

PLANNING COMMITTEE

25th November 2008

PLAN NUMBER:	APPLICANT:	AGENT:
2008/1008	Atherton Development	Mr M Gadsden M & P Gadsden Consulting Engineers
WARD/PARISH:	CASE OFFICER:	DATE RECEIVED:
Dalton North Askam & Ireleth Parish Council	Ian Sim 01229 876384	28/10/2008
		STATUTORY DATE:
		22/12/2008
LOCATION:	Land off Lord Street, Askam-in-Furness	
PROPOSAL:	Erection of 6 No. dwellings and a detached garage with new access road and improvement to existing road	
SAVED POLICIES OF THE FORMER LOCAL PLAN:	POLICY B3	

POLICY B3

Applications for residential development on unallocated sites will be permitted where they accord with the sequential approach of the Structure Plan and also satisfy the following criteria:

- i) The site is located within the built up area of existing settlements or the development cordons identified in Policy B13; and
- ii) The siting, scale, layout and design (in the materials and form of the buildings) of the development is sensitive to the local environment, it promotes the principles of 'Secure by Design' and adequate parking provision is made; and
- iii) Adequate access arrangements can be provided, including servicing the site by the public transport and by cycle routes; and
- iv) The development is laid out in a way that maximises energy efficiency; and
- v) The development will not result in the loss of land which has a recognised or established nature conservation interest; and
- vi) The development must not cause an undue increase in traffic passing through existing residential areas such as to be detrimental to residential amenity or highway safety; and

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- vii) Adequate water supplies, foul and surface water sewers and sewerage treatment facilities exist or can be provided; and
- viii) 'A risk-based approach will be adopted for development in or affecting flood risk areas to minimise the risk of flooding associated with the site and the potential effect development of the site might have elsewhere through increased run off or a reduction in the capacity of flood plains. This shall be in accordance with the sequential characterisation of flood risk set out in Table 1 of Planning Policy Guidance Note 25 'Development and Flood Risk; and
- ix) Where contamination is suspected, a desk study is undertaken and if necessary a site investigation is undertaken and remediation strategy submitted.

POLICY B4

For allocated and unallocated sites the Authority will expect a density of at least 30 dwellings per hectare with higher densities sought in accessible locations and/or where consistent with good urban design principles.

POLICY B13

In the following villages, residential development and the conversion of existing buildings for residential purposes will be allowable within the residential cordon, especially if it contributes to the maintenance of that community, subject to conformity with the criteria of Policy B3 and the principles of Structure Plan Policy ST3:

Askam & Ireleth, Biggar Village, Lindal, Marton, Newton, North Scale, Rampside, Roa Island.

POLICY B15

Where privacy is to be protected through distance, a minimum of 21 metres will be required between the facing windows of habitable rooms of different homes. Exceptions to this policy may be made for the facing windows of ground floor habitable rooms, where adequate screening exists and also in cases where normal standards of separation cannot be achieved and existing standards will not be eroded by accepting distances of less than 21 metres.

The use of obscure glazing in habitable room windows will not be an acceptable measure to overcome the provisions of this policy if this is deemed to provide a sub-standard level of accommodation.

POLICY D21

In determining all applications submitted to it the local planning authority will have regard to the General Design Code set out in paragraph 5.4.27 of this plan.

In towns and villages, proposals shall relate to the context provided by buildings, street and plot patterns, building frontages, topography, established public views, landmark buildings and other townscape elements. Proposals that do not respect the local context and street pattern or the scale, height, proportions and materials of surrounding buildings and development which constitutes over development of the site by virtue of scale, height

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or bulk will not be permitted, unless there is specific justification, such as interests of sustainability, energy efficiency or crime prevention.

Development proposals in the countryside shall respect the diversity and distinctiveness of local landscape character. New farm buildings will, in general, be required to be sited within or adjacent to an existing farm building complex or in other well screened locations and to be subject to a complementary design and use of materials, with, where necessary, a 'planting' scheme.

POLICY E2

Highways proposed in housing developments must be designed and constructed to adoptable standards.

POLICY E3

Where development is proposed which is considered will cause an increase in traffic on an un-adopted or unsatisfactory section of road such development will be refused. If the developer can secure the making up of the road to adoption standards and providing all other criteria of this Plan have been satisfied, permission will be granted.

SUMMARY OF MAIN ISSUES:

The location is an urban brownfield site the re-development of which accords with national and local policies to maximise the efficient use of the land.

NON MATERIAL CONSIDERATIONS:

REPRESENTATIONS:

The Occupiers of 2, 4, 6, 8 -19, 21, 27, 29, The Peaks, Askam Library, Lord Street, 28, 30, 32, 34, 36, 38, Fairwinds, Sandy Lane, 23, 25, 27, 27a Duddon Road, Ivy House, The Bungalow, Crossley Street, Askam in Furness all informed.

The Occupier, 30 Sandy Lane, Askam-in-Furness

"Comments:

1. Height of dwellings - not keeping with the area. All but one property onlooking are bungalows. Therefore, they are bringing the level of housing in the area down, they on look onto many properties because of their height and they block sunlight for many properties.
2. Parked cars - along my back fence will increase noise level, increase pollution at all hours.
3. Disruption of existing amenities. There is sewerage and gas pipes to Sandy Lane properties and possibly others underneath this land.

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4. Where is the dead end road leading too? Potentially more houses on the allotment in the future, thus increasing noise, pollution etc. I bought my house because it was a quiet area!!!
5. Are the drawings true? Can you fit width ways - a car, road, house, garden? Can cars turn into their drives ok (seems tight)? Plans say 6 houses with 2 parking spaces each, I can only count 11 spaces!
6. Application form states there are no trees currently on the vacant land, but there is.
7. What noise level will there be from the workshop moving closer to my property?
8. The 2 houses opposite mine are very close to the proposed gardens, but plans don't show this. One current property will have 4 houses blocking light and invading their privacy.
9. Land should only hold 2 bungalows facing Lord Street direction.

I strongly object to this Planning Application. Please do not go ahead with it."

The Occupier, 19 Lord St, Askam-in-Furness.

"Having looked at the drawings and details of the above application I would like to object to this application on the grounds of the proposed improvement to the existing road not being clear. The road has no drains in and is in a terrible state. I am concerned about the flooding in my garden which has happened in the past due to the road not being drained".

The Occupiers, 27, 27a, 25 Duddon Road, Ivy House, Crossley Street, Askam in Furness

"With regard to the above application; I wish to register my personal disapproval and also that of my immediate neighbours in Duddon Road and Ivy House Crossley Street to the grant of this application - All of whom wish to be officially associated with the content of this letter. Please see their names and addresses are listed below.

1: The application states that access to this development would be via Lord Street and as a condition the developer agrees to make good that access road (Lord Street)

Our response:

2. This access may well be suitable for small motor vehicles entering and leaving the site once the development has taken place.
3. During the planned development it is physically impossible for commercial vehicles to reach the site by this route as they are unable to negotiate the corner - Lord Street to the proposed site.
4. Consequently all commercial vehicles will endeavor to enter from Duddon Road
5. This is almost impossible due to the daily parking of Sellafeld traffic along the complete northern side of Duddon Road

Further Points - Relating to the use of Back Crossley Street

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1: When the current batch of 4 new/modern houses 16, 18, 27 and 29 Lord Street were erected at the proposed site end of Lord Street a number of years ago planning was granted on the proviso the access would also be via Lord Street (please check the records for confirmation of this) This was not the case during construction nor since, the residents all use Back Crossley Street - Duddon Road

2: During the more recent construction of a detached dwelling on the immediately adjacent land to the proposed development damage was actually caused to the gable end of 25 Duddon Road by a building merchants truck trying to enter the site from Duddon Road as previously stated it is impossible to enter from Lord Street with such a vehicle.

