 100cm Perennial
 - 22 Yarrow *Achillea millefolium* 0.6% Jun - Oct 20 - 100cm Perennial
- GRASSES**
- Bent, Common *Agrostis castellana* 4% 50 - 100cm Grass
- Fescue, Chewings *Festuca rubra*, commutata 21.6% 30 - 70cm Grass
- Fescue, Slender Creeping *Festuca rubra*, litoralis 32% 10 - 20cm Grass
- Meadow Grass, Wood Pua *nemoralis* 8% 10 - 30cm Grass
- Sweet Vernal grass *Anthoxanthum odoratum* 2.4% 30 - 60cm Grass
- Tufted Nail-grass *Deschampsia cespitosa* 12% 30 - 120cm Grass



- Rev K 08 02 24 Additional BNG measures BW
- Rev J 01 02 24 Minor changes to layout BW
- Rev I 21 09 23 Minor changes to layout BW
- Rev H18 08 23 changes to layout BW
- Rev G 22 03 23 Minor changes to green wedge landscaping BW
- Rev F 21 03 23 Minor layout changes BW
- Rev E 09 12 22 Tree and hedge survey data added BW
- Rev D 01 09 22 Plot 11 layout updated BW
- Rev C 22 08 22 Site boundary extended BW
- Rev B 09 08 22 Native planting added to area to the east BW
- Rev A 09 06 22 Native planting added to area to the east BW

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LANDSCAPE PLAN

DRAWING NO: MH-WW-01 Rev K

DATE: 07.02.22

SCALE: 1:500 @ A1

Barrow-in-Furness Local Area Planning Committee

Report Title:	HMO Briefing Note
Meeting:	Barrow in Furness Local Area Planning Committee
Meeting Date:	13 th February 2023
Report Author:	Jennifer Dickinson
Lead Cabinet Member(s):	
Wards Affected	All
PUBLIC, PART EXEMPT OR FULLY EXEMPT	Public
List of Appendices	Appendix A: Appeal Decisions APP/W0910/W/23/3319147 and APP/W0910/W/17/3179882 Appendix B: Local Plan Policy H26

1. Executive Summary

- 1.1 Following the request from Planning Committee at the 19th December 2023 meeting, this report explains the background to applications for change of use to a House in Multiple Occupation (HMO) and the implications of appeal decisions.

2. Recommendation

For the reasons set out in this report, it is recommended that -

- 2.1 The contents of this report are noted by members.

3. Information: the Rationale and Evidence

Use Classes

- 3.1 When considering HMO properties the first matter to establish is which use class the conversion falls within.

- 3.2 Under planning legislation there are two use classes which can apply to properties:

3.2.1 *Class C4 - Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.*

3.2.2 *Class Sui Generis – As above but with more than 6 occupiers*

- 3.3 Under the General Permitted Development Order (GDPO) a C3 residential property can convert to a C4 use without the need for express planning permission. They are not therefore recorded. It is only conversions for more than 6 occupiers that require permission under the Planning legislation.

Determination

- 3.4 When determining applications for more than 6 occupiers, planning law requires that, like all other applications, they are determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions which seeks to promote sustainable development in a balanced way considering the three overarching objectives: economic, social and environmental.
- 3.5 Local Plan policy H26 (attached as an appendix) is a key policy which sets criteria against which proposals are assessed. The criteria cover:
- i. loss of family housing,
 - ii. impact on residential amenity of neighbours,
 - iii. impact on the character of the building and surrounding area,
 - iv. amenity standards provided for future occupiers including stacking of rooms, bin/cycle storage, outdoor amenity space and access from front and rear of property,
 - v. potential for over concentration of similar uses and potential loss of social and community cohesion,
 - vi. the sustainability of the site location in terms of transport.
- 3.6 Other relevant material considerations that are not covered under H26 can include previous planning decisions (including appeal decisions); adequacy of parking and highway safety.
- 3.7 These application types often generate concerns from residents nearby which can often identify site specific material considerations.
- 3.8 It also relevant to note non-material considerations which cannot be considered in planning decisions. The Courts have determined that the “type” of person to occupy a property is not a material consideration and neither are matters such as change in property prices, applicant’s motives or private matters related to boundaries. Matters covered under other legislation are also not material considerations for planning.

3.9 Potential benefits of HMOs

The government view HMOs as an important component of housing supply, helping to meet a specific market need. They can often have benefits such as bringing empty property back into use, securing inward investment, increasing footfall to the town centre and helping to meet the need for a growing transient workforce to serve local industries and the health service.

3.10 Potential negative aspects of HMOs

On occasion HMOs can be associated with a change in the character of an area and social cohesion, negative connotations, increased car parking and traffic and potential noise and disturbance.

