

DEVELOPMENT DIVISION

PLANNING COMMITTEE

FOR DECISION

9th December 2014

Book 2

Ladies and Gentlemen,

The plans in this report have been submitted for approval under the Town and Country Planning Acts.

All County Council Matters are “Delegated” to the Committee for comment and cannot be moved “Non-Delegated” (Minute No. 244, 20th July, 1992).

All other applications in this report are also “Delegated” but can be moved “Non-Delegated” by a Member of the Committee under the terms adopted for the Scheme of Delegation approved by Council, 16th May, 1994. Any such motion needs to be accepted by a majority of Members of the Committee present (Council, 8th August, 1995). All applications left as delegated will be decided by the Committee and will not be subject to confirmation by Council.

The application plan numbers also refer to files for the purposes of background papers.

Jason Hipkiss

Planning Manager

PLANNING COMMITTEE

9th December 2014

PLAN NUMBER:	APPLICANT:	AGENT:
2014/0525	Robinson New Homes Ltd	Mr Allan Lloyd-Haydock
WARD/PARISH:	CASE OFFICER:	DATE RECEIVED:
Ormsgill	Jason Hipkiss 01229 876485	29/07/2014
		STATUTORY DATE: 22/12/2014
LOCATION:	Thorncliffe School (north site), Thorncliffe Road Barrow-in-Furness	
PROPOSAL:	Residential development of 11 detached houses and associated site works.	
SAVED POLICIES OF THE LOCAL PLAN:		

SUMMARY OF MAIN ISSUES:

The application is for residential redevelopment of the former school site. It is considered to be sustainable development in accordance with the NPPF and Saved plan policies, but requires substantial highway works which will need a S106 agreement.

NON MATERIAL CONSIDERATIONS:

REPRESENTATIONS:

Development advertised on site and in the local press; the following neighbours have been notified:

The Occupiers, 43, 44, 46, 49, 50, 52, School House and Hoops Basketball Centre, Thorncliffe Road, Barrow-in-Furness

The Occupiers, 1 and 3 Thornfield Park, Barrow-in-Furness

The Occupiers, Ferndale, Cliffe Road, Barrow-in-Furness

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The Occupier, Ferndale, Cliffe Lane, Barrow-in-Furness

"Our comment on the above application is as follows. We are concerned about the road between Thorncliffe Road and the school playground. We waited for 30 years for the road to be laid to a decent standard this was achieved 2 years ago. Our concern that the heavy transport during the build will degrade it as we have already had heavy machinery with metal tank tracks using it."

The Occupier, 50 Thorncliffe Road, Barrow

With reference to the front aspects of plots 11 (ST) and 10 (M) and side aspect of plot 9 (RUT). These aspects overlook my property, namely 50 Thorncliffe. The site plans show part of my property which borders Cliffe Lane, however it does not show the extension to my property which was completed approximately 3 years ago. I am concerned that the 3 plots above (9, 10 and in particular 11) will have direct views into my property, as I now have windows from an extended bedroom to the side aspect of my property which were not present before the extension was built. (Note: Plot 11 has a second floor study / bedroom window directly facing my house)

The Occupier, 34 Farnham Close, Barrow.

"(X) Inform the Authority that you support the Planning Application."

CONSULTATIONS:

Building Control

"Building regulation approval required - no comments"

Environmental Health

"Thank you for your consultation on the above application.

I understand that the National Planning Policy Framework (NPPF) seeks to prevent unacceptable risk from land contamination and instability (Policy 120 and 121).

In the absence of a contamination assessment, I would recommend that conditions are imposed on any Planning Consent granted, based on the following:

1. No development shall take place until a **Preliminary Investigation** (desk study, site reconnaissance and preliminary risk assessment), to investigate and assess the risk of potential contamination, is submitted to and approved in writing by the Local Planning Authority. This investigation must be undertaken by a suitably qualified contaminated land practitioner, in accordance with established procedures (BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and Model Procedures for the Management of Land Contamination (CLR11)).

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2. If the Preliminary Investigation identifies potential unacceptable risks, a **Field Investigation and Risk Assessment**, conducted in accordance with established procedures (BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and Model Procedures for the Management of Land Contamination (CLR11)), shall be undertaken to determine the presence and degree of contamination and must be undertaken by a suitably qualified contaminated land practitioner. The results of the Field Investigation and Risk Assessment shall be submitted to and approved by the Local Planning Authority before any development begins.
3. Where contamination is found which poses unacceptable risks, no development shall take place until a detailed **Remediation Scheme** has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remedial options and proposal of the preferred option(s), all works to be undertaken, proposed remediation objectives, remediation criteria and a verification plan. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use.
4. The approved Remediation Scheme shall be implemented and a **Verification Report** submitted to and approved in writing by the Local Planning Authority, prior to occupation of the development.
5. In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and Field Investigations shall be carried out. Where required by the Local Planning Authority, remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to occupation of the development.
6. No soil material is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development. A suitable methodology for testing this material should be submitted to and approved by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out as per the agreed methodology with verification of its completion submitted to and approved in writing by the Local Planning Authority.”

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United Utilities

“With reference to the above planning application, United Utilities wishes to draw attention to the following as a means to facilitate sustainable development within the region.

Drainage Comments

In accordance with the National Planning Policy Framework and Building Regulations, the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

Building Regulations H3 clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

- a) an adequate soak away or some other adequate infiltration system, (approval must be obtained from local authority/building control/Environment Agency); or, where that is not reasonably practical
- b) a watercourse (approval must be obtained from the riparian owner/land drainage authority/Environment Agency); or, where that is not reasonably practicable
- c) a sewer (approval must be obtained from United Utilities)

To reduce the volume of surface water draining from the site we would promote the use of permeable paving on all driveways and other hard-standing areas including footpaths and parking areas.

Drainage Conditions

United Utilities will have no objection to the proposed development provided that the following conditions are attached to any approval:

Foul Water

Condition 1

Prior to the commencement of any development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.

Foul shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details.

This development shall be completed maintained and managed in accordance with the approved details.

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Surface Water

Condition 2

Prior to the commencement of any development, a surface water drainage scheme and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed, maintained and managed in accordance with the approved details.

The applicant can discuss further details of the site drainage proposals with Developer Engineer, Josephine Wong, by email at wastewaterdeveloperservices@uuplc.co.uk. Any further information regarding Developer Services and Planning visit our website at <http://www.unitedutilities.com/builders-developers.aspx>.

Water Comments

A separate metered supply to each unit will be required at the applicant's expense and all internal pipe work 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 746 2200 regarding connection to the water mains or public sewers.

General comments

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. United Utilities' offer a fully supported mapping service and we recommend the applicant contact our Property Searches Team on 0870 751 0101 to obtain maps of the site.

Due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further."

Public Rights of Way Officer CCC

"There should be no interference with public byway No.601067 which exists adjacent to the site."

Historic Environment Officer

"I am writing to thank you for consulting me on this application and to confirm that I do not have any objection and I do not wish to make any comments or recommendations."

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Cumbria County Council – Resilience Unit

“Please note there are no comments from Cumbria County Council Resilience Unit.”

OFFICERS REPORT:

1. SITE AND LOCALITY

The site formed the northern part of the former Thorncliffe School, which is split by Thorncliffe Road. The site was sold by the County following closure of the school as part of the reorganisation of senior school education in the Borough.

The locality is essentially residential with a wide mix of housing of varying ages and styles, but mainly detached and semi detached houses. The land to the north, previously playing fields also contains Hoops, a local sports facility which also incorporates a private gym.

The western site boundary is formed by the narrow access track to Hoops, and beyond the track is the former Thorncliffe Reservoir.

The school buildings are being demolished but consisted of the six storey tower and attached two storey buildings forming the classrooms and ancillary accommodation. There are large expanses of tarmac, principally the play areas to the rear and car parking plus servicing to the front. There is vehicular and pedestrian access from both Thorncliffe Road and Cliffe Lane along the eastern site boundary. The latter is a private road with rights of access across it which becomes a public right of way leading to Old Hawcoat in the north.

2. PROPOSAL DETAILS

The submitted layout indicates 11 substantial detached dwellings, 8 facing Thorncliffe Road, accessed via a new shared road arrangement, and 3 at right angles facing Cliffe Lane from which access is gained individually. The access road for the 8 will run parallel to the main road from which it is separated by an existing planted area within which it is intended to retain several trees and shrubs. The front curtilages are shown as being essentially open span whilst at the rear the gardens would be separated by a 1.8m boarded fence that then reduces to a 1.2m post and wire fence reinforced with a hedgerow. This latter treatment also forms the rear boundary. This was advice from officers in order to soften the transition between private space and the wider open area beyond, however the details need some work and I have suggested a suitable condition.

The dwellings are shown with either integral or detached garages with off street parking, and constructed from traditional materials, the final details of which can be subject to a condition. The drawings show that the houses would be a mix of brick and render with stone cills and heads for the windows. The layout ensures that the houses address the main road frontage, particularly the important plot 9 on the corner with Cliffe Lane. These details were identified in pre application meetings in order to highlight some of the design features found on the older dwellings along the north side of Thorncliffe Road, and in order to ensure a suitable quality within the wider street scene.

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3. RELEVANT HISTORY

The school was built in the late 1960s on a former horticultural nursery site. It has been extended several times as the pupil numbers increased before closure three years ago. The County granted the notice for demolition in 2014.

4. RELEVANT POLICIES AND GUIDANCE

The site has been put forward for consideration as a future housing allocation and has been assessed through the Strategic Housing Land Availability Assessment process. The site is categorised in the SHLAA as being 'developable' as it is a vacant brownfield site.

The NPPF requires decisions to be taken in accordance with up to date local policies that accord with the national policy of supporting sustainable development by using brownfield sites close to services and amenities and within walking distances of public transport. Planning authorities are also required to ensure a suitable supply of housing including an allowance for windfall sites like this one which has no formal development allocation. Saved policies B5 and B3 direct residential development to brownfield sites within the urban area and in this respect the principle of the application is supported. Saved policy D21 seeks to ensure that local design issues are taken into consideration when preparing schemes and this was brought forward through the pre application meetings to form the layout and appearance of the application before you today.