3: A great deal of damage has been caused by the heavy vehicles to the main drain situated at the Duddon Road entrance to Crossley Street, this is still evident today, the main drain has collapsed with the heavy vehicular traffic this is evident from the great lake that always appears when we have rain. This causes pedestrians to step out into the main road in order to avoid the flooding; an extremely dangerous I am sure you will agree?

4: I would also like to point out that access from Duddon Road into Back Crossley Street only extends to the Lord Street boundary of Ivy House (please check the records for confirmation of this)

5: Back Crossley Street is a confirmed unadopted road, consequently Highways nor have the council been willing to accept responsibility or maintain this road over the years and insist that the responsibility for maintenance and upkeep is the responsibility of number 25 and 27 Duddon Road and Ivy House.

We the undersigned therefore object most strongly to the proposed development.

Possible solutions could be: the developer should be made as a condition to this planning application being granted; undertake to make good Back Crossley Street.

Alternatively concrete bollards could be erected at the boundary of Ivy House properly at the Lord Street entrance to back Crossley Street and allow pedestrian access only.

I hope that you will take the time to revisit this application and take our objections and suggestion into account prior to making your final decision".

The Occupiers, 21 Lord Street, Askam in Furness

"Having examined the drawings and details of the above application regarding the erection of 6 No. dwellings, we would like to object to this application on the grounds of the - proposed improvement to the existing road being unclear.

We are uncertain whether this road will be brought up to an adoptable standard, whereby all future maintenance will be undertaken by Cumbria County Council Highways Division. At present the road is a mass of large potholes some of which are in excess of 4 meters long and 300 mm deep which fill with water every time it rains and results in the elderly resident of 14 Lord Street being housebound as her driveway is flooded to a depth of 50 to 70 mm.

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Any improvements to this road would need to include adequate drainage and traffic calming measures, as the extra vehicular traffic caused by these six extra dwellings will place heavy wear and tear on this road. I would also like to point out that the gatepost of No 14 has been demolished 3 times by vehicles even with the limited traffic that uses the road at present. I have enclosed photographs showing the state of this road and the resultant flooding it causes which makes life a misery for the long suffering residents.

If we can have your written assurance that the road will be upgraded to an adoptable standard and that we will not have to face the prospect of massive potholes and flooding in the future then this application may then be viewed in a different light”.

The Occupiers, 18 Lord Street, Askam in Furness

“Having examined the drawings and details for the above application regarding the erection of 6 private dwellings, we would like to object to the application on the grounds that the proposed improvement to the existing road is unclear.

We are uncertain as to whether this road will be brought up to an Adoptable Standard, whereby all future maintenance will be undertaken by Cumbria County Council Highways Division. At present the road is a mass of large potholes which fill up with water every time it rains flooding the road and making it nearly impossible to get to the Council adopted end of Lord Street on foot. Also as a result of this flooding, one of the household's (No. 14) elderly resident virtually becomes housebound as her driveway becomes totally flooded and inaccessible.

At the time of writing we would point out that there is a limited amount of cars using the part of Lord Street in question. Any improvements to the road would therefore need to include adequate drainage and traffic calming measures as the extra traffic resulting from these additional houses would place heavy wear and tear on an already poor road surface. Also the road access point outside No. 14 is very restricted and I believe that this external wall has already been demolished several times by vehicles using the road.

If we can have your written assurance that the road will be upgraded to an ADOPTABLE STANDARD, and that we will not have to face the prospect of massive potholes and flooding in the future, and also that during the construction any inconvenience to the householders caused by contractors will be kept to an absolute minimum then we may view this application in a different light”.

The Occupiers, Fairwinds, 26 Sandy Lane, Askam in Furness

“We are registering our objections to the proposed building of six dwellings and a garage-workshop on land off Lord St.

Regarding the proposed double garage-workshop, situated directly at the rear of our property, this has the potential of being used for many light industrial, applications with its attendant noise and upset to us and near neighbours.

In addition, these houses will be looking directly into back gardens considerably reducing the privacy enjoyed by these residents for many years. We would reluctantly agree to a single storey development as being more in keeping with existing dwellings.

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The extra parking indicated on the plans would be used by all and sundry, particularly Sellafield workers who already clog Askam's streets from morning till evening.

Finally, we should like to attend any relevant meetings of the planning committee”.

The Occupier, 29 Lord Street, Askam in Furness

“With reference to the above application for planning consent, I wish to formally object to the proposal. The reasons for my objection are linked to material considerations which I feel make the application, in its current form, unsuitable.

Firstly, there is the issue of road adequacy. As the applicant states in section 3 of the application, the road is currently unmetalled, and has a poor surface. He states in section 8 that the application includes "provision... for bringing the entrance road from Lord Street ... to an acceptable standard" but it is not clear whether this standard will be sufficient for the whole road to be adopted. This is more than the application suggests - but only bringing the section of road indicated in the application to an "acceptable standard" will be detrimental and, ultimately, pointless. It is my view that the section of road from the adopted portion of Lord Street to the new site, and thence to Duddon Road, should all be upgraded and adopted.

This leads me to my second concern, which is of traffic generation. 6 additional properties, each of three bedrooms, means a minimum of 6 extra cars using this road each day. Whilst that may not seem a great deal, the road surface as it stands will deteriorate rapidly. We already have sizeable potholes and, unless the road is formally adopted and maintained, then the situation will only get worse. This is clearly linked to the issue of adequacy.

It is my view that the adoption of the whole road, as stated above, is essential to the approval of this planning application. Currently, Lord Street is in a state of disrepair - the road surface is damaging to vehicles which may actually become "grounded" thanks to the depth of the potholes, and dangerous to pedestrians who have to negotiate the chaos to get the shops that the applicant is so keen to have people use. In addition, the road is often flooded as there is inadequate drainage; when it freezes, the situation becomes even more dangerous. It is imperative, therefore, that given the extra run-off caused by the new development, the road surface be adequately managed and drained.

Should the application be revised to meet these standards, I should be prepared to look more favourably upon it”.

The Occupier, Staveley Bungalow, 28 Sandy Lane, Askam in Furness

“I must write to advise you of my strong objections to the proposed plans for the construction of 6 dwellings on land off Lord Street, Askam-in-Furness.

I live in a bungalow at 28 Sandy Lane, and note from the plans that the properties are to face my back garden. I have spent many years improving my property, taking account of the fact that nothing overlooked me at the back of my home. I have a large, all-glass conservatory, with open-plan living room, and now face the prospect of people being able to watch my every move from the bedrooms of their homes. My first thought was that I must sell up and

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try to find somewhere else that had the privacy I have been afforded for the last 30 plus years, however I realise that the price I could expect, should I be able to sell, would be far less than before, if the buildings go ahead.

It also looks as if the people from out of town, who park their cars daily in all available spaces throughout Askam whilst they take the train to work, will have a few extra spaces to fill at the back of my garden wall, resulting in doors banging etc. early each morning/evening.

Another concern is the moving of the existing garage/workshop to my side of the field, directly behind my neighbour's garden. What sort of work is allowed to go on there, and will this interfere with the peace we have always enjoyed?

I would reluctantly be agreeable to the erection of single storey dwellings on this site, however still feel that the state of the existing roads in this area would not take much more traffic than they receive at present.

I hope you feel able to take my concerns into account when you are deciding whether or not to pass this planning application, and would like to be present should it be determined by a Planning Committee meeting. I look forward to receiving details of this in due course".

The Occupier, Milton, 14 Lord Street, Askam in Furness

"I would like to object to the above due to road issues

Firstly the road should be completed along to Duddon Road as well as Lord Street, as well as being made up to adoptable standard and not acceptable as stated then taken over by the Highway Department.

I am also concerned about the volume of traffic around this corner because my wall has been knocked down three times.