3.11 Planning balance

In reaching a planning decision, officers and Members must weigh up all the relevant competing material considerations and reach a decision based on planning judgement. The Local Plan policy is a key component in helping us reach a decision.

Other Legislation

3.12 Whilst Planning is one area involved in the control the development of properties into HMOs, any over 5 occupiers are also required to be licensed under the Housing Act. This covers matters such as ensuring the site is properly managed to a suitable standard.

3.13 In addition to this, Building Regulations are also in place to ensure compliance with the Building Act.

Relevant Appeal Decisions

3.14 52 Paradise Street - conversion of existing building (Use Class F1) to a 14 bedroom house in multiple occupation (Use Class Sui Generis)
APP/W0910/W/23/3319147 – decision date 23.11.23

3.14.1 In this instance the Inspector allowed the appeal. The main issue was the suitability of the site for the proposal having regard to the Local Plan's approach to the provision of houses in multiple occupation (i.e., policy H26). This specifically reviewed criteria b) (residential amenity of neighbours), c) (character of the area) and i) (over concentration of similar uses).

Criteria b) – residential amenity of neighbours

3.14.2 The Inspector took the view that the existing use of the building was likely to generate many comings and goings daily, including vehicles, and that the proposed conversion would result in a decrease of movements. Some increase in comings and goings into the evening and at night would take place. The Inspector did not consider that, given the appeal buildings location at the end of the terrace, the scale of such activity in respect of noise or disturbance would be likely to cause any material harm to the occupiers of neighbouring residential properties in what is an established residential area.

3.14.3 Having considered the submitted drawings and the appeal buildings relationship with its surrounding properties, the Inspector also considered that the scheme would not result in an unacceptable loss of privacy to the neighbours. It was therefore concluded that the requirements of criteria b were met.

Criteria c) – character of the area

3.14.4 The Inspector considered the external changes did not affect the character of the area.

3.14.5 In terms of impact on parking, which was a key matter raised by residents, the Inspector reported the conditions when visiting the site and the availability of a car park directly opposite, and nearby, along with the residents parking scheme in place. They also acknowledged that it is unknown what level of car ownership future occupiers may have and this may fluctuate over time. Nonetheless, they acknowledged the potential for each occupier to have access to a car and this could lead to an additional number of vehicles parking in the area.

3.14.6 Furthermore, the Inspector acknowledged the site is readily available to alternative public transport including buses and trains and future occupiers may choose not to own a private vehicle. The Inspector judged that, should parking be required, this can be readily absorbed into the surrounding area without detriment to the character of the area. Accordingly criteria c) was met.

Criteria i) – over concentration of similar uses

3.14.7 The Inspector noted the concerns of the Council and other interested parties about the location and number of existing HMOs, including unlicensed HMOs in the locality and the effects of such concentrations. However, when considering the map provided, and taking account of a HMO at 9 Harrison Street, the Inspector felt that the number of licensed HMOs was well dispersed within the surrounding area. The Inspector observed quiet and well-kept urban street scenes surrounding the site with what appeared to be predominantly family homes. As such, even if it was accepted that there are unlicensed HMOs which have not been identified, the Inspector considered there was negligible aural or visual evidence, such as litter, noise or parking congestion, one would expect in an area with an imbalance towards HMOs.

3.14.8 The Inspector also referred to not being supplied with any substantive evidence to demonstrate that existing HMOs in the area have resulted in a significant increase in crime. Having regard to the nature of the application, the Inspector considered there was no cogent evidence that the proposed HMO would attract or be likely to be occupied by persons more likely to commit crimes or to carry out anti-social behaviour. In addition to this the Inspector also advised there was no convincing evidence to demonstrate that the proposed development would place an unacceptable demand on local services. It was therefore concluded that the proposal satisfied criteria i) of policy H26.

3.15 *4 Park Avenue – change of use of existing dwelling to HMO including conversion of loft and comprising 7 no. en-suite bedrooms with shared kitchen and 1 no. self-contained bedroom with en-suite shower and kitchenette – APP/W0910/W/17/3179882 (decision date 6.2.18)*

3.15.1 This appeal was dismissed. The main issue related to the potential effect the proposed development would have on the living conditions of occupiers of neighbouring residential properties. This decision was prior to the adoption of the current local plan.

3.15.2 The context of this appeal related to a change from residential use to a HMO for 8 persons in an area which is close to the station with pressure for on-street parking and had a residents permit scheme in place.

3.15.3 The Inspector considered, in this instance, that the additional 2 occupiers beyond the permitted C4 use would generate sufficient levels of noise and disturbance to warrant refusal. The Inspector took account of the size, situation and configuration of the appeal property, which is a mid-terraced property.

