

CHAPTER 7 : COMMUNITY FACILITIES AND STANDARDS FOR NEW DEVELOPMENT

PART 1 : INTRODUCTION

7.1.1 This Chapter covers a variety of topics related to the community's interface with development. It deals with developments that are needed by the community as well as the infrastructure and other community considerations involved in development.

PART 2 : COMMUNITY FACILITIES

7.2.1 The period since the adoption of the original Local Plan in 1991 has generally seen a rationalisation of community facilities and no major new allocations in the health, welfare, cultural and education sectors are considered necessary in this Review. The only specific allocation is the reservation of the land on the Abbey Road side of Furness General Hospital for health related purposes, in order to secure the maximum benefit from the investment made in the Hospital.

POLICY F1

The land shown on the Proposals Map on the Abbey Road side of Furness General Hospital is allocated for health related purposes, linked in to the use of the Hospital.

7.2.2 Applications have been received in recent years for medical and dental practices in residential areas where the parking facilities are becoming strained.

POLICY F2

Health centres, welfare buildings and doctors, dentists and other surgeries should be located within, or on the edge, of town, neighbourhood or village centres. They will only be allowed in residential areas if;

- a) They occupy large properties or former commercial properties which are not capable of being readily converted to residential use and which have been vacant and on the market for at least a year; and*
- b) They provide adequate on-site parking space or there is adequate on-street space in the immediate area without their use causing undue congestion or loss of amenity; and*
- c) Their hours of use will not cause a significant loss of residential amenity.*

- 7.2.3 In June 1992 the Council adopted a policy for development control purposes with regard to childrens' nurseries. It had considered a report that recognised that there was a social need for promoting nursery facilities but that residential amenities also had to be preserved. It was judged that internal noise nuisance could be effectively controlled by sound insulation and that the major disturbance was likely to occur through noise nuisance outside the nursery, particularly in a garden play area; disturbance could also be caused by increased traffic activity.
- 7.2.4 The Planning and Environment Committee felt that it was appropriate to devise a policy which made a distinction between smaller nurseries, which were more in scale with family use of properties and those larger nurseries which would be more in keeping with such accommodation as schools, church halls and community centres.
- 7.2.5 The working policy that was evolved has been found to be broadly acceptable in practice and is, therefore, partly incorporated in this Review. It has been amended to take account of the Planning and Environment Committee's experience of it and of an advisory letter from the Department of the Environment to all planning authorities, dated 29th March, 1996.

POLICY F3

Childrens' nurseries catering for more than six children at a time will not be allowed if they are considered to bring undue harm to the residential amenity of an area by virtue of the amount of traffic generated or the amount of disturbance from play areas. Play areas must either not adjoin the curtilages of other dwellings or, where there is reasonable separation from other curtilages, must be provided with adequate screening either by acoustic fencing or as a result of the presence of substantial landscaping.

PART 3 : STANDARDS FOR NEW DEVELOPMENT

A. Drainage and Water Supply

- 7.3.1 The bulk of the waste water from the developed area of the Borough now drains to the Salthouse Pool Waste Water Treatment Works.
- 7.3.2 Throughout the area the Authority and the Environment Agency are keen to ensure that development does not cause pollution or public health problems by virtue of inadequate drainage arrangements and that developers give careful consideration to ways of ensuring the efficient use of water.
- 7.3.3 The area enjoys a plentiful local water supply. There is, however, one water supply concern for the area, which relates to the Major Aquifer in the St. Bees Sandstone under Barrow and has been identified as an issue in the Environment Agency's "South Cumbria Local Environment Agency Plan", which states as follows:

“Heavy abstraction of groundwater for industrial and public supply from the sandstone aquifer around Barrow has exceeded natural recharge. This has resulted in a fall in water levels to well below sea level in areas near the coast. There is a risk of deterioration in groundwater quality from saline water intrusion from the sea.

Abstractors in the affected area are operating within their licensed quantities.

To ensure sustainable use of groundwater the only realistic option open to the Agency is to refuse applications for further abstractions within the Furness aquifer. Developers wishing to utilise mains water will not be affected by this embargo.”

POLICY F4

New development will be permitted if foul sewers and sewage treatment works of adequate capacity and design are available or will be provided in time to serve the development. The proliferation of small private package sewage treatment plants and other types of discharge direct to watercourses within sewered areas will not be allowed. The use of septic tanks will, in consideration with the Environment Agency, only be considered if connection to the mains sewerage is not feasible and only then if ground conditions are satisfactory and the plot of land is of sufficient size to provide an adequate subsoil drainage system.

POLICY F5

In all new housing developments the Council will require all foul and surface water drainage works and water conservation and recycling measures such as water meters and rain water butts to be completed in accordance with approved details before any dwelling is occupied. The Authority will require, where appropriate, drainage to be provided on a separate system.

POLICY F6

Proposals for new development involving sites in excess of 0.4 ha must be accompanied by details of all land drainage arrangements. These must be designed so as to ensure that there is no deleterious effect on adjoining occupiers of land, important wildlife habitats or watercourses in the vicinity.