Tarmac was put down a few years ago without drainage but has now broken up and left massive pot holes which result in flooding of my drive every time it rains also leaving it very slippy".

The Occupier, 27 Lord Street, Askam

"Having looked at the drawings and details for the above application regarding the erection of 6 houses, we would like to object to this application on the grounds of the proposed improvements to the existing road being unclear.

We are uncertain whether this road will be brought up to an adoptable standard, whereby all future maintenance will be undertaken by the Cumbria County Council Highways Division. At present the road is a mess. It is a mass of large potholes, some of which are in excess of 4 metres and up to 300mm deep. These potholes fill with water every time it rains.

Any improvements to this road would need to include adequate drainage and traffic calming measures, as the extra traffic cause by these new houses will place heavy wear and tear. I have enclosed photographs of the current state of the road and the resultant flooding that is caused by the rain.

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The residents of Lord Street have been battling against the council for a long time about this road. The current proposal only plans to develop the access from Duke Street and not from Duddon road. We object to the application for this reason. The traffic from the new dwellings would use both routes of access to the planned site so therefore the whole road should be improved.

Were the plans to take the above into consideration and improve the whole road at the top of Lord Street we may see the plans in a different light."

The Occupier, The Bungalow, Crossley Street, Askam in Furness

"I would like to draw your attention to plan 6/08/1008/113 Section 16. Section 16 indicates there are no trees or hedge on the proposed site.

I have marked the attached drawing in green for hedge and brown for the approximate position of trees, this means the hedge would be the responsibility of the house owners or if removed replaced by a wall.

I have looked at the deeds of my property from when it first came into the family in 1920, the boundary does not include the hedge, if you would like to see the deeds or take measurements you are welcome to do so".

CONSULTATIONS:

Askam & Ireleth Parish Council

"The Parish Council feels that a planning condition should be made that in addition to Lord Street, the back street leading to the site from Duddon Road should also be made up, as there is no doubt that both will be used to access the site. There will be a considerable increase in traffic on a quiet and narrow road with up to 12 cars using it on a daily basis".

Cumbria Highways

"Do you know if the developer has approached anyone to discuss the standard of the new road and bringing the existing access up to adoptable standards?"

OFFICERS REPORT:

The application site is flat and rectangular in shape having a basic indicated measurement of approximately 60 metres x 20m with the access via the unmade track from Lord Street or Duddon Road. This would provide an overall site area of approximately 1885 m². An unmade access runs through the site to the north west and adjacent to the proposed development. A corrugated sheeted building occupies the north eastern corner of the site in close proximity to the site entrance.

The character of the area is one of mixed residential units which has benefited from sporadic housing developments over a number of years.

The proposal is for 6 properties consisting of 3 pairs of semi-detached houses which will be accessed by a single road. Parking facilities allow for both visitor parking and for a vehicle per dwelling.

The design and access statement holds that:

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“The height and form of the properties has taken account of the surrounding properties particularly to the north. There are to be no windows at first floor level that will be able to be used for viewing from. The ones established to this elevation are to be set at a high level above standing height in the form of sloping roof windows. The ground floor windows can be sufficiently screened by standard approval forms of timber fencing. The front elevation will contain a dormer window to improve the appearance which will not have an adverse effect on neighbours to the south who will fall outside the 21 metre guidelines.....”.

It is proposed to have all the properties finished with a white spar finish using a grey tiled roof surface common to the locality. To the rear are the side elevations of a house (No.16 Lord Street) and a bungalow (The Bungalow, Crossley Street). These both have windows serving habitable rooms in their side elevations. The distance to these windows from the nearest proposed dwellings will be 5.5m and 14.5m respectively. However privacy is proposed to be achieved by design. This comprises a screen wall to avoid direct lines of sight at ground floor level whereas the 1st floor will be served by roof lights at high level (2m above floor level).

The properties will consist of a reception room, kitchen/diner, utility room and toilet on the ground floor. Whilst at first floor level three bedrooms are proposed and a bathroom. Privacy is protected through distance and design and off road parking is provided. Whilst visitor parking is provided adjacent to the access road. With regard to the access road the Highway Authority raise the issue of this being made up to adoptable standard as have the representations received. This has been discussed in general terms in so far as the application could only be supported if the access was constructed to an adoptable standard. The general site plan indicates that the unmade section from Lord Street will be “upgraded to an adoptable standard” and can be conditioned accordingly. It should be noted that the narrow separate section leading onto Duddon Road is excluded. However, the upgrading of this section can not be reasonably imposed on the applicant as the proposed upgrade will provide for an acceptable standard of access for the development

National planning guidance contained within PPS 1, PPS 3 and PPG13 all re-affirm the government's commitment to sustainable development. PPS1 emphasis' the role of sustainable development to deliver high quality development standards without compromise on the environment, with urban regeneration and the re-use of previously used land being important elements in achieving this objective. There is a renewed commitment to encouraging higher densities and a clear indication that only good design should be supported. The guidance also requires planning authorities to give priority to the re-use of previously developed urban sites before greenfield locations. Also, housing applications should be determined in accordance with the PPS where the development plan pre-dates the guidance. PPG 13 (Transport) indicates the government's policy to integrate planning and transport as part of the overall sustainability agenda, by promoting greater emphasis on alternative modes of transport such as walking, cycling and public transport. Planning authorities are advised to give priority to housing sites in urban areas that enjoy high levels of accessibility to facilities such as shops and schools, whereby residents can use alternatives to the private car to make their journeys. Particular emphasis is given to cycling and walking.

Sustainable development is the mainstay of the development plan framework. One of the core principles of the Regional Spatial Strategy document identifies the need to maximise the use of land by concentrating on brownfield sites within urban areas, with a sequential

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approach to site selection thus reducing the uptake of greenfield land. The new County Structure Plan gives greater weight to sustainable development, with reference in policy ST3 to maximising the use of brownfield sites located within existing settlements.

In the Barrow Local Plan Housing Chapter Review a series of sites are allocated for housing in order to meet our Structure Plan targets. The application site is not on the list principally because its small size means that it would be considered as a windfall site. Consequently it should be assessed against the various criteria within policy B3. Taking these into consideration, the site is clearly urban and has no agricultural or nature conservation interests, nor is it an open amenity area. Traffic generation has also not been cited as a potential problem by the Highways Authority.

It is also proposed to build a detached domestic garage as a replacement to the existing corrugated metal clad structure. This would be sited to the rear of the Band Hall and a bungalow, Fairwinds, Sandy Lane.

All built development will have some impact of a sort, however, the principal complies with relevant policy. The representations have been considered and a favorable decision is warranted.

RECOMMENDATION:

I recommend that planning permission be GRANTED subject to the Standard Duration Limit and the following conditions:

Condition No. 2

Prior to the commencement of any development, a landscape scheme for the site, showing the trees, shrubs and hedgerows, including verges and other open spaces, together with details of any phasing of such a scheme must be submitted to and approved in writing by the Planning Authority. The scheme shall be submitted on a plan not greater than 1:500 in scale and shall contain details of numbers, locations and species of plants to be used. All planting and subsequent maintenance shall be to current British Standards. The approved scheme must subsequently be implemented by the end of the first planting season following initial beneficial occupation of any part of the development or by such a programme as may be agreed in writing. Any trees or shrubs removed, dying being severely damaged or becoming seriously diseased within five years of planting shall be replaced by the landowner with trees or shrubs of a similar size and species to those originally required to be planted.

Reason

In the interests of the visual amenities of the area.

Condition No. 3

The carriageway, serving the six dwellings hereby approved and including the unmade section of Lord Street shown hatched on drawing no. 8027/02/08/1 revision C forming part of this consent shall be constructed/improved, drained and lit to a standard suitable for adoption and including its integration into the adopted highway all, as laid down in the current Cumbria Design Guide. In this respect, further details including detailed layout

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plans, longitudinal and cross sections, shall be submitted to the Planning Authority for approval before any development work commences on site. No dwelling shall be occupied nor shall any highway related work commence until a full specification, including a programme of phasing for the works, has been approved. The highway shall be completed in accordance with the approved details and phasing programme, unless the Planning Authority gives prior written consent to any variation.