- 3.16 In terms of the implications of the appeal decisions, the Paradise Street decision is most recent and provides a useful independent assessment of the issues relating to HMOs which are often raised as concerns. This was a robust test of the adopted local plan policy H26. The Park Avenue decision makes clear the relevance of property positions in relation to neighbours when considering potential impacts from conversions. The difference in approach to these two applications highlights the importance of assessing applications on an individual basis.

Context

- 3.17 Members will be aware that there is an increasing demand for HMO accommodation to provide residential accommodation for workers on specific term contracts coming into the area. This is driven from local employers including BAE systems and NHS and the market is reacting. The availability of larger houses and properties is offering a solution to that demand. This is a positive step in certain respects, as it is resulting in considerable inward investment to the town centre periphery area, whereby houses in poor condition are being renovated, and local suppliers and tradespersons are also benefiting. The alternative is that these houses/properties remain in poor condition, often empty and attracting anti-social behaviour, which has potential to lead to a loss of social and community cohesion.
- 3.18 Whilst the Council map all applications for licensed HMOs (5 or more people), we do not have clear records of those with a lower level of occupancy, principally because there is no method of tracking them. However, given that in these unrecorded cases the number of people is more likely to have a similar impact to that of a regular household, this is the context of our considerations.
- 3.19 Going forward we are continuing to monitor the locations of licensed HMOs and planning applications received to assess whether any further actions are required.

4. Link to Council Plan Priorities: (People, Climate, Communities, Economy and Culture, Customers, Workforce)

- 4.1 In terms of the Council's priorities, HMOs provide an accommodation option for residents and contribute towards the housing mix in the area.

5. Consultation Outcomes (with services, ward councillors & public consultation where required)

- 5.1 Not applicable

6. Alternative Options Considered

- 6.1 Not applicable

7. Financial Implications and risk

7.1 Staff time spent on preparing Statements for Appeal cases

8. Legal & Governance Implications

8.1 Not applicable

9. Human Resources Implications

9.1 Not applicable

10. Equality & Diversity Implications (including the public sector equality duty, Armed Forces Families, Care Leavers and Health inequalities implications)

10.1 Not applicable. This report is for information only and these will have been considered by the decision-maker, as necessary.

11. Background Information & Sources (used in preparation of this Report)

11.1 Appeal decisions (Appendix A)

11.2 Local plan policy H26 (Appendix B)



2022/0709 Appeal Decision

Site visit made on 23 November 2023

By A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2023

Appeal Ref: APP/W0910/W/23/3319147

52 Paradise Street, Barrow-in-Furness, Cumbria LA14 1JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Clark and Mr Gregory against the decision of Barrow-in-Furness Borough Council.
 - The application Ref B20/2022/0709, dated 6 October 2022, was refused by notice dated 17 January 2023.
 - The development proposed is described as conversion of existing building (Use Class F1) to 14 Bedroom house in multiple occupation (Use Class Sui Generis). Works include conversion of existing floors, loft conversion, creation of roof terrace with balustrade and 1.8m wall, construction of dormer, hip to gable extension and new roof lights and new front entrance.
-

Decision

1. The appeal is allowed and planning permission is granted for conversion of existing building (Use Class F1) to 14 Bedroom house in multiple occupation (Use Class Sui Generis). Works include conversion of existing floors, loft conversion, creation of roof terrace with balustrade and 1.8m wall, construction of dormer, hip to gable extension and new roof lights and new front entrance at 52 Paradise Street, Barrow-in-Furness, Cumbria LA14 1JG in accordance with the terms of the application, Ref B20/2022/0709, dated 6 October 2022, subject to the conditions in the attached schedule.

Preliminary Matters

2. The address in the banner heading above has been taken from the application form, albeit slightly reordered.

Main Issue

3. The main issue is the suitability of the site for the proposal, having regard to the development plan's approach to the provision of houses in multiple occupation.

Reasons

4. The appeal site comprises a large end terrace property located on a predominantly residential street at the junction of Harrison Street. The appeal site is also located within the defined town centre and is close to a number of services and facilities, including public transport.
5. Barrow Borough Local Plan (BBLP) Policy H26 establishes a number of criteria that will be taken into account for development proposals for Large Houses in Multiple Occupation (HMO). The parts most relevant to this appeal are b), c) and i).