5. PLANNING ISSUES

The layout has been subject to some minor alterations in order to accommodate the highway comments. In order to ensure removal of the traffic calming along the site frontage, and suitable reinstatements taking into account the future site use, the Highway Authority (HA) has requested that the developer enters into a S106 and written agreement to this has been received from the applicant subject to the associated costings being reasonable. This document is being drafted by the County's legal team. Within the development privacy is protected through layout and the angles and orientation of the dwellings.

A comment has been received from the occupier of 50 Thorncliffe Road relating to the proposed dwellings facing Cliffe Lane and the potential impact upon a recent rear extension. However the distance between the new dwellings and #50 is some 27 meters, which is beyond the 21m normally cited as acceptable.

Another comment refers to the status of Cliffe Lane. This is an unadopted road but a right of access exists for the application site and for users of the hoops facility for which the old school playground provides an overspill parking facility.

6. CONCLUSION

The application represents sustainable residential development which is in accordance with the NPPF and Saved local policies. It will redevelop a site that occupies a prominent main road location and contribute to the housing supply for the Borough, particularly in the upper sector of the market.

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RECOMMENDATION:

I recommend that;

- A. Subject to the applicant entering into a S106 agreement for the relevant highway works to Thorncliffe Road then;
- B. Planning Permission is GRANTED subject to the Standard Duration Limit and the following conditions;

Condition 2

The development hereby permitted shall be carried out in all respects in accordance with the application dated 19/09/2014 and the hereby approved documents defined by this permission as listed below, except where varied by a condition attached to this consent; Location Plan, Design & Access Statement, Drawings titled "House Type ST Rev K", "House Type CC4 3S", "House Type WHIT Rev A", "House Type RUT Rev A", "House Type M", "House Type WHIT PLOTS 1 & 11 Rev J", Detail Sheet 8 Double Garage, Proposed Site Layout Rev C, Plan Showing Refuse Vehicle Track

Reason

In order to link the permission to the submitted application and as recommended by the DCLG document 'Greater Flexibility for Planning Permissions'.

Condition 3

No development shall take place until a **Preliminary Investigation** (desk study, site reconnaissance and preliminary risk assessment), to investigate and assess the risk of potential contamination, is submitted to and approved in writing by the Local Planning Authority. This investigation must be undertaken by a suitably qualified contaminated land practitioner, in accordance with established procedures (BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and Model Procedures for the Management of Land Contamination (CLR11)). If the Preliminary Investigation identifies potential unacceptable risks, a **Field Investigation and Risk Assessment**, conducted in accordance with established procedures (BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and Model Procedures for the Management of Land Contamination (CLR11)), shall be undertaken to determine the presence and degree of contamination and must be undertaken by a suitably qualified contaminated land practitioner. The results of the Field Investigation and Risk Assessment shall be submitted to and approved by the Local Planning Authority before any development begins.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved policy D56 of the Local Plan Review 1996-2006.

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Condition 4

Where contamination is found which poses unacceptable risks, no development shall take place until a detailed **Remediation Scheme** has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remedial options and proposal of the preferred option(s), all works to be undertaken, proposed remediation objectives, remediation criteria and a verification plan. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use. The approved Remediation Scheme shall be implemented and a **Verification Report** submitted to and approved in writing by the Local Planning Authority, prior to occupation of the development. In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and Field Investigations shall be carried out. Where required by the Local Planning Authority, remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to occupation of the development.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved policy D56 of the Local Plan Review 1996-2006.

Condition 5

No soil material is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development. A suitable methodology for testing this material should be submitted to and approved by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out as per the agreed methodology with verification of its completion submitted to and approved in writing by the Local Planning Authority.”

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved policy D56 of the Local Plan Review 1996-2006.

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Condition 6

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, together with all boundary treatments, parking spaces and road surfacing 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.

Condition 7

No part of the development hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided to the Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason

In order to ensure that the site is adequately drained in accordance with the sustainable principles found in the NPPF

Condition 8

All carriageway, footways and footpaths shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal and cross sections, shall be submitted to the Planning Authority for approval before any work commences on site. No work shall be commenced until a full specification has been approved in writing. These details shall be in accordance with the standards laid down in the relevant Cumbria Design Guide. Any works so approved shall be constructed in accordance with a scheme of phasing subject to prior written agreement with the Planning Authority.

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Reason

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

Condition 9

Prior to the beneficial occupation of any part of the development, a landscape scheme for the site, showing the trees, shrubs and hedgerows, including verges and other open spaces, together with details of a timetable for implementation, (including 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. The scheme shall be implemented in accordance with the approved details, and all planting and subsequent maintenance shall be to current British Standards.

Reason

In the interests of the visual amenities of the area.

Condition 10

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following beneficial occupation of any part of the development, or in accordance with the phasing of the scheme as agreed in writing with the Planning Authority. Any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced by the landowner in the next planting season with others of a similar size and species, unless the Planning Authority gives prior written consent to any variation.

Reason

In the interests of the visual amenities of the area.

Condition 11

All residents and visitor vehicle parking spaces and the access thereto shall be retained free of any obstruction, and must be reserved for the parking of private motor vehicles, nor shall any permanent development, whether permitted by the Town & Country Planning (General Permitted Development) (Amendment) (No2) (England) Order 2008 (or any Order revoking or re-enacting that Order with or without modifications) be carried out on those areas of land in such position as to preclude vehicular access to the development hereby permitted.

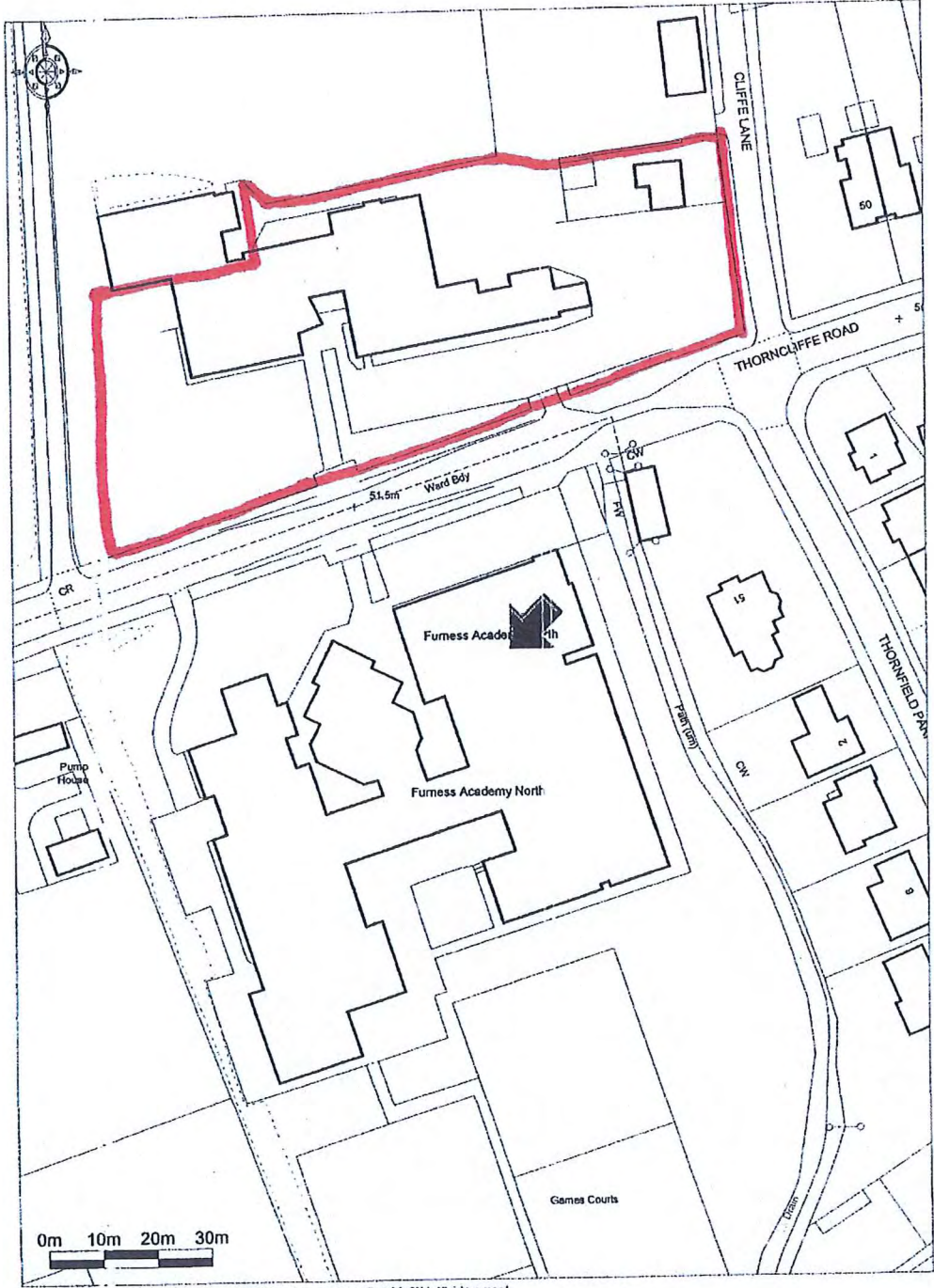
Reason

To ensure a suitable standard of provision for pedestrians and vehicles associated with the development.