Reason

In order to ensure a minimum standard of highway construction, and in the interests of highway safety having regard to saved policies B3, E2 and E3.

Condition No. 4

Each indicated parking space and access thereto must be reserved for the parking of private motor vehicles and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modifications) or not, shall be carried out on that area of land or in such position as to preclude vehicular access to the development hereby permitted.

Reason

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

Condition No. 5

No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained unless the Planning Authority gives prior written consent to any variation.

Reason

To ensure a satisfactory appearance to the development, and in order to minimise its impact upon the surrounding area, in accordance with Barrow Local Plan Review policy D21.

Condition No. 6

Notwithstanding the plans hereby approved the development approved by this permission shall not be commenced until a scheme for the disposal of foul and surface waters have been submitted to and agreed in writing by the Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason

To ensure satisfactory means of drainage, thereby complying with the former Barrow Borough Local Plan Review 1996-2006.

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Condition No. 7

The drive shall be surfaced in either a permeable material or in a non-permeable material provided that drainage to a soakaway is provided. No development shall commence until details of the above have been submitted to and approved in writing by the Planning Authority and the development shall then proceed in accordance with the approved details.

Reason

To avoid excess run off (water) onto the highway.

Condition No. 8

The garage hereby approved shall only be used for purposes incidental to the enjoyment of a dwelling and shall not be used as a business or for any commercial purposes.

Reason

In the interests of the residential amenities of the locality.

Condition No. 9

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 as amended by the Town and Country Planning (General Permitted Development)(Amendment)(No. 2)(England) Order 2008 (or any Order revoking or re-enacting that Order with or without modifications) no openings of any kind (including any alteration of approved openings) shall be made in the north western (rear) elevation of the permitted dwellings, other than those shown on drawing 8027/02/08/4 Revision A forming part of this consent, without the prior written consent of the Planning Authority.

Reason

In order to protect the residential amenities of neighbouring properties from overlooking or perceived overlooking having regard to saved policy B15 of the former Barrow Borough Local Plan Review 1996-2006.

Condition No. 10

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 as amended by the Town and Country Planning (General Permitted Development)(Amendment)(No. 2)(England) Order 2008 (or any Order revoking or re-enacting that Order with or without modifications) no extension(s) shall be erected to the north western (rear) elevations of the permitted dwellings without the prior written consent of the Planning Authority.

Reason

In order to protect the residential amenities of neighbouring properties from overlooking or perceived overlooking having regard to saved policy B15 of the former Barrow Borough Local Plan Review 1996-2006.

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Reason for Approval

That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act and all other material considerations, and subject to the proposed conditions, the development as proposed by reason of its location, design and orientation, will not have a detrimental impact upon the neighbouring properties or the visual amenities of the area. As such, the proposal complies with the Development Plan for the area, specifically policies B3, B4, B1, D21

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PLAN NUMBER:	APPLICANT:	AGENT:
2008/1407	Mr R Robinson	Mr M Batty Plans Drawn
WARD/PARISH:	CASE OFFICER:	DATE RECEIVED:
Dalton South Dalton and Newton Parish Council	Leanne Lague 01229 876438	16/10/2008
		STATUTORY DATE:
		10/12/2008
LOCATION:		
Land to rear of 54 to 58 Broughton Road, Dalton-in-Furness		
PROPOSAL:		
Erection of a three bedroomed detached house.		
SAVED POLICIES OF THE FORMER LOCAL PLAN:		

POLICY B3

Applications for residential development on unallocated sites will be permitted where they accord with the sequential approach of the Structure Plan and also satisfy the following criteria:

- i) The site is located within the built up area of existing settlements or the development cordons identified in Policy B13; and
- ii) The siting, scale, layout and design (in the materials and form of the buildings) of the development is sensitive to the local environment, it promotes the principles of 'Secure by Design' and adequate parking provision is made; and
- iii) Adequate access arrangements can be provided, including servicing the site by the public transport and by cycle routes; and
- iv) The development is laid out in a way that maximises energy efficiency; and
- v) The development will not result in the loss of land which has a recognised or established nature conservation interest; and
- vi) The development must not cause an undue increase in traffic passing through existing residential areas such as to be detrimental to residential amenity or highway safety; and
- vii) Adequate water supplies, foul and surface water sewers and sewerage treatment facilities exist or can be provided; and

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- viii) 'A risk-based approach will be adopted for development in or affecting flood risk areas to minimise the risk of flooding associated with the site and the potential effect development of the site might have elsewhere through increased run off or a reduction in the capacity of flood plains. This shall be in accordance with the sequential characterisation of flood risk set out in Table 1 of Planning Policy Guidance Note 25 'Development and Flood Risk; and
- ix) Where contamination is suspected, a desk study is undertaken and if necessary a site investigation is undertaken and remediation strategy submitted.

POLICY B5

Within the urban boundaries of Barrow and Dalton applications for new dwellings or conversions of existing buildings on suitable brownfield sites in residential areas or on the peripheries thereof will be permitted provided the design, siting, layout and access arrangements are satisfactory. This means that the development must also satisfy the criteria of Policy B3. This Policy will also apply to land currently or last used for employment purposes or with planning permission for employment use where the proposal involves the provision of housing for which a specific need has been identified and where the location is considered suitable by the Authority, or such housing is mixed with employment uses, or the existing use is an un-neighbourly or non-conforming one by reason of excessive traffic generation, noise or disturbance to local amenity.

POLICY D21

In determining all applications submitted to it the local planning authority will have regard to the General Design Code set out in paragraph 5.4.27 of this plan.

In towns and villages, proposals shall relate to the context provided by buildings, street and plot patterns, building frontages, topography, established public views, landmark buildings and other townscape elements. Proposals that do not respect the local context and street pattern or the scale, height, proportions and materials of surrounding buildings and development which constitutes over development of the site by virtue of scale, height or bulk will not be permitted, unless there is specific justification, such as interests of sustainability, energy efficiency or crime prevention.

Development proposals in the countryside shall respect the diversity and distinctiveness of local landscape character. New farm buildings will, in general, be required to be sited within or adjacent to an existing farm building complex or in other well screened locations and to be subject to a complementary design and use of materials, with, where necessary, a 'planting' scheme.

SUMMARY OF MAIN ISSUES:

The proposal meets the requirements of local plan policies B3 and B5 regarding residential development on unallocated sites and will not harm the amenities of neighbouring residents.

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NON MATERIAL CONSIDERATIONS:

REPRESENTATIONS:

Development advertised on site

The Occupiers of 75, 88, 90, 92, 94, 96 Queen Street, 48 (a-e), 54, 56, 58, 1-6 Bridge House, Broughton Road, Dalton in Furness all informed.

CONSULTATIONS:

United Utilities

"I have no objection to the proposal.

This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the watercourse/soakaway/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge determined by United Utilities.

A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999.

Should this planning application be approved, the applicant should contact our Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers.

The site of the proposed development should be carefully checked to ascertain if any sewers or drains cross the area. If any such pipes exist these may require diversion or protection before the development commences.

United Utilities offers a fully supported mapping service at a modest cost for our electricity, water mains and sewerage assets. This is a service, which is constantly updated by our Map Services Team (Tel No: 0870 7510701) and I recommend that the applicant give early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets that may cross the site and any proposed development".

OFFICERS REPORT:

The application site is a brownfield site to the rear of 54-58 Broughton Road and adjacent to 94 Queen Street, Dalton. The application relates to the erection of a three bedroomed detached house. A narrow back street runs to the rear of the site which is accessed from Broughton Road.