6. Criterion b) of Policy H26 states there will be no unacceptable impact on the residential amenity of neighbouring properties, especially with respect to privacy, noise and other disturbance. The most recent use of the building, from the evidence presented, is that of an office that was open to the public.
7. This use of the building is likely to have generated a large number of comings and goings, including vehicles, during the day. As such, a decrease in movements could be reasonably expected from the appeal proposal. The proposed development would generate additional comings and goings into the evening and at night. However, I do not consider that given the appeal building's location at the end of the terrace, the scale of such activity in respect of noise or disturbance would be such that it would cause any material harm to the occupiers of neighbouring residential properties in what is an established residential area.
8. Furthermore, having considered the submitted drawings and the appeal building's relationship with surrounding properties, there is no substantive evidence before me to conclude the proposed scheme would result in any unacceptable loss of privacy to the occupiers of nearby properties. Accordingly, the requirements of criterion b) are met.
9. Criterion c) seeks to ensure that HMO proposals do not adversely affect the character of the building or the surrounding area.
10. The proposed development would see a number of changes to external elevations and the roof. These include the relocation of the entrance, alterations to the roof, including a gable with dormers inserted and a roof terrace. The proposed changes to the elevations are minimal and would still allow the form of the original building to be read and understood. The works to the roof are more substantial. However, these would largely be restricted from public view by the L-shape of the finished roof form. As such, the changes would not unduly affect the character of the building or surrounding area.
11. At the time of my site visit, mid-morning on a Thursday which I appreciate is only a snapshot in time, there were a number of vehicles parked on the roads surrounding the site. Signage advising permits was also in place. Nevertheless, there were several areas where on-street parking spaces were available. Additionally, there was also availability on nearby private car parks, including the one adjacent to the appeal building.
12. I do not know what level of car ownership future occupiers may have and this may fluctuate over time. Nonetheless, there is the potential for each occupier to have access to a car and this could lead to a number of additional vehicles parking in the area. However, from my observations on site there is parking available on nearby private car parks and on the surrounding streets to accommodate the potential increase in vehicle numbers.
13. Furthermore, as the site is readily accessible to alternative public transport, including buses and trains, future occupiers may choose not to own a private vehicle. In any event, should this not be the case, the level of parking required could be sufficiently absorbed within the surrounding area without detriment to the character of the area. As such, criterion b) is satisfied.
14. Criterion i) seeks to avoid proposals that would lead to an over-concentration of similar uses resulting in the loss of social and community cohesion.

15. I note the concerns of the Council and other interested parties about the location and number of HMOs, including unlicensed HMOs in the locality, and the effects of such concentrations. However, from the map provided by the Council¹, even taking into consideration the HMO at 9 Harrison Street, the number of licensed HMOs is well dispersed within the surrounding area. Outside of the shopping area and within the surrounding residential streets, I observed quiet and well-kept urban street scenes of what appeared to be predominantly family homes. As such, even if I were to accept there are unlicensed HMOs which have not been identified, there was negligible aural or visual evidence, such as litter, noise or parking congestion, one would expect in an area with an imbalance towards HMOs.
16. I have not been supplied with any substantive evidence to demonstrate that existing HMOs within the area have resulted in a significant increase in crime. Having regard to the nature of the application there is no cogent evidence that the proposed HMO would attract or be likely to be occupied by persons more likely to commit crimes or to carry out anti-social behaviour. Additionally, there is no convincing evidence to demonstrate the proposed development would place an unacceptable demand on local services. The proposal would therefore satisfy criterion i) of Policy H26.
17. Overall, I conclude that it has been shown that the appeal site is a suitable location for the proposed development, having regard to the development plan's approach to the provision of HMOs. The proposal would accord with Policy H26 of the BBLP.

Conditions

18. I have considered the conditions suggested by the Council, having regard to the six tests set out in the National Planning Policy Framework. For the sake of clarity and enforceability, I have amended the suggested conditions as appropriate.
19. In addition to the standard implementation condition, it is necessary, in the interests of precision, to define the plans with which the scheme should accord. It is necessary, in the interests of the character and appearance of the area, to secure bin storage. In the interests of living conditions of future occupiers, a condition is necessary for soundproofing.

Conclusion

20. The proposed development would accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this. I conclude that the appeal should be allowed.

A Hickey

INSPECTOR

¹ Ref: Appendix 1 - 52 Paradise Street, Barrow-in-Furness LA14 1JG – Appeal 3319147, dated 11/10/2023

2022/0709

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings 22031-300-A, 22031-301, 22031-310-A, 22031-306-A, 22031-308-A, 22031-309-A, 22031-305-B, 22031-304-C and 22031-307-A.
- 3) The bin storage area, as shown on approved drawing 22031-304-C, shall be implemented prior to any occupation of the building and thereafter retained as such.
- 4) Prior to the occupation of the property, the soundproofing as detailed on approved plans 22031-307-A, 22031-308-A, and 22031-310-A shall be installed and permanently retained.