2014 / 0525

THORNCLIFFE SCHOOL

RECEIVED
04 SEP 2014



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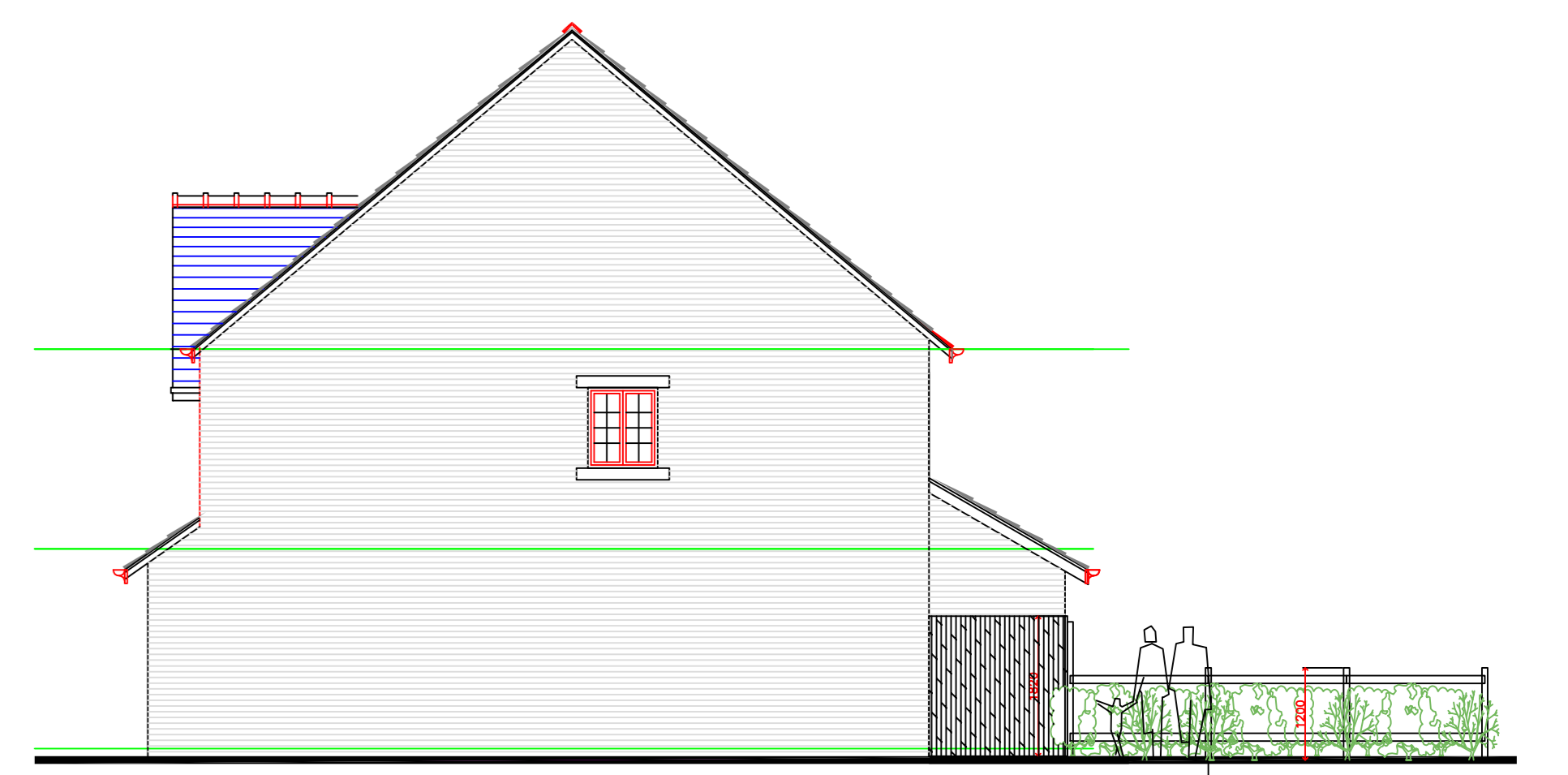
Ordnance Survey © Crown Copyright 2014. All rights reserved.
Licence number 100022432. Flatted Scale - 1:1250



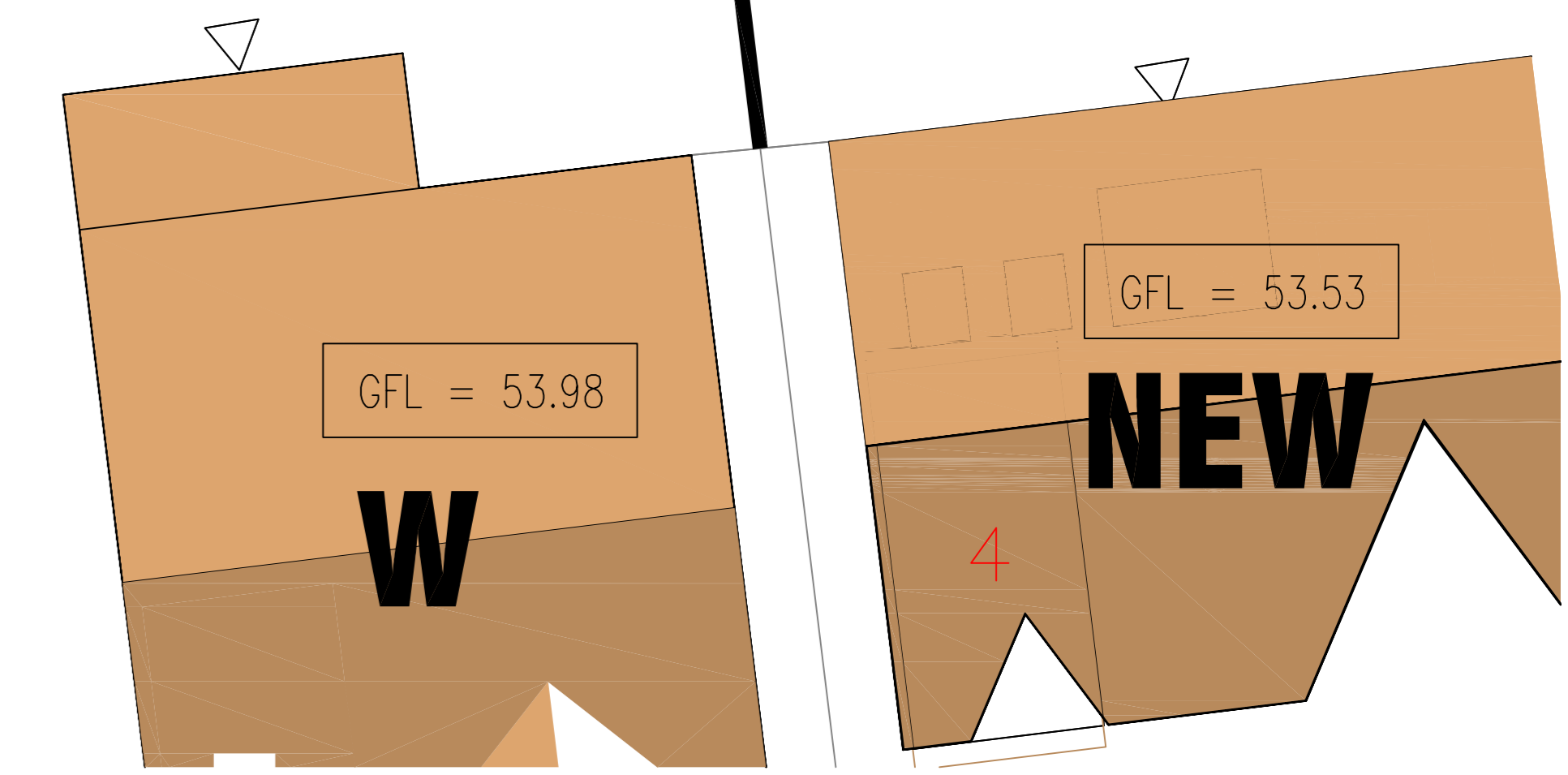
STREETSCENE INSIDE BOUNDARY



STREETSCENE FROM ROAD



BOUNDARY FENCING DETAIL (ELEVATION)



BOUNDARY FENCING DETAIL (PLAN)



REV	DATE	DESCRIPTION
C	21.11.14	amendments to suit planning letter dated 19.11.14
B	11.09.14	fencing annotated and brick walls
A	04.08.14	floor levels added

THORNCLIFFE ROAD NORTH SITE

Proposed Site Layout, Thorncliffe Road, Barrow-In-Furness.

scale 1:200 drwg no TR/10 Rev C
drawn atl-h

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PLAN NUMBER:	APPLICANT:	AGENT:
2014/0360	TB Group Ltd	Rob Turley Consultancy
WARD/PARISH:	CASE OFFICER:	DATE RECEIVED:
Hindpool	Charles Wilton 01229 876553	16/06/2014
		STATUTORY DATE: 14/09/2014
LOCATION:		
Bradys Yard, Wilkie Road, Barrow-in-Furness		
PROPOSAL:		
Application for outline planning permission for the redevelopment of former warehousing and industrial land for residential purposes including access but with appearance, landscaping, layout and scale reserved for later approval.		
SAVED POLICIES OF THE 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 E2

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

POLICY D59

Noise sensitive development such as housing, schools and care homes will not be permitted in locations where it is likely that exposure to high noise levels would occur, both at present and in the future.

POLICY G9

New housing development will be required to include, as a minimum, childrens' play space in accordance with the standards set out below, which are hereby adopted by the Authority and based on the recommendations of the National Playing Field Association:

- 1 Development sites over 15 units or 0.4 hectares in size should provide a play area of no less than 100 metres², within 100 metres or 1 minutes safe walking distance of the new dwellings.
- 2 Development sites over 50 units or 0.8 hectares in size should provide a play area of no less than 400 metres², with at least five types of play equipment within 500 metres or 5 minutes safe walking distance of the new dwellings.
- 3 Development sites over 100 units should also provide a kick-about space for older children of no less than 400 metres².

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SUMMARY OF MAIN ISSUES:

NON MATERIAL CONSIDERATIONS:

REPRESENTATIONS:

Development advertised on site and in the press as major development.

The Occupiers of Felltop Automotive Engineers, Princess Interiors, Walney Road, Barrow Associated Football Supporters Club, Bluebirds Study Centre, Holker Street Ground. The Cross Bar, The Soccer Bar, Wilkie Road all informed.

Representations received from Montague Evans on behalf of Stagecoach

Montagu Evans on behalf of Stagecoach dated 09/09/2014

“Our client owns the bus depot to the north and west of the application site. I indicated to you that our client had not been consulted as a neighbour on this application. They learned of the application following a press report on the proposals over the weekend.