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Proposal

The proposed house has a footprint of 6 metres x 7.3 metres and features a pitched roof with a ridge height of 7.3 metres. The house will be slightly taller than the neighbouring property (94 Queen Street) which has a height of 6.5 metres. The house will be given a dashed finish similar to the neighbouring house and will feature a Lakeland blue slate roof or similar.

One off-street parking space will be proposed to the east of the house. This will measure 7 metres x 2.9 metres. There will be a 2 metre high wall and gate to the back of the driveway. External garden space will be provided to the rear of the property, which can be accessed from the back street.

Policy

Guidance within Planning Policy Statement 3 encourages the re-use of brownfield land within existing urban areas for residential development.

Policies B3 and B5 of the Housing Chapter Alteration are relevant to this application. Saved policy D21 of the former Local Plan Review also needs consideration.

Issues

Principle of development

The site is a brownfield site in an existing residential area within walking distance of Dalton Town Centre. The proposal meets the requirements of Local Plan Policies B3 and B5 regarding residential developments on unallocated sites.

Privacy

The house has been designed so as not to have an impact upon the privacy of neighbouring properties. The bedroom window in the eastern elevation overlooks the blank gable of the neighbouring house (94 Queen Street). There are no habitable room windows in the rear elevation or the western elevation. The front elevation features three habitable room windows which face onto the blank gable of 92 Queen Street. A condition will prevent any openings being created in the western elevation to protect the privacy of adjacent properties along Broughton Road.

Sunlighting

Sunlight indicators show that there will be no significant impact on the amount of sunlight received at neighbouring properties. This is mainly due to the orientation of the buildings and the distance from the proposed house.

Parking

The majority of parking in the area is on-street. The applicant proposes to provide an off-street parking space for one vehicle at the side of the house.

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The occupier of the neighbouring house has raised concern about the impact of the driveway upon his amenities in terms of noise. The elevation alongside the proposed drive is however blank therefore it is unlikely that the noise generated by vehicles using the driveway will be significant.

There are many examples in the borough where two dwellings are separated by a single driveway. (Pembroke Close, Redoak Avenue etc) and it is unlikely that noise from vehicles using the driveway will be more noticeable than noise from the road.

Design

The design of the house is in keeping with neighbouring properties. The scheme thereby accords with the requirements of Local Plan Policy D21.

Other issues

Land ownership issues are not material considerations for planning.

Conclusions

The scheme accords with both local and national policies regarding brownfield development and the proposal will not harm the amenities of neighbouring properties.

RECOMMENDATION:

I recommend that planning permission be GRANTED subject to the Standard Duration Limit and the following conditions:

Condition No. 2

Drainage must be on the separate system with all foul drainage connected to the foul sewers and only uncontaminated surface water connected to the surface water system.

Reason

In order to ensure that the site is adequately drained and in order to control the potential for pollution of the water environment.

Condition No. 3

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting that Order with or without modifications) as amended by the Town and Country Planning (General Permitted Development)(Amendment)(No. 2)(England) Order 2008 no openings of any kind shall be made in the western or rear elevations of the permitted dwelling, other than those shown on drawing RR170908, without the prior written consent of the Planning Authority.

Reason

In order to protect the residential amenities of neighbouring properties from overlooking or perceived overlooking.

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Reason for Approval

That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act and all other material considerations, and subject to the proposed conditions, the development as proposed by reason of its location, design and orientation, will not have a detrimental impact upon the neighbouring properties or the visual amenities of the area. As such, the proposal complies with the Development Plan for the area, specifically policies B3, B5, D21.

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PLAN NUMBER:	APPLICANT:	AGENT:
2008/1418	Mr T Rawbone	Mr P Winter PFK Planning
WARD/PARISH:	CASE OFFICER:	DATE RECEIVED:
Dalton North	David Kitts 01229 876440	17/10/2008
		STATUTORY DATE:
		11/12/2008
LOCATION:		
Field off Low Lane, Saves Lane, Ireleth, Askam-in-Furness		
PROPOSAL:		
Erection of one stable block, containing three stables, a feed store and tack room (resubmission of 2008/0752 in a revised form)		
SAVED POLICIES OF THE FORMER LOCAL PLAN:		

POLICY D1

The Borough's countryside will be safeguarded for its own sake and non-renewable and natural resources afforded protection. Development will be permitted in the countryside only where there is a demonstrable need that cannot be met elsewhere. Where necessary development is permitted any adverse effect on the rural character of the surroundings should be minimised subject to the development's operational requirements.

POLICY D2

Development harmful to the distinctive character of designated County Landscapes, as indicated in the Proposals Maps, will not be permitted. Development justified on grounds of need that cannot be located elsewhere will be permitted provided that it is sited to minimise environmental impacts and meets high standards of design.

POLICY G13

For the quiet enjoyment of recreation activities such as walking, cycling and horse riding the Borough Council will protect the following designated routes from development taking place on; or in the immediate surroundings where an interesting or visually pleasing view would be adversely affected:-

The Cistercian Way
 Haematite Trail
 Cumbria Coastal Way
 Public Footpaths
 Any existing right of way joining the rights of way network

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POLICY G15

Change of use from agriculture to leisure related horse grazing and other horse related development such as riding schools and stabling will only be permitted where it can be shown that proposals would not;

- a) Be visually intrusive or detrimental to the character of the area;
- b) Use non-traditional or otherwise visually unacceptable buildings or fencing materials or other semi-permanent equipment;
- c) Be likely to lead to unacceptable erosion of bridleways, woodlands, commons or any other ecologically sensitive area; and
- d) Involve an unacceptable loss of productive farmland, nuisance to residents, pollution of sub soil or water courses, or conflict with vehicular or pedestrian traffic.

In order to assess fully the impact of proposals for riding schools, the Council will require, as part of the planning application, details of the areas and routes that are intended to be used for horse riding activities.

Policy E36: Landscapes of County Importance – Cumbria Joint Structure Plan

Development and land use change detrimental to the distinctive character of landscapes designated as of County Importance will not be permitted, except where required to meet local infrastructure needs, which cannot be located elsewhere and which is sited to minimise environmental impacts and meets high standards of design.

SUMMARY OF MAIN ISSUES:

Stable development would have a significant detrimental impact on the open countryside, county landscape and is served by an unsatisfactory access.

NON MATERIAL CONSIDERATIONS:

REPRESENTATIONS:

Development advertised on site and in the local press

The Occupiers of Burlington Slate, High Meddart, Bankfield Hall, Nether Close, Tippins Lane, Springbank, 65, 75, 67, Low Brookside, Belvedere, 82, Anvil House, 82 Saves Lane, Ireleth, Askam in Furness all informed.

The Occupier, Spindrift, Saves Lane, Ireleth, Askam in Furness

“I realise the whole project has been scaled down from the original plan, however nothing detracts from the main issue of this glorified footpath being turned into a thoroughfare for allsorts of traffic, mainly 4x4s churning up the mud etc. (not only wintertime) on a regular basis leaving no room or consideration for the general public trying to have a leisurely stroll. Not only do these vehicles make a mess on the footpath they continue to spread the

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mess onto Saves Lane. The lane isn't very wide at this point & the access off Saves Lane is on a bend in the road. Neighbours park their cars on the road near this access point & you can imagine a 4x4 pulling a horse box & trying to negotiate onto a lane that is barely passible for two average sized cars. Low Lane itself is barely the width of an average car & a considerable distance to the applicants land off Saves Lane, there are no passing places for other vehicles & more importantly this footpath does not have the room, even on one side for pedestrians to step aside to allow one of these Monstrosities to pass!. So not only is it unsafe, the general public local amenity as a pleasant safe footpath will become a 4x4 Monstrosity free for all, with all the noise & mud that goes with it.