End



Appeal Decision

Site visit made on 18 December 2017

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 February 2018

Appeal Ref: APP/W0910/W/17/3179882

4 Park Avenue, Barrow-in-Furness, LA13 9BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mathew Johnston against the decision of Barrow-In-Furness Borough Council.
 - The application Ref B20/2016/0882, dated 2 December 2016, was refused by notice dated 7 March 2017.
 - The development proposed is the change of use of existing dwelling to House in Multiple Occupation (HMO) including conversion of loft and comprising 7 No. en-suite bedrooms with shared kitchen and 1No. self-contained studio bedroom with en-suite shower and kitchenette.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue raised by this appeal is the effect the proposed development would have on the living conditions of occupiers of neighbouring residential properties.

Reasons

3. The appeal site is a four bedroom terraced house with a basement set between two similar properties. Park Avenue is lined by dwellings on one side facing the park on the opposite side of the road. I have not been presented with any evidence to suggest that other properties within the terrace, or farther along Park Avenue, are occupied as Houses in Multiple Occupation (HMO) or have been subdivided into flats.
4. The proposal would provide eight bedrooms over four floors with a shared kitchen and living area in the basement. One of the bedrooms would be in the attic and although described by the appellant as a self-contained studio bedroom could in effect be capable of being occupied as a separate flat with its own cooking facilities, albeit that occupiers may well have access to use shared facilities as well. The appellant advises that it is intended that the development would be occupied by eight persons.
5. The site is set between two adjoining houses and this close proximity means that it has a sensitive relationship to its immediate neighbours at 2 and 6 Park Avenue. The front door is immediately adjacent to that of No 2 and the rear

- French doors would be next to the party boundary with the outdoor space to the rear of No 6.
6. Taking account of the size of the appeal property, the activity generated by eight persons living independent lives, along with their visitors, and their coming and goings would lead to an level of activity that would be more marked and intensive than that which could reasonably be expected to be associated with a single house, even one occupied by a large family. This would give rise to a level of general noise and disturbance at an intensity that would be disruptive, particularly to the occupiers of Nos 2 and 6. The overall effect would be one which would lead to material harm to the living conditions of those neighbours, a consideration which carries considerable weight against the proposal.
 7. On street parking immediately outside the site is designated for permit holders only for certain hours, with unrestricted parking on the other side of the road. There is no substantive evidence to suggest that there would be any severe adverse impact on highway safety, and I note that the Highway Authority reached a similar conclusion in that respect.
 8. However, accepting that it cannot be certain what level of car ownership future occupiers may have and this may fluctuate over time, there is the potential for each occupier to have access to a car and this could lead to a considerable number of additional vehicles coming and going. Whilst such an activity would not on its own necessarily be disruptive, considered cumulatively and focused on a single property would lead to significant disturbance as a result of the intensity of use, compounding other effects.
 9. These circumstances would also lead to increased competition for spaces in an area which it is reported is presently heavily parked. This would result in increased inconvenience and frustration to occupiers of less densely occupied neighbouring residential properties, adversely affecting their enjoyment. Whilst such effects are unlikely in themselves be so harmful to neighbours' living conditions to warrant dismissing the appeal, they would nevertheless further compound the harm caused by noise and disturbance and this too weighs against the proposal.
 10. As the proposal includes the subdivision of part of the property to a flat, the development would not accord with saved Local Plan¹ Policy B6 which only permits such subdivision where there is no detriment to residential amenity, amongst other criteria. I note that this policy does not have any requirements particular to the HMO component of the scheme. The development would not accord with the National Planning Policy Framework's core planning principle of always seeking a good standard of amenity for all existing and future occupants of land and buildings.
 11. Emerging Local Plan² Policy H26 sets criteria for the acceptability of proposals for HMOs with over six occupiers and the subdivision of dwellings. The development would not accord with its requirement that there should be no unacceptable impact on the residential amenity of neighbouring properties, especially with respect to noise and other disturbance. However I can only give this emerging policy limited weight having regard to its stage of

¹ Barrow-in-Furness Borough Council Local Plan Review, 2001.

² Barrow Borough local plan – Pre-Submission draft, 2017.