The failure to consult with our client whose site is in such close proximity to the application site is prejudicial to their interest. We therefore request a period of 21 days to review the application proposals in detail in order to prepare and submit a detailed representation.

Our client is extremely concerned about the impact of the proposals on their ability to continue to provide bus services, especially in the early morning and late evening from the existing bus depot and to undertake the programmes of cleaning and maintenance necessary to keep the fleet operational.

The depot forms a key facility for Stagecoach and is in use for 24 hours a day. Buses are cleaned and fuelled and maintained at the site which necessarily generates high levels of noise throughout the day and at night time.

Stagecoach is extremely concerned about the prospect for a resident living in the new development to allege that noise arising from bus maintenance activities constitutes a statutory noise nuisance. This means that the local authority could be forced to impose a Noise Abatement Order on our client to protect residential amenity under the Environmental Protection Act 1990. Should this situation arise it would cause significant and long term adverse impact on the provision of bus services for the local and wider community.

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It is absolutely critical that proposals for residential development on the application site be considered in the context of existing activities that take place on the adjacent land. As I am sure you appreciate, bus services provided by Stagecoach are in many instances the only public transport available to many more outlying communities. Groups such as the young, the elderly and those with young children represent a significant proportion of passengers. Early morning and late night bus services are also important to many undertaking 'key worker' activities. If Stagecoach were impeded in the delivery of these services, it would have a major effect on transport across the Borough.

We note that the planning application does not make any reference to potential disturbance from existing activities at the bus depot site. A noise assessment has not been submitted with the planning application so it is not possible for the planning authority to effectively consider whether the proposed development provides a satisfactory living environment. On this basis, Stagecoach objects to this development in the strongest possible terms. The planning application is incomplete.

It is absolutely critical that a noise assessment is undertaken in order for the planning authority to assess whether mitigation against noise impact is possible and whether the layout of the site as proposed is achievable. Based on experience of sites elsewhere and the levels of noise that emanate from the facility, Stagecoach has serious doubts about whether the site can be used for residential purposes.

As discussed on the telephone, a fully detailed objection outlining in detail the issues relating to the amenity of potential residents of the proposal site will follow in due course.

In the meantime, I would be very grateful if you could indicate that you acknowledge this 'holding objection' and indicate that a period of 21 days will be allowed in order for us to prepare an submit an application on behalf of our clients."

Montague Evans on behalf of Stagecoach dated 10/09/14

"We write on behalf of our client, Stagecoach Cumbria and North Lancashire, with regards to the above planning application. Stagecoach operate the bus depot which directly abuts the application site, with no physical barrier between the two sites. As set out in my email of 9th September 2014, Stagecoach is extremely disappointed that they were not directly consulted on the proposals given the proximity of their site and the potential for their interest in the depot site to be prejudiced by adjacent development.

Our client is extremely concerned about the impact of the proposals on their ability to continue to provide bus services, especially in the early morning and late evening from their existing bus depot, and to undertake the programmes of cleaning and maintenance necessary to keep their fleet operational.

It is essential that Stagecoach's objection is outlined in full, given that the application does not address any issues resulting from the close proximity of the bus depot to the proposed residential development. In our view there are significant issues with the application proposals in amenity terms, and the application should be refused.

Background

- The bus depot forms a key facility for Stagecoach.

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- Stagecoach carries 25.6 million bus passengers per year across Cumbria and 3.2 million across Barrow-in-Furness.
- The depot is used as a base for 37 buses.
- Activities at the depot include jet washing and steam cleaning of buses, MOT testing of commercial vehicles, general maintenance and repair works and bus parking.
- The first service leaves at around 05:00 and the last returns at around 01:00. The buses are cleaned and fuelled throughout the working day from early morning, so the operation is essentially a 24-hour one. The depot operates 7 days a week.
- There are 95 employees based at the site, who necessarily arrive and depart by car and therefore there are a large number of associated vehicle movements, in addition to those from the buses themselves, and some occur in the early and late hours.

Planning Issues

Unfortunately, Stagecoach have experience at a number of other depots around the country of situations where residential occupiers close to operational depots have complained to local authorities over noise and disturbance issues, and those authorities have felt bound, under environmental health and human rights legislation to take action against bus operations. This has had significant and long-term impacts on the provision of bus services to the wider community.

From an operational viewpoint, Stagecoach is concerned that a resident living in an adjacent development may complain that noise arising from bus maintenance activities such as washing and repair of vehicles, fuelling and general vehicle movement at the depot constitutes a statutory nuisance. This means that the local authority could be forced to impose a noise abatement notice on our client, to protect residential amenity under the Environmental Protection Act 1990. Should this situation arise, this will cause a significant and long term impact on the provision of bus services for the local and wider community.

It is in this context which any further proposals for residential development must be considered.

As I am sure you already fully appreciate, the bus services Stagecoach provide are in many instances the only public transport available to many more outlying communities. Groups such as the young, the elderly and those with young children represent a significant element amongst passengers.

The early morning and late night services are also important to many undertaking 'key worker' activities.

Bus services thus play an important role, offer a more environmentally friendly alternative to private cars, and are important with regard to promoting social inclusion and choice.

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From a planning point of view therefore, a careful balance needs to be struck between the delivery of new housing, and the need to ensure that Stagecoach can continue to provide this key public service.

Residential amenity

The proposed development is located immediately adjacent to the Stagecoach bus depot which is a 'bad neighbour' transport-related activity, and necessarily operates on a 24-hour basis.

The Stagecoach depot is a source of late-night and early morning noise and disturbance - typically from:

- bus headlights tracking across windows;
- vehicle doors slamming;
- bus engines being started and warmed;
- reversing beepers
- steam cleaning and jet washing buses;
- general maintenance work;
- staff radios; and
- general vehicle manoeuvres.

These noises and activities can occur throughout the entire 24 hour period and many are sudden and intermittent noises which make them particularly disturbing to restful sleep.

These are all activities which in other instances have prompted complaints to environmental health departments, and which are unavoidable in the operation of a depot of this type.

Jet washing and steam cleaning of buses is a particularly noisy activity and one that has generated complaints elsewhere. This takes place outside, to the east of the bus depot building (and therefore close to the proposed residential development). This activity is essential as Stagecoach have a number of operational and legal obligations to maintain a clean fleet. If this activity is curtailed, then this will seriously prejudice Stagecoach's ability to maintain and operate a bus service in Barrow-in Furness and wider areas.

Also, every morning drivers are required to undertake a vehicle safety check. This involves depressing the horn on every vehicle before it leaves the depot - clearly this is likely to lead to early morning disturbance with the first services leaving at around 0500.

Relevant Planning Policy

Paragraph 109 of the National Planning Policy Framework (NPPF) states the planning system should contribute to the natural and local environment by preventing new development being adversely affected by noise pollution. Paragraph 123 states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts in health and quality of life as a result of new development, and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development.

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The Noise Policy Statement for England (NPSE) states in relation to the 'significant observed adverse effect level' (SOAEL) (2.21 and 2.22):

"This is the level above which significant adverse effects on health and quality of life occur.

It is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times."

In other words, it is clear that the effects of noise on a particular receptor may vary according to different factors. Night time intermittent noise may be worse than a constant day time noise, for example. However, the application documents have not considered the types of noise emanating from the bus depot and their possible effect on the proposed development at all.

The National Planning Policy Guidance (NPPG) contains more detailed guidance on noise, to supplement that contained within the NPPF. The following paragraph references refer to the Noise section within the NPPG.

Paragraph 1 states:

"Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment." (my emphasis).

Paragraph 3 sets out how decision making should consider noise effects:

Local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.

In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation. As noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy."

In other words, a staged approach should be followed to consider the bullet points above. The NPPG is clear that this is a complex technical issue that requires specialist advice. The applicant has failed to consider these issues.

Paragraph 5 of the NPPG sets out to how recognise when noise is a concern at the level of significant adverse impact:

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"Increasing noise exposure will at some point cause the significant observed adverse effect level boundary to be crossed. Above this level the noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is above this level the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as by altering the design and layout. Such decisions must be made taking account of the economic and social benefit of the activity causing the noise, but it is undesirable for such exposure to be caused."

The table that accompanies paragraph 5 indicates that there is potential for sleep disturbance at this level. In Stagecoach's experience, the level of noise generated by activities at their depots at least crosses the threshold of 'significant observed adverse effect'. For example, windows are likely to be kept closed to avoid noise- this is of course particularly problematic during warm summer evenings when residents will require ventilation. The NPPG is clear that this level of impact is to be avoided.

Paragraph 5 goes on to state:

"At the highest extreme, noise exposure would cause extensive and sustained changes in behaviour without an ability to mitigate the effect of noise. The impacts on health and quality of life are such that regardless of the benefits of the activity causing the noise, this situation should be prevented from occurring."

Many of the activities that take place at the existing depot potentially fall into this category. Night time jet washing of vehicles for example is highly likely to disturb sleep over a sustained period,

potentially leading to health problems and psychological distress. The NPPG is clear that such impacts are to be prevented.

Paragraph 6 identifies a number of factors where noise is likely to be more of a concern. These factors include:

- The time of day that these noise occurs, with night time noise likely to be more disturbing than day time noise;
- The number of noise events and their frequency and pattern of occurrence of noise; and
- High or low frequency of noise or particular tonal characteristics;

The noise generated by a bus depot takes place at night time and day time, with a large number of individual noise events (engines starting, doors slamming, vehicle movements, jet washing, reversal beepers etc.). These are frequent and occur particularly around early morning and late evening (when potential residents will be trying to sleep).

Paragraph 6 also states:

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"The potential effect on an existing business of a new residential development being located close to it should be carefully considered as the existing noise levels from the business may be regarded as unacceptable by the new residents and subject to enforcement action [i.e. as a statutory noise nuisance]. In the case of an established business, the policy set out in the third bullet of paragraph 123 of the Framework should be followed." (my emphasis)

The relevant provision of the NPPF states:

"Existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established"

This is particularly relevant to this situation, as the NPPF and NPPG recognise the constraints that could be placed on existing operations by the subsequent development. If the planning authority were to approve the application in its present form, it would be doing so contrary to the guidance contained within the NPPF and NPPG.