.Also, the applicant, has taken upon himself to prepare his land (before any Planning Approval has been given)to install a Water Service ,Electric Fencing ,etc, etc. ready for his Business to begin. I say Business because I am sure he has that in mind once he gets over this hurdle, and we will be back to his Original Plan by adding more Stable Blocks for more horses & all the more vehicles & noise that go with it. Let alone all the mucking out & disposal traffic backwards & forwards on our footpath. Why should we residents have to suffer all this for someone else.

Business being carried out within lovely peaceful Countryside, as long as it isn't within their backyard. The fact is, it is a Public Footpath & occasional access to Farmers Land. If it was a road it would be Tarmac with traffic signage etc. etc. I also feel if this Planning Application is granted, it would open the floodgates for all the other Land owners to build Stable blocks etc., etc. and even more traffic”.

The Occupier, Springbank, 65 Saves Lane, Ireleth, Askam in Furness

“Impact on Saves Lane

- There are already problems with parking, driveway access/ egress, traffic manoeuvring narrow parts of the lane and a blind corner at the point where Low Lane joins;
- Traffic generation and the existing access worsen existing safety problems for other road users on Saves Lane. The road is not suitable for any increased traffic generation such as we have seen recently, and this increases the danger to both vehicles and pedestrians;
- I don't understand why the applicant needs to access the site so often either now, or if consent is granted ? he states maybe two cars a couple of times a day. In his previous application he clearly stated that traffic would decrease as a result of erecting a feed store. The need to transport horses, manure etc actually involves extra vehicles/ trailers using the lane, which it does not easily accommodate, causing additional congestion and further problems for residents. For example, we already see additional soiling on the lane, mud etc from the vehicles using Low Lane, which is just not acceptable;
- The entrance to Low Lane is dangerous due to poor visibility. It is on a corner and there is restricted visibility for traffic travelling up the lane or out of Low Lane. This has been worsened significantly since Mr Sherwood built an enclosing wall around the area. I have personally seen some near misses as vehicles exit Low Lane onto Saves Lane;

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- The Planning Committee will be well aware that allowing a change of use of any land makes it significantly more difficult to resist further applications for development. I believe that despite his current statement of intent, the applicant's actual intentions were made perfectly clear in his original application. Any use of this land for equestrian use will result in commercial, riding, etc, resulting in more traffic and mess on both Saves Lane and Low Lane, and disturbance for residents.

Traffic/ Use of Public Footpath - Low Lane

- It is an offence to drive over a public footpath or bridleway without lawful authority or ride a horse on a footpath without the land owners' permission. This is the law, regardless of the applicant's assumed rights to access his own land. It is unclear whether any such permission has been either sought or granted.
- The access is not suitable for any increase in traffic in the area due to restricted visibility a wall on the right hand side obscures visibility looking down Saves Lane and the same is true for vehicles entering Low Lane;
- Low Lane is by and large quite narrow. It is used by walkers and any increase in vehicular traffic will interfere with walking rights. We have seen recently what this means in practice, as the applicant has been busy erecting hard standing as outlined in his original application, and improving his fencing as well as putting some horses on the land. To be honest, what was a green lane between hedgerows looks more like a road now. The Council Plan clearly states that walkers rights must be protected;
- Horses using the footpath impede on the enjoyment of walkers. This is actually prohibited on Low Lane which is a footpath, not a bridleway or highway. Horses, vehicles and the recent increased traffic already cause a problem;
- Undesirable additional vehicle use of the footpath is already damaging the path and hedgerows, as well as adversely impacting on wildlife. Pheasants, voles and hares used to be a common sight early in the mornings but have been driven out into somewhat quieter fields. The views out to Dunnerholme, the Duddon estuary and Black Combe over and between the hedgerows from Low Lane are magnificent, and the quiet enjoyment of these should also not be disturbed by any unnecessary vehicle noise and movement. Whilst I accept that farmers need to attend to stock, this is quite a different prospect to horse-keeping with its associated regular traffic, buildings and other intrusive development. In the area where the applicant plans to erect a stable for example, the impact of the building will be undeniable regardless of the construction materials used.

Other Issues/ Concerns

- As I understand it, here is insufficient land and it is of inadequate quality to graze more than 2 horses. In all honesty, this land is suitable only for limited agricultural use such as the grazing of sheep;

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- Vulnerability of the horses. Some fields at the back of Saves Lane are currently used for grazing up to 3 horses. These are well fenced, however I have personally tackled youths throwing stones at the loose horses - stones which they have brought onto this land with the specific purpose of throwing at the horses in the name of so-called 'fun'. As a resident I cannot ignore such actions and do nothing but shrug them off as the owner's responsibility - but actually, I don't want this vicarious responsibility. Stabled horses are far more vulnerable to attacks of this nature and the proposed site is not in view of most local residents - I for one would be seriously uncomfortable about stabling any animals in that area. The applicant doesn't even live locally, which not only reduces his sense of responsibility to the area, but makes it very difficult for local residents to raise any issues or concerns that may arise. I'm also not convinced that emergency services could access the site if anything serious happened such as a fire.
- Approval of this proposal would be likely to encourage a commercial use of this site. If consent is given with conditions, exactly how will this be enforced? Although unconnected with this application, residents have raised complaints regarding the burning of commercial waste on an adjacent site and seen no action taken whatsoever, which does not afford any sense of assurance or protection in this matter.
- If passed, this application will set a precedent and could ultimately lead to an application for housing on the site, otherwise a commercial livery development as indicated in the original plans. This application for stables may also be a precursor for other similar applications from other owners of small parcels of land in the area which again become more difficult to resist once one application is granted;
- There are no services for either water or electricity to the site which again raises a question of concern for the animals welfare.

Environmental Damage

- This application extends a development into open countryside which is intrusive, unwanted and unnecessary. There are plenty of other options available locally to horse owners who wish to stable their horses during the winter months. Permission for a new crop of stables just outside Askam was recently granted, for example;
- Storage and removal of manure both need to be clarified. There is no actual detail regarding disposal and method of dealing with sewage, or details of any treatment works needed - only that the muck heap will be sited away from the public footpath. This just isn't acceptable. There is no mention of provision for the surface water run-off. The land is on a slope and there is a serious risk of contamination of water. There is a risk of pollution danger from foul sewage and waste, if no arrangements are in place for treatment and/ or removal. This application does not address issues around contamination of ditches and ground water. We have already seen an adverse effect on the nearby beck and its wildlife as a result of activity on another neighbouring parcel of land - brown trout, minnows, sticklebacks and water vole have all been badly affected by the raising of silt due to over-digging for example. Any raising of PH levels would be just another nail in their coffin;

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- I am concerned about the long-term adverse impact of development on trees, hedges and wildlife - not only during any construction phase but beyond;
- Light pollution issues haven't been addressed at all;
- Undesirable impact on the amenity of the proposed site's immediate neighbour hasn't been considered, in terms of outlook, noise, smell, flies, rodents - unavoidable with stables large or small, as I'm well aware.

I ask the Committee to take the action that affords the best protection for our precious rural environment, both now and in the future”.

The Occupiers, Anvil House, Saves Lane, Askam in Furness

“We write to register our objection to the above noted planning application, as residents of Saves Lane with our house situated directly opposite the entrance to Low Lane.

Whilst this is a Revised application compared to the previous (2008/0752) with only one stable block many of the same objections still apply.

Saves Lane at this point is a narrow road with very limited space for vehicles to pass, especially when there are cars parked near the entrance to Low Lane. This development would lead to an increase in the number of vehicles parking here, this will have a substantial impact on safe passage of residents wishing to pass either in their cars, and particularly those on foot or cycle. In addition to this as residents we already at times have a virtually impossible task getting our cars out of our driveway due to cars parked opposite our gateway in this area, I can only assume that this problem will become more common due to the traffic using this stable block, despite the applicants assertion that there will be "normally one car twice a day".