- preparation. The terms of emerging Local Plan Policy H26 would appear to be less pertinent to the consideration of the main issue of this appeal.
12. The appellant advises that he is in the process of converting the property into a six bedroom HMO, with the benefit of permitted development rights, and I noted that internal works were underway when I visited the site. There is therefore a greater than theoretical possibility that such a 'fallback' development would take place and it is one which carries some weight in support of the proposal.
 13. However, as a proportion an additional two rooms is a material and significant increase upon the six rooms in the fallback scheme, including that a separate flat would effectively be created. Even considerate occupiers would generate a degree of noise and disturbance through every day comings and goings. Having regard to the size, situation and configuration of the appeal property, the cumulative effects of those associated with occupiers of eight separate rooms would be clearly perceptible, and obviously and evidently greater than those compared to the occupation of the dwelling as a six person HMO or indeed as a large family home.
 14. I have been referred to a number of appeals and I am conscious that the circumstances, character and likely occupants of each were particular to those cases and these were in different authority areas, with a different development plan policies in force. However, I noted that in an appeal³ in Southampton relating to a terraced house the Inspector found that in respect of a proposed eight bedroom HMO, the effect of two additional occupiers would be perceptible and result in material harm to neighbours' living conditions compared to occupation as a family dwelling or a 'small HMO' (i.e. six persons) and result in the over-intensive use of that site.
 15. The Inspector in appeals⁴ in Liverpool found that a six person HMO in a semi-detached property would be materially less densely occupied than an eight person one and would be likely to give rise to less disturbance than the proposed configuration. Conversely, whilst an appeal⁵ in Nottinghamshire was allowed for accommodation for up to eighteen persons where the Inspector found that increased movement and people would not have a materially adverse effect on living conditions, that related to a much larger twelve bedroom detached property set within a spacious plot.
 16. My decision does not turn on consideration of these other appeals, although I have noted that in their particular circumstances Inspectors have found material differences between an eight room HMO and a six room fallback development, circumstances which concur with my findings. I have also been referred to a number of other appeals by interested parties objecting to the proposal, however I have only been provided with very limited details of these and consequently they have not been considerations I have been able to take into account.
 17. I recognise that the matter is finely balanced but whilst a genuine fallback of a six person HMO exists, this does not provide sufficient justification for the proposal which would result in materially more dense and intensive occupation

³ APP/D1780/C/11/2156569

⁴ APP/M4320/A/11/2147504, etc.

⁵ APP/P3040/W/16/3158449

of the building and lead to material harm to neighbouring occupiers' living conditions.

18. The development would have the benefit of providing additional homes and contribute to the variety of accommodation available, in a location which the appellant advises is relatively close to the town centre and public transport. However, these benefits would be limited in scale and weighing them against the material harm to neighbours' living conditions they would not amount to the convincing justification necessary to warrant allowing the appeal. Given the harm to neighbours' living conditions the proposal would not perform the social or environmental roles the Framework considers development should demonstrate to be considered as sustainable.
19. I am conscious that the Council's decision was different to that which officers' recommended, however elected members are not duty bound to accept their officers' recommendations and this has not led me to an alternative conclusion.

Conclusion

20. For the above reasons, and having had regard to all other matters raised, the development would harm the living conditions of occupiers of neighbouring residential properties, contrary to the development plan and the Framework. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR

Policy H26: Large Houses in Multiple Occupation (HMOs) and the Subdivision of Dwellings

Proposals for the subdivision of dwellings and those which involve the creation of large houses in multiple occupation (over 6 occupiers) will be acceptable providing that:

- a) Such proposals do not lead to the unacceptable loss of good quality family housing, taking into account housing needs identified in the current Strategic Housing Market Assessment;
- b) There will be no unacceptable impact on the residential amenity of neighbouring properties, especially with respect to privacy, noise and other disturbance;
- c) The proposal would not adversely affect the character of the building or the surrounding area, for example through an unacceptable increase in on-street parking;
- d) The proposed internal design ensures that units will have access to sufficient natural light, ventilation, privacy, outlook and indoor amenity space;
- e) The proposal does not lead to inappropriate stacking of rooms;
- a) Adequate suitably screened space is provided for the storage of refuse, recycling bins and cycles;
- g) Outdoor amenity space is provided where possible;
- h) There is adequate access from the residential unit to both the front and rear of the building;
- i) The proposal would not lead to an over-concentration of similar uses resulting in the loss of social and community cohesion; and
- j) The site is within easy reach of public transport and community facilities.

The design principles set out in the Development Strategy chapter should be followed where appropriate.