Outline application

We note that the application is in outline form with the layout of the scheme a matter reserved for future determination. We are of the view that given the potential for serious and significant amenity issues that could prejudice the delivery of bus services by Stagecoach, that it is not appropriate for the planning authority to determine an application where the layout has been reserved. This is because potential amenity issues are likely to place considerable constraints on the layout of the development.

The Town and Country Planning (Development Management Procedure) (England) Order 2010 states:

"Where the authority who are to determine an application for outline planning permission are of the opinion that, in the circumstances of the case, the application ought not to be considered separately from all or any of the reserved matters, they shall within the period of 1 month beginning with the receipt of the application notify the applicant that they are unable to determine it unless further details are submitted, specifying the further details they require."

In our view, the planning authority cannot determine the current application due to the lack of information on the potential amenity effects of the application. Even were this possible, it is not appropriate to determine the application with the layout reserved due to the likely constraints on the layout arising from mitigation. Also it is likely that mitigating measures such as acoustic barriers will be needed - the detail of those cannot be known at this stage and it is therefore inappropriate to grant permission in outline without knowledge of what these mitigating factors may be, as they may themselves be unacceptable.

In our view, the application should therefore be refused. If a new application is made, this should be made including details of the layout, which are not appropriately reserved for future determination.

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Conclusions

- The bus depot forms a key facility for Stagecoach, carrying 25.6 million bus passengers per year across Cumbria;
- The bus depot is used as a base for 37 vehicles and maintenance and cleaning of the fleet is undertaken on site, with buses and 95 employees entering and leaving the site and other activities taking place on a 24 hour basis;
- Noise complaints from future occupiers of an adjacent site could require the Council to take action against Stagecoach under environmental legislation that could result in severe and significant curtailment of bus services in Cumbria;
- The risk to existing activities from new development is recognised in the NPPF and NPPG.
- The NPPF and NPPG is clear that the types of disturbance that are likely to arise from the bus depot should be prevented;
- The applicant has provided no analysis of the potential effect of noise on the future residents of the development, so the planning authority has insufficient information to approve the application;
- Given the specific constraints of the site, it is inappropriate that an application is approved in outline with the layout reserved;
- The application should be refused and any future proposals should include a layout devised in full knowledge of the potential impact of noise and required mitigation measures.

I would be grateful if you would keep me informed of the progress of the planning application as well as any potential planning committee dates where the application may be heard. If you have any questions or would like to discuss this matter further, please contact me in this office.

Montague Evans on behalf of Stage Coach dated 15/10/14

I have reviewed the acoustic report submitted in support of the above application.

In summary, the report appears to be wholly inadequate and completely fails to have regard to the points raised in my previous letter of objection. This is of considerable concern to our clients.

The location of the noise monitoring locations causes concern as none of these are placed close to the boundary with the bus depot where the main activity takes place.

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The noise monitoring stations were present only between 0610 and 0900. This extremely short period of time fails to monitor the episodic nature of activity at the depot. The report indicates that the only noise from the depot was a single bus was idling. Common sense dictates that the worst noise exposure from a fully functioning bus depot is likely to exceed that of a single bus engine idling. Most of the buses have left the site by this time in the morning.

The short monitoring period means that:

- The 37 buses that leave the site at approximately 5am and return to the site at 0100 were completely missed by the monitoring period. This is likely to be noisy, with doors slamming, reversal beepers etc.
- The horn on every vehicle needs to be sounded before it leaves the depot at around 5am – this is unlikely to have been picked up in the noise report;
- Noise from jet washing (a very noisy activity) is not taken account of. This activity takes place outside, to the east of the building, close to proposed residential units;
- General maintenance activity that takes place throughout the day and night is not taken account of.

The acoustic report itself indicates that these concentrations of noise have not featured in the assessment. It is obvious that if there was only a single bus engine idling, then the noise report has monitored the effects, during that time, of a virtually empty site and not the full range of activities that take place in a bus depot. By its own admission, the report fails to take account of sudden and intermittent night time noises that are particularly disturbing to night time sleep.

All of the above activities were highlighted in my letter, but the noise monitoring has been undertaken in such a way that this noise is completely excluded from the considerations of the report.

The site is then assessed as falling within in (I understand, now defunct) NEC 'A'. The experience of Stagecoach is that sites of this nature hard against a bus depot fall within NEC C or D. Clearly the result of this is that the level of mitigation proposed is likely to be wholly inadequate and lead to an entirely unsatisfactory living environment for potential residents. This is particularly the case at night, especially in the summer months when residents will want to open their windows for ventilation.

This raises the very real prospect of Stagecoach's ability to deliver local bus services could be prejudiced by statutory action taken against them by the Council arising from complaints by future residents. Given the importance of the Stagecoach facility and the very high risk of disturbance to the future residents of the site, the noise report is inadequate and the Council does not have sufficient information to determine the application. At the very least, the applicant should be requested to undertake 24 hour noise monitoring given the significance of the potential impacts.

I repeat earlier my earlier comments that the site layout is material to the acceptability of this outline application. Given the risk from noise, it is inappropriate that the layout should be reserved. The application should be withdrawn and resubmitted taking full account of the full range of noise from the bus depot.

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Montague Evans on behalf of Stagecoach dated 17/11/2014

We write on behalf of our client, Stagecoach Cumbria and North Lancashire, with regards to the above planning application.

The applicant, at the request of the Council has prepared an Acoustic Survey. Montagu Evans reviewed this and emailed the Council on 15th October 2014 expressing our client's considerable concerns regarding the shortfalls in that survey.

The applicant has updated their Acoustic Survey (dated 4th November 2014). There are still a number of considerable shortcomings with the Acoustic Survey which are set out in this letter.

In summary, we consider that planning permission should be refused due to the unacceptable living conditions that would arise from residential development in close proximity to the Stagecoach depot, and the very real potential for the development to prejudice the ongoing delivery of bus services in Barrow-in-Furness and outlying communities.

Report Conclusions

In the first instance, I wish to draw your attention to some concluding remarks in the report. Paragraph 5.2 states:

"A full assessment of which properties may require the additional ventilation will only be known once the detailed site layout has been finalised. However, it is recommended that adjoining bedrooms do not have direct line of sight to the bus depot and that there is as much distance as possible between properties and the bus depot boundary."

This is a very significant comment. The report is clear that until the site layout is resolved, it is not clear what mitigation measures are required. It would be wholly inappropriate for the Council to determine an application not in command of the full facts and what those mitigation measures are.

Secondly, in recommending 'as much distance as possible' between the bus depot, and no line of sight, the report is absolutely clear that the layout of the proposed development is fundamental to the acceptability of the proposed site for application purposes. The bus depot is clearly a very significant constraint on the development of the application site, but this is somewhat played down in the Acoustic Report.

As set out in my letter of 10th September, this application is in outline with all matters reserved. The application should be withdrawn and resubmitted with details of the layout to demonstrate that an acceptable development is achievable, or the application should be refused.

Noise Monitoring

We note that additional noise monitoring took place at new location 2. This monitoring was very limited in scope just over three hours on a single day (30th October 2014).

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The report states at paragraph 3, while this monitoring station was present (paragraph 4.3.3)

"During the third visit there was no evidence that the bus or jet wash was in operation"

This has been corroborated by Stagecoach. The internal bus wash operates daily. The separate chassis jet wash operates on average twice a day (every bus in the fleet must be subject to the chassis jet wash every 21 days). Some days it does not operate at all, other days it will operate in excess of twice. The chassis jet wash was not in operation at the time of the location 2 monitoring.

The report acknowledges that the noisy jet wash did not take place:

"No external jet washing activities took place during any of the manned noise measurement visits – even though these visits were during daylight hours when it is likely that any externally washing would take place."

This is a major shortcoming of the report that major noise incidents were not assessed by the report. The report is therefore incomplete as it does not accurately reflect the noise environment of the depot.

Effects of Proposed Development on Chassis Bus Wash

Each bus in the fleet must be subjected to the chassis wash every 21 days to meet Stagecoach's statutory obligations for the maintenance of the fleet.

The layout of the bus depot shown at Figure 8 of the report shows the route into the depot, following the development of the application site, to the east side of the main depot building. This would require the demolition of two structures which would otherwise block the ingress. The route in would pass over the location of the chassis wash, so if the development took place within the boundary suggested, the chassis wash would have to be relocated.

The Acoustic Report also suggests (paragraph 5.3):

"In addition to this, the land [occupied by the chassis wash] is owned by the applicant and can be terminated if it is considered to be a noise or sustainability issue."

The Acoustic Report then suggests that the chassis wash could be amalgamated with the bus wash within the envelope of the depot. We are advised by Stagecoach that an amalgamated bus/chassis wash is not in operation at any other depot in the country and that they are unsure whether any such equipment is technically feasible. In any event, even if it were, there would be an enormous cost to adapting existing equipment, or purchasing new, bespoke equipment.

The most likely outcome of development is that the bus chassis wash would need to be relocated elsewhere within the rear yard. Should planning permission be granted for residential development on the application site, it would be extremely difficult, if not impossible, to obtain consent for the construction of a new chassis wash due to the adverse effects that this would have on the amenity of the new residential occupiers. This would entirely prejudice the use of the depot for providing bus services.

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The consequences would be severe - Stagecoach may not be able to operate a local bus service as they would not be able to comply with their statutory obligations regarding the maintenance of the fleet.

Proposed Mitigation Measures

As set out above, the report is clear that the overall extent of mitigation required will depend on the layout of the site. In fact the report is clear that an effective layout is the *key* mitigating factor in these circumstances.

It is clear that in the absence of the layout, the applicant's acoustic consultant is unclear as to the extent of mitigation required:

"for bedrooms that have no line of sight and/or are further from the boundary with the bus depot mechanical ventilation may not be required. A full assessment of which properties may require the additional ventilation will not be known until the detailed site layout has been finalised".