The above comments take into note that the application makes no mention of "improving" Low Lane to allow access up the lane all the way to the new stable block. The lane is a public footpath used by many walkers and local children. I cannot see it being safe for those children if large vehicles, horseboxes, feed supplies etc. are allowed up the lane. The lane is too boggy at the end where the proposed block will be sited to allow most ordinary cars or lorries to get close.

The environmental impact of such a development in this area would be significant (not just during the construction phase during which the noise and traffic up the lane would be increased) both in terms of noise and traffic but also potential damage to the mature hedgerows lining Low lane, which form a valuable part of the local wildlife habitat.

Finally, such a stable block would produce substantial waste. No mention is made in the application as to the site of any muckheap and its potential impact on the footpath and watercourses.

We accept that in any development there would be impact during the construction phase and whilst this would cause inconvenience to local residents it could be accepted if only temporary. We trust that the above objections are based on the long term environmental and safety concerns that we have as residents of one of the nearest houses to the end of Low Lane.

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We accept that this is a significantly smaller proposal than the original but still feel that construction of a permanent feature in these fields which are currently agricultural land could cause damage to the local environment, as well as concerns about safe access both along Saves Lane and Low Lane”.

The Occupier, 67 Saves Lane, Ireleth, Askam in Furness

“Although I realize that this application has been scaled down I still object on the same grounds as before, basically that Low Lane is unsuitable for traffic as there is nowhere for pedestrians to go to avoid accidents.

I would be particularly worried about any increase in traffic in Saves Lane. This lane is very narrow with a number of bends restricting views of traffic ahead. Since the lane was surfaced cars travel far too quickly along it despite the fact that there are a number of bends and children play in the lane. There are places where there are no footpaths, and it is often necessary to take refuge from speeding traffic in gateways or hedges.

I hope consideration can be given to the imposition of a 20mph speed limit in Saves Lane whatever the outcome of this application”.

The Occuiper, Teazle Bank, Askam View, Ireleth, Askam in Furness

“I am writing to support the planning application for the stable block on the land at the end of Low lane in Ireleth.

I own the land along Low Lane and adjacent to the West side of the field where the proposed stable block is to be located.

I have seen the work that Mr & Mrs Rawbone have put into tidying up their fields and keeping the colours in keeping with the countryside. Also I have seen that they have made repairs to Low Lane, at their own expense, which is a benefit to the local community who use the public footpath.

If you need any further details do not hesitate to contact me”.

The Occupier, Low Brookside, Saves Lane, Askam in Furness

“This Applicant must be made to realise that it is not the number, shape, size or colour of his proposed Stable Block that is annoying the nearby residents of Saves Lane, it is the plain fact of building them in the first place and using them thereafter, that will turn a quiet un-surfaced Public Footpath into a noisy filthy quagmire, with mud spread all over Saves Lane and the Stable users parked vehicles will cause dangerous congestion to the area.

So, once again, never should this application be allowed, whilst the Footpath runs along the full length of the end of my garden”.

The Occupiers, High Meddart, Kirkby Road, Ireleth

“We wish to object to this application which raises issues of access and potential obstruction of the Lane.

Horses are apparently supposed to be checked daily. If three stables are in use, potentially with different owners, there could be up to 3 cars daily along Low Lane. The

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distance on the single track from Saves Lane to the proposed stables is about 0.4 miles a distance over which there are no passing places for vehicles.

It is noted that the application requests parking for two cars.

The application states that three horses are to be moved from Walney. There are three horses already in the field.

Other Objections:

Noise and disturbance;

Smells from spoil; the prevailing wind blows towards High Meddart

Health hazard: serious concerns over pollution danger from foul sewage and waste.

Application does not address specifically where surface water will drain to and how issues of contamination of ditches and ground water will be addressed.

Introduction of rats

Should the Council decide to grant permission for this development, it is requested that a number of restrictions are placed on the usage.

- 1 Maximum number of horses three
- 2 Maximum number of vehicles on the site 2
- 3 The Tack Room and Feed Store are not to be used as stables
- 4 The buildings are not to be used for accommodation".

CONSULTATIONS:

Rights of Way Officer
Cumbria Highways
Furness Ramblers
Lake District Nation Park Authority
Natural England



No response received

Askam & Ireleth Parish Council

"The Parish Council wishes to object to this planning application on the following grounds:

This application relates to agricultural land and as equestrian use is not classed as agricultural, this constitutes a change of use and development in the open countryside.

The access to this site is completely unsuitable. The access route, a public footpath, is designated for agricultural use only for vehicles and, as already stated, equestrian is not classed as agricultural. The land drains on this public footpath (not a bridleway) would be damaged by increased traffic and there would be a danger to pedestrians as the footpath is only single track in width and there is insufficient room for vehicles and pedestrians to pass each other safely. A precedent has been set for refusing an application due to potential danger to footpath users (holiday chalets near Park Farm, Park). The proposed stables would result in an increase in traffic in Saves Lane which is narrow and without

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pavements. There are existing problems with parking and any additional traffic would result in increased congestion and additional difficulties for residents.

Low Lane footpath is naturally boggy underfoot and there is a possibility that effluent could run off from the stables into the area below which is lower lying and has poor drainage. This could result in problems with odour and hinder pedestrian use of the footpath.

Disposal of waste water from the stables would be a problem as the drain is insufficient in size to take further discharges.

There are no bridleways around the site on which to ride horses. There is concern that siting a feed store in such an open area would attract rats. It is also of some concern that both the tack room and feed store are shown as having stable doors and are the same size as the three stables. This seems to show that they could in future be used for stabling rather than their stated use.

A previous application for stabling in a nearby location, with superior access, was refused, setting a precedent.

This development would have a detrimental effect on trees and the natural habitat.

The Parish Council is concerned that a public footpath leading from Low Lane towards Paradise runs across this land and has been gated off. This path should be separately fenced from the remainder of the land to ensure safe passage for pedestrians.

For all the above reasons, Askam and Ireleth Parish Council considers that the application should be refused".

OFFICERS REPORT:

The present proposal is a resubmission of an application withdrawn immediately prior to your meeting of the 22nd July. The proposal is for a single stable block with 3 stables plus a feed store and a tack room. It will be located at the south of the site where the footpath splits. The block would form an L shape 13m long x 12m along the elevations with each section having a 4m width (5m including canopy overhang). Height to ridge would be 3.5m.

The site levels fall gently from east to west with the A595 elevated to the east and the Duddon Estuary to the west. The area is generally characterised by grazing fields and rolling lowland with few agricultural buildings.

A number of objections have been received from the public, these are reproduced above.

Policy

The area is within the open countryside and is within a designated County Landscape. It must therefore be considered against Local Plan policies D1 and D2. Policy D1 states that the Borough's countryside will be safeguarded from development for its own sake. Policy D2 states that in County Landscapes priority will be given to landscape conservation and that development detrimental to their distinctive character will be refused.

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Policy G13 acknowledges the importance of the countryside for quiet enjoyment. Policy G15 acknowledges the popularity of horse riding but recognises the impact that it can have on the environment. Policy G15 is designed to steer horse related proposals to appropriate locations served by satisfactory access' and to ensure minimal impact on the environment.

Scale of development

The application for 3 stables and 2 store rooms represents a moderate scale of horse related development that is typical of private stables throughout the Borough. I have noted concerns expressed by neighbours regarding future development on the site. However one can only determine the application as submitted. However it is in a very isolated location that is accessed only by a long footpath track from Saves Lane. While the proposal is for 3 stables I believe it will result in an intensification of use of the land, its access and consequently have a significant impact on the public who use the right of way.