POLICY F7

Other than for already allocated housing sites, development which increases the requirement for water supply will be permitted only where an adequate water supply either exists or can be provided without detriment to river flows, water quality or nature conservation interests.

B. Flooding

7.3.4 There are areas that can flood along Mill Beck/Poaka Beck, as well as other pockets locally where there are impedances to natural drainage. There are also parts of Walney, Salthouse and Askam that could, in certain circumstances, be inundated from the sea. The Council and the Environment Agency agrees, therefore, that cautious policies are needed for such areas. Until the early 1990's, the Authority had required development to have floor levels at least 6.7 metres Above Ordnance Datum. In development control decisions since it has increased this to 7.0 metres in order to take account of the estimated effect of global warming. This is now embodied in the relevant Policy below.

POLICY F8

Within the identified floodplain or in the areas at unacceptable risk from flooding the Authority will not accept new development, the intensification of existing development or land raising, unless it is decided that development in such areas should be permitted for social or economic reasons. In these cases appropriate flood protection and mitigation measures, including measures to restore floodplain or provide adequate storage, will be required to compensate for the impact of development. At sites suspected of being at unacceptable risk from flooding but for which adequate flood risk information is unavailable, developers will be required to carry out detailed technical investigations to evaluate the extent of the risk. In all cases, developers will be required to identify, implement and cover the costs of any necessary measures and to submit full technical information with their planning applications.

POLICY F9

The Authority will refuse development that would result in adverse impact on the water environment due to additional surface water run-off, unless appropriate alleviation or mitigation measures, as agreed with the Authority in consultation with the Environment Agency, are provided. Developers will be expected to cover the costs of assessing surface water drainage impacts and of any appropriate mitigation works.

POLICY F10

Development will not be permitted which would adversely affect the integrity and continuity of tidal and fluvial defences. Access to existing and future tidal and fluvial defences for maintenance and emergency purposes will be protected and where appropriate, improved. Where development relating to tidal and fluvial defences is permitted, the Authority will, in consultation with appropriate bodies including the Environment Agency, require appropriate measures to be incorporated in order to ensure that the stability and continuity of the defences is maintained. Developers will be expected to cover the costs of any appropriate enhancement and mitigation works, including their long-term monitoring and management. In appropriate cases the Council will seek public access to new and reconstructed tidal and fluvial defences.

POLICY F11

The floor levels of all new development must be at least 7 metres above Ordnance Datum.

C. **Crime Prevention**

7.3.5 It is now increasingly recognised that the way in which development is located, designed and laid out can have an influence on crime prevention in a number of ways, including;

1. Not siting incompatible uses close to one another;
2. Creating interesting and varied environments that are well used;
3. Ensuring roads and parks are overlooked by surrounding properties;
4. Designing housing layouts, to encourage “ownership” by residents of the areas close by;
5. Provision of sporting, recreational and leisure opportunities;
6. Designing, landscaping and lighting roads, footways and cycleways to avoid isolated or hidden stretches; and
7. Designing and equipping car parks to avoid ‘hidden’ areas.

7.3.6 Circular 5/94 provides detailed advice to planning authorities and indicates that crime prevention may be a material consideration, when planning applications are considered. Applicants are advised to consult the Cumbria Constabulary’s Architectural Liaison Officer at an early stage on relevant schemes where good design may help deter criminal activity. Schemes considered suitable by the Cumbria Constabulary can bear the approved title, “Secured by Design”.

POLICY F12

The design, lighting, layout and location of new development will be carefully examined by the Authority, in consultation with Cumbria Constabulary, to ensure that it is not contrary to the interests of the prevention of crime and development will be refused if it is considered that it will give rise to an increased likelihood of crime.

D. Access for People With Disabilities

- 7.3.7 It is essential that the needs of people with disabilities are acknowledged and provided for in the layout and design of any new development. Those with disabilities deserve careful consideration in the layout and design of development, including wheelchair users, those who are able to walk but with difficulty, those who are wholly or partially deaf or blind and others for whom movement to and within buildings is not easy.
- 7.3.8 When a new building is proposed or when planning permission is required for the alteration or change of use of an existing building the Authority will negotiate with the developer to ensure that the needs of people with disabilities are met at an early stage in the design process.
- 7.3.9 The extent to which access for the disabled is a material consideration in the planning process is now set out in Paragraphs 33 and 34 of PPG1. Developers are now, therefore, advised that there are relevant considerations within the Disability Discrimination Act which they would be well advised to consult preparatory to developing plans for their schemes.
- 7.3.10 The policy below is an extension of one that the Council successfully adopted for development control purposes in 1986. The Authority commends the Centre for Accessible Environment's publication "Designing for Accessibility" in providing good advice and practice with regard to those issues, particularly on interpretation of Part M of the Building Regulations.

POLICY F13

The Authority will provide advice to and negotiate with developers for the provision of satisfactory access for people with disabilities whenever alterations are made to the access arrangements of any building to which the public have access.