Regrettably, the layout has been reserved for later determination, which we consider inappropriate in the circumstances, and the application should be withdrawn on this basis. If the applicant does not withdraw the application, it should be refused.

Furthermore, the report itself acknowledges that not all sources of bus depot noise have been assessed, so the full extent of mitigation required is not known.

However, it is clear from the report that the level of mitigation required will mean that residents will not be able to ventilate their rooms with openable windows. When a window is opened, this will mean that any attenuation properties of the glazing will be immediately and completely removed. If a window is opened at night time, sleep will be impossible.

Put another way, the Acoustic Consultant's advice is that every building on the development must have its windows fixed shut. The report indicates that trickle venting should be avoided as this does not provide the required attenuation. In hot weather it is very unlikely that residents will not open their windows. They will be exposed to unacceptable noise and this may result in complaints that prejudice Stagecoach's operation.

It is not possible to mitigate against the proposed noise measures, at the same time as providing a satisfactory living environment.

Closing

As previously requested, I would be grateful if you would keep me informed of the progress of the planning application as well as any potential planning committee dates where the application may be heard.

Stagecoach was disappointed that we were not invited to review the revised acoustic report given that this issue goes to the heart of Stagecoach's operation. If it is helpful to you, Stagecoach would be happy to meet with you and Environmental Health Officers at the depot so that you might better understand the activities that take place there."

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CONSULTATIONS:

United Utilities

With reference to the above planning application, United Utilities wishes to draw attention to the following as a means to facilitate sustainable development within the region.

Drainage Comments

In accordance with the National Planning Policy Framework and Building Regulations, the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

Building Regulations H3 clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

- a) an adequate soak away or some other adequate infiltration system, (approval must be obtained from local authority/building control/Environment Agency); or, where that is not reasonably practical
- b) a watercourse (approval must be obtained from the riparian owner/land drainage authority/Environment Agency); or, where that is not reasonably practicable
- c) a sewer (approval must be obtained from United Utilities)

To reduce the volume of surface water draining from the site we would promote the use of permeable paving on all driveways and other hard-standing areas including footpaths and parking areas.

Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

Drainage Conditions

United Utilities will have no objection to the proposed development providing specific conditions are included in any planning permission granted. These conditions are as follows:-

- Prior to commencement of development, details for how foul and surface water shall be drained on a separate system shall be submitted to the local planning authority and approved in writing. The development shall be completed in accordance with the approved details.

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- Prior to the commencement of development, a scheme for surface water and foul water drainage (inclusive of how the scheme shall be maintained and managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme submitted for approval shall be in accordance with planning application proposing surface water runoff from the site discharging into sustainable drainage system. No part of the development shall be occupied until the drainage scheme has been constructed in accordance with the approved details. For the avoidance of doubt, neither surface water, land drainage, nor highway drainage shall connect into the public sewerage system (directly or indirectly). The development shall be completed, maintained and managed in accordance with the approved details.

I would be grateful if you could forward a copy of the suggested conditions for our comment.

Water Comments

A separate metered supply will be required at the applicant's expense and all internal pipe work 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 746 2200 regarding connection to the water mains or public sewers.

General comments

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. United Utilities offer a fully supported mapping service and we recommend the applicant contact our Property Searches Team on 0870 751 0101 to obtain maps of the site.

Due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further."

Network Rail

"We would draw the councils attention to the following Rail Accident Investigation Branch report into 'Penetration and obstruction of a tunnel between Old Street and Essex Road stations, London 8 March 2013', which concluded:

5 The intent of this recommendation is to ensure that the planning approval process reduces the risk to railway infrastructure due to adjacent developments. The Department for Communities and Local Government should introduce a process to ensure that Railway Infrastructure Managers are made aware of all planning applications in the vicinity of railway infrastructure. This process should at least meet the intent of the statutory consultation process (paragraphs 97f and 101).

This proposal is adjacent to the Carnforth – Barrow – Carlisle railway line and as such no works on site and as a permanent arrangement should impact the safety, performance, integrity and operation of the railway. Therefore we would comment as follows:

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(1) Network Rail requests that the developer submit a risk assessment and method statement (RAMS) for the proposal to Network Rail Asset Protection, once the proposal has entered the development and construction phase. The RAMS should consider all works to be undertaken within 10m of the operational railway. We require reviewing the RAMS to ensure that works on site follow safe methods of working and have taken into consideration any potential impact on Network Rail land and the operational railway. The developer should contact Network Rail Asset Protection prior to works commencing at AssetProtectionLNWNorth@networkrail.co.uk to discuss the proposal and RAMS requirements in more detail. A BAPA may be required for the works on site.

(2) We would also highlight that any surface water or foul drainage from the site will need to run in a direction away from the railway. No soakaways should be included within a distance of 20m from the boundary and no water should be discharged in the direction of the railway. Therefore the drainage plans should be submitted for review to the Network Rail Asset Protection Engineer to ensure that the drainage on site does not export to Network Rail a risk of flooding, water saturation or pollution. This is in line with the NPPF. The NPPF states that, "103. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere," We recognise that councils are looking to proposals that are sustainable, however, we would remind the council in regards to this proposal in relation to the flooding, drainage, surface and foul water management risk that it should not increase the risk of flooding, water saturation, pollution and drainage issues 'elsewhere', i.e. on to Network Rail land. We would need to be reassured that the proposal drainage from the school building, the site and the MUGA (including hard surfaces) does not impact upon the railway.

We would request that a condition is included in the planning consent as follows:

Condition:

"Prior to the commencement of the development details of the disposal of both surface water and foul water drainage directed away from the railway shall be submitted to, and approved in writing by the Local Planning Authority and Network Rail."

Reason: To protect the adjacent railway from the risk of flooding and pollution.

No infiltration of surface water drainage into the ground is permitted other than where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

(3) Any fencing to the railway boundary must be trespass proof and not climbable with a minimum height of 1.8m. Network Rail's existing fencing must not be removed, altered or impacted in anyway by the proposal and any existing Network Rail fencing should not be used as the fencing for the school. The developer must provide the fencing or own the existing fencing adjacent to the railway. Most of the trespassing and vandalism incidents on our railway are committed by boys aged eight to 16 years but in the past, children as young as five years old have been found playing on the tracks. Network Rail has also set up our Rail Life website to educate young people and provide real-life examples about the dangers of trespassing on the railway at: www.rail-life.co.uk.

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Trepass – The Facts

- Even after it has put its brakes on a train travels about 2000 metres or the length of 20 Premier League football pitches before stopping
- The wind turbulence produced by trains can drag someone standing next to the tracks under the train's wheels
- Trespassing on the tracks is a criminal offence with a fine of up to £1000.

(4) The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures.

- There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil.
- Any future maintenance must be conducted solely within the applicant's land ownership.
- Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be liable for all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network Rail reserves the right to refuse any works by a third party that may adversely impact its land and infrastructure.
- Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.

(5) Any scaffold which is to be constructed within 10 metres of the Network Rail / railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffold / access for working at height within the footprint of their property boundary. The applicant is reminded that when pole(s) are erected for construction or maintenance works, should they topple over in the direction of the railway then there must be at least a 3m failsafe zone between the maximum height of the pole(s) and the railway boundary. This is to ensure that the safety of the railway is preserved and that scaffolding does not:

- Fall into the path of on-coming trains
- Fall onto and damage critical and safety related lineside equipment
- Fall onto overhead lines bringing them down, resulting in serious safety issues (this is applicable if the proposal is above the railway and where the line is electrified).

The applicant is requested to submit details of proposed scaffolding works to the Network Rail Asset Protection Engineer for review and approval.

(6) Where vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail Asset Protection Engineer.

- All works shall only be carried out in accordance with the approved method statement and the works must be reviewed and approved by Network Rail. The Network Rail Asset Protection Engineer will need to review such works in order to determine the type of soil (e.g. sand, rock) that the works are being carried out upon and also to determine the level of vibration that will occur as a result of the piling.

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- The impact upon the railway is dependant upon the distance from the railway boundary of the piling equipment, the type of soil the development is being constructed upon and the level of vibration. Each proposal is therefore different and thence the need for Network Rail to review the piling details / method statement.

If vibro-impact equipment is to be used we would request a condition is added to the planning consent as follows:

“Prior to any vibro-impact works on site, a risk assessment and method statement shall be approved by the LPA and Network Rail.”

Reason – to prevent any piling works and vibration from de-stabilising or impacting the railway.

(7) Network Rail will need to review all excavation works to determine if they impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway including any embankments.

We would request a condition is included in the planning consent as follows:

Condition:

“Prior to the commencement of the development full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to and approved in writing by the Local Planning Authority and Network Rail.”

Reason: To protect the adjacent railway.

The NPPF states:

120. To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

(8) Network Rail requests that the developer ensures there is a minimum 2 metres gap between the buildings and structures on site and our boundary fencing.

- To allow for all construction works on site and any future maintenance to be carried out wholly within the applicant’s own land ownership and without encroachment onto Network Rail land and air-space. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949).
- To ensure that should the buildings and structures on site fail or collapse that it will do so without damaging Network Rail’s boundary treatment or causing damage to the railway (e.g. any embankments, cuttings, any lineside equipment, signals, overhead lines) and to prevent the materials from the buildings and structures on site falling into the path of trains.
- To ensure that the buildings and structures on site cannot be scaled and thus used as a means of accessing Network Rail land without authorisation.
- To ensure that Network Rail can maintain and renew its boundary treatment, fencing, walls.

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- There are no Party Wall issues for which the applicant would be liable for all costs.
- To ensure that the applicant does not construct their proposal so that any foundations (for walls, buildings etc) do not end up encroaching onto Network Rail land. Any foundations that encroach onto Network Rail land could undermine, de-stabilise or other impact upon the operational railway land, including embankments, cuttings etc. Under Building Regulations the depth and width of foundations will be dependant upon the size of the structure, therefore foundations may impact upon Network Rail land by undermining or de-stabilising soil or boundary treatments.