Access

A key test of policy G15 is the suitability of the access to the proposed development. In this case the development is isolated and only accessible off a track leading into the countryside from Saves Lane. The track is a popular public footpath, approximately 500m in length but provides few passing opportunities. I believe that the proposed stables would result in an increase in vehicular use of the track which in my opinion would result in conflict between vehicles and other users of the track. I also believe that the track is unsuitable for larger vehicles including vehicles towing horse boxes.

Furthermore I consider that any significant alteration to the footpath to provide passing places, work to widen the track or intensification of vehicular use would be detrimental to the character of the footpath and detract from the pleasant, quiet character of this remote location. The additional use of the track may also lead to the deterioration of the footpath. I therefore believe that the proposal fails to pass the access test of Policy G13 (criteria c and d).

A further point to note is that Saves Lane is not suitable for any significant levels parking.

Impact on the environment

The stables have been located within the application site so as to reduce their impact from views from the surrounding area. However, the stables will be in close proximity to the public footpath and would have a significant impact on users of these rights of way.

I have also had regard to the Cumbria Landscape Classification and this site falls into the Coastal Margins category, specifically Duddon Estuaries. The document states that the landscape is sensitive to new development such as intrusive farm buildings. It should also be noted that horse related developments often introduce an amount of clutter into fields that is often detrimental to the character of the countryside.

With respect to these issues I consider the development to represent a sporadic and intrusive form of development in the open countryside and approval would be contrary to Local Plan policies D1, D2 and G15.

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RECOMMENDATION:

I recommend that planning permission be REFUSED for the following reasons:

Reason No. 1

The intensified use of the site due to the proposed stables would result in an increased use of an unsatisfactory access track and would result in conflict between users of the public footpath. The proposal is therefore contrary to saved policy G15 of the Former Barrow Borough Local Plan Review 1996-2006.

Reason No. 2

The proposal would represent a sporadic and intrusive form of development that would be detrimental to the character and amenity of the open countryside, County Landscape and the public right of way network. The proposal is therefore contrary to saved policies D1, D2 and G13 of the former Barrow Borough Local Plan Review 1996-2006 and policy E36 of the Cumbria and Lake District Joint Structure Plan 2006-2016.

PLANNING COMMITTEE
25th November 2008

PLAN NUMBER:	APPLICANT:	AGENT:
2008/1361	Mr D Moore	
WARD/PARISH:	CASE OFFICER:	DATE RECEIVED:
Walney North	David Kitts 01229 876440	06/10/2008
		STATUTORY DATE:
		30/11/2008
LOCATION:	Field south of Walney Airfield (non-roadside location) at Red Ley Lane, Barrow-in-Furness	
PROPOSAL:	Erection of agricultural building/stable block	
SAVED POLICIES OF THE FORMER LOCAL PLAN:		

POLICY D1

The Borough's countryside will be safeguarded for its own sake and non-renewable and natural resources afforded protection. Development will be permitted in the countryside only where there is a demonstrable need that cannot be met elsewhere. Where necessary development is permitted any adverse effect on the rural character of the surroundings should be minimised subject to the development's operational requirements.

POLICY D4

The following areas have been designated as Green Wedges:

- a) Mill Beck Valley
- b) Roosegate
- c) Land separating Ormsgill and Hawcoat
- d) Land north of Dalton
- e) Land between North Walney Estate and North Vickerstown
- f) Land at Anticross
- g) Land north of Flass Lane
- h) Land at Clovelly Terrace

Development within Green Wedges that would detract from their value as a setting for recreation, providing important urban space and visual relief and contrast between residential areas would not be permitted.

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POLICY G15

Change of use from agriculture to leisure related horse grazing and other horse related development such as riding schools and stabling will only be permitted where it can be shown that proposals would not;

- a) Be visually intrusive or detrimental to the character of the area;
- b) Use non-traditional or otherwise visually unacceptable buildings or fencing materials or other semi-permanent equipment;
- c) Be likely to lead to unacceptable erosion of bridleways, woodlands, commons or any other ecologically sensitive area; and
- d) Involve an unacceptable loss of productive farmland, nuisance to residents, pollution of sub soil or water courses, or conflict with vehicular or pedestrian traffic.

In order to assess fully the impact of proposals for riding schools, the Council will require, as part of the planning application, details of the areas and routes that are intended to be used for horse riding activities.

SUMMARY OF MAIN ISSUES:

Stable development is served by an unsatisfactory access.

NON MATERIAL CONSIDERATIONS:

REPRESENTATIONS:

Development advertised on site and in the local press

CONSULTATIONS:

Walney Airfield
Natural England



No response received

Environment Agency

“Thank you for referring the above application which was received on the 15 October 2008.

The Environment Agency has considered the proposal and wishes to comment as follows:

Parts of the development may be at risk of tidal flooding from Walney Channel. In siting of the building the applicant should take the impact of occasional flooding and be satisfied that the impact of any flooding will not adversely affect their proposals”.

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OFFICERS REPORT:

The proposal is for a single stable block comprising 2 stables plus a store room. It will be located on the southern boundary of the field. The footprint of the stable block would be 10.9m length x 3.7m width, (4.5m including canopy overhang). Height to ridge would be 3.5m.

The site levels fall gently from the stables from west to east towards Walney Channel. The main access is in the south eastern corner of the site. The area is generally characterised by grazing fields and rolling lowland with some agricultural buildings.

Policy

The site is within the Site of Special Scientific Interest (SSSI) 500m buffer, open countryside and within a designated Green Wedge. The access runs on the boundary of the SSSI on the Walney Channel foreshore. It must therefore be considered against Local Plan policies D1 and D4. Policy D1 states that the Borough's countryside will be safeguarded from development for its own sake. Policy D4 states that development with Green Wedges should support recreation but must not be detrimental to the visual relief and contrast between residential areas.

Policy G15 acknowledges the popularity of horse riding but recognises the impact that it can have on the environment. Policy G15 is designed to steer horse related proposals to appropriate locations and to ensure minimal impact on the environment.

The stables have been located within the application site so as to reduce their impact in views from the surrounding area. That said, the stables will appear as an isolated building from the coastal path on the eastern side of Walney Channel. However these views are from a distance and there are other buildings in the neighbouring fields. I believe that sensitive use of materials and some landscaping would overcome their impact on public views.

Scale of development

The application for 2 stables and a store represents a moderate scale of horse related development that is fairly typical of private stables throughout the Borough. However it is in a location that is accessed by walking or driving 270m along the foreshore of Walney Channel. While the proposal is for 2 stables I believe it will result in an intensification of use of the land and its access, it will consequently have a significant impact on the public who use the public foreshore for quiet recreational activities.

Access

In this case the development has two accesses, the first being over land out of the applicants' ownership, the second, and main access is off the foreshore of Walney Channel which forms the boundary with the Site of Special Scientific Interest (SSSI). One would need to travel approximately 270m along the foreshore to reach the access of the site. Furthermore I have noted that there is a sign on the National Nature Reserve notice board that states 'No Vehicles Beyond This Point', this board is located approximately 250m from the access to the site.

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I believe that the proposed stables would result in an increase in vehicular use of the public foreshore which in my opinion would result in conflict between vehicles accessing the site and other users. This would also consequently detract from the pleasant, quiet character of the foreshore. I also believe that the foreshore is unsuitable for larger vehicles including vehicles towing horse boxes.

Furthermore I consider that any significant alteration or intensification of use of the foreshore for access to the site would be detrimental to the character of the ecologically sensitive area and may also lead to the deterioration of the public foreshore and impact on the adjacent SSSI.

Finally it should be noted that there are many locations on Walney and throughout the Borough where horse related developments of this size could be sited that benefit from a satisfactory direct access onto a road.

RECOMMENDATION:

I recommend that planning permission be REFUSED for the following reason:

Reason No. 1

The intensified use of the site due to the proposed stables would result in an increased use of an unsatisfactory access along the public foreshore that would result in conflict between users of the public foreshore and detract from the pleasant, quiet character of the location.