**Barrow-in-Furness
Local Area Planning Committee**

Report Title:	Appeal Decision
Meeting:	Planning Committee
Meeting Date:	13.02.24
Report Author:	Adrian Adams
Wards Affected?	Walney North Ward
PUBLIC	
List of Appendices (if any)	1. Appeal Decision Notice

1. Executive Summary

1.1 Appeal decision from the refusal of 2023/0469

2. Recommendation

For the reasons set out in this report, it is recommended that -

2.1 To be noted

3. Information: The Rationale and Evidence

3.1 Appeal dismissed and the Council's reasons for refusal upheld

4. Link to Council Plan Priorities: (People, Climate, Communities, Economy and Culture, Customers, Workforce)

4.1 Local Planning Policies DS5 and HE1

5. Consultation Outcomes (with services, ward councillors & public consultation where required)

5.1 N/A

6. Alternative Options Considered

6.1 N/A

7. Financial Implications and risk

7.1 N/A

8. Legal & Governance Implications

8.1 N/A

9. Human Resources Implications

9.1 N/A

10. **Equality & Diversity Implications** (including the public sector equality duty, Armed Forces Families, Care Leavers and Health inequalities implications)

10.1 N/A

11. Background Information & Sources (used in preparation of this Report)

Planning Application No/Appeal Ref	Site	Description of Development	Decision
2023-0469 Appeal Ref: APP/K0940/Z/23/3330549 Delegated Refusal 07.09.2023	Advertising site to the south of Chairman's Walk, Barrow-in-Furness, Cumbria	Advertisement consent for the conversion of a poster display hoarding to digital.	D-17.01.2024

11.1 Inspector's Reasoning

Issues -

11.2 The Inspector determined that the main issues were the effect of the proposed advertisement upon the amenity of the local area.

11.3 The site comprises an advertisement hoarding on Chairmans Walk, on the Promenade in Barrow-in-Furness, situated within the North Vickerstown Conservation Area (the CA) and some distance to the north of the Grade II Listed Building of St Mary's Church (the Listed Building). The application proposed to convert the current poster advertisement to a digital display.

11.4 The Inspector stated that whilst the proposed digital poster display would be of the same size as that of the existing poster board, the appearance of the display would cause the proposal to be more dominant in this immediate location than the current poster. Even among the signage for the Ferry Hotel, it would appear as an overtly contemporary and out of place addition in this section of the CA due to its illumination and digital nature reading as incongruous and visually jarring.

11.5 The Inspector also stated that the digital poster display would also adversely affect the setting of the Grade II Listed St Mary's church to the south of the site.

11.6 The Inspector concluded that the proposal would harm amenity and would conflict with Policies DS5, HE1 of the Local Plan and dismissed the appeal on that basis.



Appeal Decision

Site visit made on 10 January 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 17 January 2024

Appeal Ref: APP/K0940/Z/23/3330549

Chairmans Walk, Barrow-in-Furness, Cumbria LA14 3PE

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Adil Iftakhar (Wexham Homes Ltd) against the decision of Westmorland and Furness Council
 - The application Ref B22/2023/0469 dated 12 July 2023 was refused by notice dated 7 September 2023.
 - The advertisement proposed is conversion of poster advertisement display to digital.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Regulations, National Planning Policy Framework (the Framework) and Planning Practice Guidance state that advertisements should be subject to control only in the interests of public safety and amenity. I have taken into account Policies DS5, HE1 and HE4 of the Barrow Borough Local Plan 2016-2031 (the Local Plan). These policies seek to protect amenity and are material in this case but are not determinative in reaching a decision on the appeal.
3. Since the determination of this application, the Government published a revised Framework on 19 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach. Where I have referred to paragraphs of the Framework, I have used the revised version.
4. Reference is made in the Officer's Report to the proposal causing 'less than substantial harm' to the surrounding conservation area. However, for the avoidance of doubt, paragraphs 205-209 of the Framework relate to heritage-related consent regimes under the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) and are not relevant to advertisement consent appeals. I have proceeded on this basis.