The NPPF at Section 17, bullet 4 states:

“Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”

We believe this comment supports our position on the location of buildings close to the railway boundary.

(9) Network Rail would request that no trees are planted next to the boundary with our land and the operational railway. Network Rail would request that only evergreen shrubs are planted and we would request that they should be planted a minimum distance from the Network Rail boundary that is equal to their expected mature growth height.

- Trees can be blown over in high winds resulting in damage to Network Rail's boundary treatments / fencing as well as any lineside equipment (e.g. telecoms cabinets, signals) which has both safety and performance issues.
- Trees toppling over onto the operational railway could also bring down 25kv overhead lines, resulting in potential safety issues for any lineside workers or trains. This line is electrified.
- Trees toppling over can also destabilise soil on Network Rail land and the applicant's land which could result in landslides or slippage of soil onto the operational railway.
- Deciduous trees shed their leaves which fall onto the rail track, any passing train therefore loses its grip on the rails due to leaf fall adhering to the rails, and there are issues with trains being unable to break correctly for signals set at danger. The Network Rail Asset Protection Engineer must approve all landscaping plans."

Historic Environment Officer

“The proposed development will demolish a building considered to be a heritage asset of local architectural significance. The two storey sandstone building on the site that is proposed for demolition dates between 1913 and 1933 and formed part of the Steel Hoop and Wire Works that was formerly located on the site. Despite alterations, it clearly retains original architectural features of note such as the rusticated quoins, the central arch on the main façade, and the arched windows with stone surrounds. It is a shame that such a visually interesting structure cannot be incorporated into the proposed development.

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I therefore recommend that, in the event planning consent is granted, the two storey sandstone building is recorded prior to demolition. This recording should be in accordance with a Level 2 Survey as described by English Heritage Understanding Historic Buildings A Guide to Good Recording Practice, 2006. I advise that this be secured by attaching a condition to any planning consent you may otherwise be minded to grant. I suggest the following form of words:

“Prior to the carrying out of any construction works the existing two storey sandstone building affected by the proposed development shall be recorded in accordance with a Level 2 Survey as described by English Heritage’s document Understanding Historic Buildings A Guide to Good Recording Practice, 2006. Within 2 months of the commencement of construction works 3 copies of the resultant Level 2 Survey report shall be furnished to the Local Planning Authority.”

Reason: to ensure that a permanent record is made of the building of architectural interest prior to its demolition as part of the proposed development

I trust this recommendation is acceptable. Please do not hesitate to contact me if you have any queries regarding the above.”

Environmental Health

The residential development site is adjacent to the main rail line Northbound from Barrow-in-Furness Station and commercial/industrial premises and therefore consideration must be given to protect the future occupants from noise. The applicant must carry out an appropriate noise survey to determine the existing noise levels from rail traffic and commercial sources and apply these levels to the tables below. A similar site to this application was determined to have a noise exposure category (NEC) of B. A copy of the noise survey report, its results and any recommendations must be submitted to the Planning Authority for appraisal.

A suitable Construction Management Plan should also be considered in line with the attached document.

Residential development proposed that is likely to be affected by noise sources from road, rail and air, should be assessed to determine the noise exposure category (NEC) which the site falls into.

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Table 1: Noise Exposure Hierarchy and Noise Exposure Categories

Perception	Increasing Effect Level	Action	Noise Exposure Category
Not noticeable	No Observed Effect	No specific measures required	
Noticeable and not intrusive	No Observed Adverse Effect	No specific measures required	A
Lowest Observed Adverse Effect Level			
Noticeable and intrusive	Observed Adverse Effect	Mitigate and reduce to a minimum	B
Significant Observed Adverse Effect Level			
Noticeable and disruptive	Significant Observed Adverse Effect	Avoid	C
Noticeable and very disruptive	Unacceptable Adverse Effect	Prevent	D

This assessment must be carried out at an early stage in order to identify the suitability of the site. Where the NEC assessment has shown that habitable rooms will be exposed to noise levels in excess of NEC A, noise mitigation will be required as part of the design of the development (useful advice is set out in the BRE document 'Sound Control for Homes').

It should be noted however that NEC noise levels should not be used for assessing the impact of industrial noise on proposed residential development because the nature of this type of noise, and local circumstances, may necessitate individual assessment. However, at mixed use site where industrial noise is present but not dominant, its contribution should be included in the noise level used to establish the appropriate NEC.

Table 2: Noise Exposure Categories for Residential Development

NEC	
A	Noise need not be considered as a determining factor in granting planning permission, although the noise level at the high end of the category should not be regarded as a desirable level.
B	Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise.
C	Planning permission should not be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.
D	Planning permission should normally be refused.

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Table 3: Noise Levels the noise level(s) (LAeq,T) used when deciding the NEC of a site should be representative of typical conditions. Corresponding to the Noise Exposure Categories For New Dwellings LAeq,T dB

Noise Source	Noise Exposure Categories			
	A	B	C	D
Road traffic				
07.00-23.00	<55	55-63	63-72	>72
23.00-07.00 ⁽¹⁾	<45	45-57	57-66	>66
Rail traffic				
07.00-23.00	<55	55-66	66-74	>74
23.00-07.00 ⁽²⁾	<45	45-59	59-66	>66
Air traffic ⁽³⁾				
07.00-23.00	<57	57-66	66-72	>72
23.00-07.00	<48	48-57	57-66	>66
Mixed Sources ⁽⁴⁾				
07.00-23.00	<55	55-63	63-72	>72
23.00-07.00	<45	45-57	57-66	>66

Notes: the noise level(s) (LAeq,T) used when deciding the NEC of a site should be representative of typical conditions.

- (1) Night-time noise levels (23.00-07.00): sites where individual noise events regularly exceed 82dB L_{Amax} (S time weighting) several times in any hour should be treated as being in NEC C, regardless of the LAeq, 8h (except where the LAeq, 8h already puts the site in NEC D).
- (2) Night-time noise levels (23.00-07.00): sites where individual noise events regularly exceed 82dB L_{Amax} (S time weighting) several times in any hour should be treated as being in NEC C, regardless of the LAeq, 8h (except where the LAeq, 8h already puts the site in NEC D).
- (3) Aircraft Noise: daytime values accord with the contour values adopted by the Department for Transport which relate to levels measured 1.2m above open ground. For the same amount of noise energy, contour values can be up to 2dB(A) higher than those of other sources because of ground reflection effects.
- (4) This refers to any combination of road, rail, air and industrial noise sources. The "mixed source" NECs should only be used where no individual noise source is dominant. This may be assessed, where appropriate, using guidance in BS4142: 1997.

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Table 4: Minimum Noise Levels (based on World Health Organisation and BS8233:1999) for design specification

Room/area	L _{Aeq} (16 hr) 0700-2300	L _{Aeq} (8 hr) 2300-0700	L _{A1} (15 min) 2300-0700	L _{Amax} 2300-0700
Living Rooms/Studies	35dB	n/a	n/a	n/a
Bedrooms	n/a	30dB	45dB	55dB
Gardens	50dB	n/a	n/a	n/a
Notes	<ol style="list-style-type: none"> 1. Where windows are to remain closed to ensure good internal noise levels and an alternative means of ventilation is provided, ventilation that complies with the performance specification given in Part 6, Sch 1 of the Noise Insulation Regs 1975, will be accepted. Alternatively four air changes per hour will be accepted. 2. We will accept that an open window will provide a sound reduction of 12 dB(A) unless the developer has a good reason why a higher reduction is acceptable. 3. When calculating/predicting attenuation of noise levels we will accept single figure Sound Reduction Indices provided that they are suitable for that particular source, for example, Pilkington's R_{tra} for Road Traffic. However if the Sound Reduction Index is not specifically for the sound source under consideration, then a frequency analysis of the noise, and attenuation in that octave band and recalculation of a single 'A' weighted level will be required. 4. It will normally be acceptable to use the shortened method for calculating the daytime NEC for road traffic noise. 5. It will be acceptable to use one hour's monitoring at night to determine the NRC, provided the method can be justified (for example, if the busiest predicted hour is measured). 			

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ATTACHED Construction Management Plan Condition

Construction and Demolition Sites – Noise, Dust and Light Management.

It is essential to have effective noise and dust emission control measures in place for every activity carried out on site, not only to protect the health and safety of the on-site workforce, but also local residents and members of the public in the locality. In order to successfully control demolition and construction activities, it is important to evaluate the risk from pollutants emitted from site. It is envisaged that this approach will bring additional benefits, such as a reduction in the number of nuisance complaints; the majority of which relate to dust and noise emitted from construction activities. Applications for development proposals which, by virtue of the nature and/or scale are considered by the Council to be likely to give rise to an adverse impact during construction, demolition and/or generate construction waste, will be expected to be accompanied by a Construction Management Method Statement.

The method statement should cover all phases of the development and take account of all contractors or sub-contractors and must be submitted for approval by the Local Planning Authority, prior to the commencement of the development. Construction management method statements will be expected to include the following:

Details of phasing of the construction work including a programme of work for the demolition and construction phase;

A Traffic Management Plan to include all traffic associated with the development, including site and staff traffic;

Procedures to monitor and mitigate noise and vibration from the construction and demolition and to monitor any properties at risk of damage from vibration, as well as taking into account noise from plant, machinery, vehicles and deliveries, with reference to BS 5228 - Code of practice for noise and vibration control on construction and open sites. All measurements should make reference to BS

7445 - Description and measurement of environmental noise;

Hours of working and deliveries;

Mitigation measures to reduce adverse impacts on residential properties from construction compounds including visual impact, noise, dust and light pollution;

Mitigation measures to control the emissions of dust and dirt during construction and demolition;

A written procedure for dealing with complaints regarding the construction or demolition; A site log book to record details and action taken in response to exceptional noisy incidents or dust-causing episodes. It should also be used to record the results of routine site inspections;

Details of lighting to be used on site;

Mitigation measures to ensure that no harm is caused to protected species during construction;

The provision of facilities for the cleaning of vehicle tyres where haul routes meet the public highway to avoid deposition of mud/debris on the public highway and the generation of dust.”