POLICY F14

Permission will be refused for development where the layout does not adequately provide for the reasonable access needs of people with disabilities, unless such access is prevented by local topography.

E. Planning Obligations (Section 106 of the 1990 Planning Act)

- 7.3.11 Circular 16/91 advises that local planning authorities should make it clear in Local Plan policy "where planning obligations are to be sought regularly in connection with certain types of development". This requirement is reiterated in PPG12. Other PPGs refer to the potential for planning obligations to secure various legitimate planning

objectives including affordable housing (PPG3), infrastructure provision (PPG12) and the provision of “public” open space and sporting, recreational, social and community facilities as part of a larger mixed development, including contributions to nearby or off-site facilities (PPG17).

7.3.12 References to where certain types of development or their infrastructure needs or other public impacts will require a Section 106 Obligation appear in various parts of this Plan.

7.3.13 It is not possible to be prescriptive as to particular types of development or levels of threshold where they will automatically be required as this will depend on the circumstances and merits of particular proposals or their location. However, the main areas and considerations are likely to be related to:-

1. Road improvements, sewage treatment and other services and infrastructure.
2. The provision of public transport facilities or services or routes for non-motorised transport, such as greenways and cycleways.
3. The provision of play areas and other recreational facilities, both indoor and outdoor.
4. Treatment of contamination or instability.
5. Limitations on the amounts of development on parts of sites or on its timing.
6. Contributions toward the provision of public art.
7. Provision of nature reserves or other facilities for the management or interpretation of natural history interests.
8. Works to listed buildings or for the preservation or enhancement of conservation areas or the physical preservation and/or excavation and recording of archaeological remains.
9. The provision of commuted payments for such aspects as car parking on sites of limited size.
10. The provision of community facilities and services.
11. The lodging of bonds with the Authority for installations likely to have a finite life.

POLICY F15

In the case of new housing, commercial, industrial and other development on significant sites, where appropriate, the Council will seek, by planning condition or planning obligation under Section 106 of the 1990 Act, to provide for infrastructure requirements and new social, recreational and community facilities, where the need for these is fairly and reasonably related to the development concerned. The types of facilities which may be required, are listed in paragraph 7.3.13 and elsewhere in this Local Plan. Provision may be made on site, or commuted payments may be negotiated to provide facilities elsewhere if their location can adequately serve the development site, or needs generated by it.

F. Personal Circumstances

7.3.14 In the Town and Country Planning (General Development Procedure) Order 1995, all local authorities are obliged to publicise planning applications. In Barrow, the Authority has gone further, by allowing people to speak directly to Committee. The procedure adopted is as follows:

1. If an objector has asked to speak, that objector, together with the applicant, is invited to speak at the meeting.
2. If an applicant has asked to speak, the applicant, together with all objectors to the proposal, are invited to speak to the meeting. (However, if there are many objectors, they are asked to appoint two or three representatives to speak on their behalf).
3. If requests are made less than a week before the Committee date, the Committee Clerk decides whether the necessary arrangements could be put in place. If not, the Committee are asked if they wished to defer consideration of the report.
4. All people invited to speak to Committee are allowed five minutes to make their points. Councillors can ask questions of them for clarification but no further submissions are otherwise allowed.
5. Following representations, if the application was then deferred for some reason, say a site visit, people are not given the opportunity to speak again at the next meeting. (It is preferable for the Committee to ask for a site visit in advance of listening to representations).

This procedure of allowing representations has stood the test of time and not led to any significant problems in practice. However, one aspect that could be problematic related to public presentations regarding personal circumstances. Some details of personal circumstances were more appropriately dealt with in Part Two of the Agenda, where the press and public were excluded. This obviously led to the difficulty of

objectors being present when dealing with confidential matters. In reality, personal circumstances have often related to medical and health reasons and to new residential property outside the designated urban area. The Government's guidance has been firm and clear - personal circumstances should be not used to justify permanent development when it is counter to strong planning policy. The Committee has reaffirmed its intention to follow this advice on future applications, therefore, many such personal circumstance applications would not be submitted in the first case, as applicants would not wish to waste the cost of submitting a planning application if they were already aware of the firm intention to follow Government advice.

POLICY F16

Personal circumstances are, exceptionally, a material planning consideration but they will seldom justify permanent new development contrary to the policies and proposals of the plan since such development will remain long after the personal circumstances of the applicant have ceased to be material.

G. Development in Accordance With Approved Plans

7.3.15 The Authority is keen to see that the policies of this Plan are carried out in development control decisions and that they are followed through to the implementation of development.

7.3.16 It has been occasional practice for developers to fail to carry out every part of a layout shown on an approved plan, such as a footway, or verge or fence. It is not always possible to enforce their provision unless a suitable condition has been imposed on the consent.

POLICY F17

The Authority will attach conditions in all appropriate planning permissions to require the essential elements of the development to be carried out and completed in accordance with the planning permission, including any agreed phasing programme.