Main Issue

5. The main issue in this case is the effect of the proposed advertisement on the visual amenity of the area.

Reasons

6. The site comprises an advertisement hoarding on Chairmans Walk, on the Promenade in Barrow-in-Furness, situated within the North Vickerstown Conservation Area (the CA) and some distance to the north of the Grade II Listed Building of St Mary's Church (the Listed Building). The proposal seeks to convert the current poster advertisement to a digital display.
7. A Heritage Statement has been provided with the appeal, which states that the CA is an early 20th century residential suburb, made up of back-to-back terraced rows of roughcast exteriors with timber gables and larger two-storey semi-detached arts and crafts style houses. It outlines that the CA derives its significance as an intact example, both in terms of layout and character, of a planned, model, industrial settlement. Based on my observations, I have no reason to disagree with this description.
8. While the immediate surrounds of the appeal site are primarily commercial due to the Ferry Hotel and visible industry across the Jubilee Bridge, it remains that the adjacent hotel's style and appearance reflects the wider CA. Despite visible later additions, it retains a roughcast exterior similar to the nearby housing, with upper front turrets reminiscent of the timber gables. Although the current poster display is prominently located beside this hotel, due to its non-illuminated nature it remains somewhat muted, respecting the overarching traditional style of both the hotel and the wider CA.
9. The scale and positioning of the proposal would match that of the existing poster display, an example of which has been present at the site for some time in accordance with the submitted evidence. However it would vary significantly as it would display digital images that, although static, would change on a 10 second sequential rotation and be significantly sharper images than those that could currently be displayed. In particular, while the illumination levels could be conditioned to levels that comply with best practice guidance, this element of the proposal would increase its prominence both during the day and night when compared with the current poster display.
10. All of these factors would cause the proposal to be more dominant in this immediate location than the current poster. Even among the signage for the Ferry Hotel, it would appear as an overtly contemporary and out of place addition in this section of the CA due to its illumination and digital nature reading as incongruous and visually jarring. Insofar as it relates to visual amenity, my duty under section 72(1) of the Act requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. Overall, even given its position set back from the road against a backdrop of trees, the proposal would detract from the overarching traditional character of both the immediate part of the CA and its wider area.
11. The site is also located some distance to the north of the Listed Building, which dates from the early 20th Century and is noted for its gothic revival style. The statutory duty under section 66(1) of the Act only applies to the consideration of whether to grant planning permission. However, I have considered the contribution the Listed Building makes to the general characteristics of the area in terms of amenity. It sits within an elevated position so as to be a notable and prominent building readily experienced within the immediate area, particularly when travelling west along the Jubilee Bridge, contributing positively to the immediate character due to its traditional appearance.

12. While the site is some distance from the Listed Building, with an element of screening provided by intervening landscape features, I observed that it remains visible from certain parts of the grounds of the Listed Building. In addition, from the Jubilee Bridge the site lies within the setting of the Listed Building, clearly visible in conjunction with it. As a result of its positioning, digital design and illumination, the proposal would be a highly prominent and incongruous addition which would visually compete with the Listed Building, detracting from and failing to preserve its setting. Given the importance of the Listed Building to the general character of the area, this would be harmful to visual amenity.
13. Paragraph 141 of the Framework acknowledges that the quality and character of places can suffer when advertisements are poorly sited and designed. Overall, while I acknowledge the findings of the appellant's Heritage Statement, based on my observations the proposal would, for the reasons given above, have a harmful effect on the visual amenity of the area.
14. Given that I have concluded that the proposal would harm amenity, it conflicts with Policies DS5, HE1 and HE4 of the Local Plan, which seek to ensure that development contributes to the character, appearance and historic interest and value of streetscenes and heritage assets, including their setting.

Other Matters

15. The appellant has referred to the high quality of the proposal compared to current poster display which is showing signs of vandalism. While this is acknowledged, it remains that the poster display would, for the reasons outlined above, cause harm to the visual amenity of the area that would not be outweighed by this. The main parties agree that the proposal would not result in harm to public safety or highway safety. This represents a lack of harm which is neutral in the planning balance.

Conclusions

16. Having had regard to all matters raised, the appeal should be dismissed.

C Rafferty

INSPECTOR

Appeal Decisions Sept 2023 to date

A – Appeal is allowed
D – Appeal is dismissed

Planning Application No/Appeal Ref	Site	Description of Development	Decision	Reported to Members
2022/0709 Appeal ref : APP/W0910/W/23/3319147 Committee Refusal against officer recommendation	52 Paradise Street Barrow-in-Furness	Conversion of existing building to 14 bed HMO	A-08.12.23	December 2023
2023/0163 Appeal Ref : APP/W0910/W/22/3324052 Delegated Refusal	2 Castle View, Barrow-in-Furness, Cumbria, LA14 3YB	Loft conversion, including side dormers forming two bedrooms in loft and bathroom	D-10.8.23	Sept 2023
2022/0291 Appeal Ref: APP/W0910/W/22/3308866 Committee Refusal against officer recommendation	Furness Abbey, Barrow-in-Furness	Installation of new statue in memory of Sir John Laing	A-07.8.23	Sept 2023
2022/0723 Appeal Ref: APP/W0910/D/23/3316082 Delegated Refusal	61 Dover Street, Barrow-in-Furness, Cumbria	Erection of balustrade to form rear balcony area on existing roof	D-01.8.23	Sept 2023

2022-0763 Appeal Ref : APP/W0910/W/23/ 3314824 Delegated Refusal	Rock Lea, Barrow-in- Furness Cumbria, LA13 9FA	Erection of approved house type but constructed with eaves 1m taller (retrospective).	A-24.7.23	Sept 2023
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