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Natural England

“Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

Natural England’s comments in relation to this application are provided in the following sections.

Statutory nature conservation sites – no objection

This application is in close proximity to the Duddon Estuary Site of Special Scientific Interest (SSSI). This SSSI forms part of the Duddon Estuary Special Area of Conservation (SAC), Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site).

Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Duddon Estuary has been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site’s conservation objectives.¹

¹ This reply comprises our statutory consultation response under provisions of Article 20 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, Regulation 61 (3) of the *Conservation of Habitats and Species Regulations 2010 (as amended)*, (The Habitat Regulations) and Section 28(1) of *the Wildlife and Countryside Act 1981 (as amended)*.

In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Duddon Estuary SSSI has been notified. Page 2 of 3

We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a ‘reasonable likelihood’ of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

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You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Impact Risk Zones for Sites of Special Scientific Interest

Natural England has recently published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs). This helpful GIS tool can be used by LPAs and developers to consider whether a proposed development is likely to affect a SSSI and determine whether they will need to consult Natural England to seek advice on the nature of any potential SSSI impacts and how they might be avoided or mitigated. Further information and guidance on how to access and use the IRZs is available on the Natural England website.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*

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Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

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

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

Planning Policy

“The application is for residential development on a windfall, brownfield site within the urban area. The site has a previous commercial use, although it is now vacant and is not allocated in the Local Plan for employment uses.

Development of the site conforms with the key principles of the National Planning Policy Framework, which encourage development in sustainable locations, particularly where they reuse previously developed sites. It also complies with criteria i of saved Local Plan policy B3; its compliance with the remaining criteria will be judged at reserved matters stage.

The Council’s Strategic Housing Land Availability Assessment identifies the site as being ‘deliverable’ and therefore has included the site within its housing land supply. Being able to identify an adequate number of deliverable sites to meet the requirement over the next 5 years is important as it means that weight can be given to the Council’s planning policies relating to housing.

The NPPF states that deliverable sites are those which ‘should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable.’ Whilst the inclusion of a site in the SHLAA does not guarantee that planning permission would be granted, in planning policy terms, there are no reasons why the development, in principle, should not be accepted.”

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Environment Agency dated 09/07/2014

A Flood Risk Assessment (FRA), report 3470.02, dated 16 June 2014 has been produced by Bleasdale Wand Limited and has been submitted with the outline planning application.

The Environment Agency Flood Map shows that the proposed site is classed as being in Flood Zone 1 which is identified as being at low risk of flooding from both watercourses and the sea. However, the site is identified on the Environment Agency Flood Map as being at risk of flooding from the Lower Ormsgill Reservoir.

Section 2.1.12 of the FRA acknowledges that there is a risk of flooding from Ormsgill Reservoir and other points outline reasons why the risk of failure is deemed to be small. However, the FRA fails to quantify the potential flood depths and velocities of both a breach and catastrophic failure to those on site. Without this analysis the FRA fails to fully demonstrate that the site is safe from flooding from all mechanisms or quantify what the residual risks are.

Environment Agency Position

In the absence of an acceptable Flood Risk Assessment (FRA) we object to the grant of planning permission and recommend refusal on this basis for the following reasons:

Reason

The FRA submitted with this application does not comply with the requirements set out in paragraph 9 of the Technical guide to the National Planning Policy Framework.

Overcoming our Objection

It may be possible to overcome our objection if an adequate FRA is submitted which quantifies potential flood depth and velocities due to a breach or failure of the reservoir. This should be informed by a breach analysis of the reservoir which demonstrates that the flood hazards posed to people and properties is acceptable to the Local Planning Authority (LPA) / Emergency Planners. A narrative should also be provided such that the risk management authorities (LPA / Emergency Planners) are satisfied that the risks of failure are sufficiently low.

If this cannot be achieved we are likely to maintain our objection to the application. We ask to be re-consulted with the results of the FRA. Our objection will be maintained until an adequate FRA has been submitted.

Advice to Applicant / Local Planning Authority

It is understood that Barrow Borough Council's current Strategic Flood Risk Assessment (SFRA) is being updated and considers flood risk associated with reservoirs. We would recommend that the applicant speaks to the LPA in this regard as it may have implications on their proposals. The Environment Agency is currently in the process of identifying 'High Risk' reservoirs. It has not been confirmed at this point as to whether this particular reservoir will be deemed as high risk. The submitted FRA does not therefore; provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to consider the flood risk posed by either a breach or catastrophic failure of Lower Ormsgill Reservoir.

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The following comments are only applicable if we are able to withdraw our objection following re-consultation on an adequate FRA that overcomes our objection:

Land affected by past contaminative uses

We have reviewed a copy of the Desk Study and Site Walkover Report, referenced BE/14012/1 dated May 2014 prepared by bEk Enviro, in terms of the risk to controlled waters and would like to make the following comments:

We consider that the controlled waters at this site are of low environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency 'Guiding Principles for Land Contamination.'

Environment Agency position

The proposed development will be acceptable if the following measure(s) are implemented and secured by way of a planning condition on any planning permission.

Condition

The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing.

Reasons

To ensure there are no unacceptable discharges to ground or surface waters.

The proposed development lies in a Source Protection Zone (SPZ) 2 and 3 for a new public water source groundwater abstraction hence this is a sensitive location. For development on land within a SPZ 2 we would expect any planning application to consider the vulnerability of the land and to propose suitable mitigation measures which will be employed to reduce the risk of pollution to groundwater. This applies particularly to any underground works/engineering and sewage works which are prone to leakage.

If infiltration techniques are to be used for surface water disposal the appropriate levels of treatment must be applied.

Further information on SUDS can be found in;

- the CIRIA C697 document SUDS manual
- HR Wallingford SR 666 Use of SuDs in high density developments
- CIRIA C635 Designing for exceedance in urban drainage – good practice
- the Interim Code of Practice for Sustainable Drainage Systems. The Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SUDS. The Interim Code of Practice is available at www.ciria.org.uk

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Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SUDS approach. Under Approved Document Part H the first option for surface water disposal should be the use of SUDS, which encourage infiltration such as soakaways or infiltration trenches. In all cases, it should be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

Advice to applicant

The developer must apply the waste hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal options. Government Guidance on the waste hierarchy in England is at: <http://www.defra.gov.uk/publications/files/pb13530-waste-hierarchy-guidance.pdf>

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate permitted facility and all relevant documentation is completed and kept in line with regulations.

If any waste is to be used onsite, the applicant will be required to obtain the appropriate waste exemption or permit from us. We are unable to specify what exactly would be required if anything, due to the limited amount of information provided.

The applicant is advised to contact the Environment Management team at our Penrith office on 03708 506 506 or refer to guidance on the gov.uk website: <https://www.gov.uk/managing-your-waste-an-overview/overview>

To avoid pollution work should be carried out in accordance with Pollution Prevention Guidelines 6 Working at Construction and Development Sites, available at: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg> “

Environment Agency dated 09/09/2014

Thank you for referring the revised Flood Risk Assessment (FRA), reference 3470.02 Rev A, dated 19 August 2014 produced by Bleasdale Wand Limited submitted in support of the above application and received on 20 August 2014.

Although the proposed site is located in Flood Zone 1, categorised as being at low risk of flooding from watercourses and the sea, the site is identified as being at risk from flooding from a reservoir.

The Environment Agency previously objected on the grounds of an inadequate Flood Risk Assessment as there was no quantification within the FRA as to the potential flood depths and velocities at this location. Point 2.1.18 of the FRA states that, “in the unlikely event of catastrophic failure of the reservoir, the likely flood depths over most of the site would be 0.3 – 2m and speeds of 0.5 – 2.0 m/s”.

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In order to quantify the potential flood risk hazards for the proposed site these potential flood depths and velocities should be considered in relation to Table 13.1 of "Flood Risk Assessment Guidance for New Development Phase 2, Framework and Guidance for Assessing and Managing Flood Risk for New Development – Full Documentation and Tools, R & D Technical Report FD2320/TR2". Table 13.1 suggests that at the lowest risk scenario, i.e. 0/3m depth of flooding and 0.5m/s velocity then there would be a 'Danger to Most' whereas for all other scenarios there would be a 'Danger to All' including Emergency Services. This particular table does not take into account risks associated with debris.

Although the probability of a breach or catastrophic failure of the reservoir may be low, the consequences of a breach should be considered by those with roles in Emergency Planning.

We consider that as a result of our objection the residual risks in principle have now been highlighted and we would not therefore wish to maintain an objection on this basis since we do not have a primary role in emergency planning or evacuation. We would suggest that those responsible for emergency planning are fully aware of the risks and flood hazards posed by such an event.

In terms of surface water drainage there appears to be some unknowns in terms of the integrity / function of some of the original site surface water drainage network. In this regard the Local Planning Authority may be in a better position than the Environment Agency to provide comment on any local flood risk issues and be satisfied that any outstanding issues could be overcome prior to granting planning permission.

Environment Agency Position

Following provision of the revised FRA the Environment Agency wishes to withdraw its previous objection and has no objection in principle to the development as proposed provided that the following condition is secured through planning.

Condition

A finalised Surface Water Drainage Strategy (SWDS) should be submitted to and approved in writing by the LPA prior to commencement on site. The SWDS should demonstrate that the site will be safe from flooding and not increase flood risk elsewhere when compared to the pre-development run-off rates and surface water drainage regime. Where practicable the SWDS should be based on Sustainable Drainage Systems (SUDS) elements such as ponds, swales, filter strips etc and seek to avoid pumped systems. A narrative should accompany the SWDS demonstrating which options have been considered and any reasons for ruling them out. The SUDS Manual, CIRIA report C697, 2007 should be useful in prioritising the most suitable options.

The SWDS should also clearly define any management and maintenance responsibilities for the Surface Water Drainage Infrastructure.

Reason

To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site.

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Advice to LPA

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The Technical Guide to the National Planning Policy Framework (paragraph 9) states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

It is understood that Barrow Borough Council's current Strategic Flood Risk Assessment (SFRA) is being updated and considers flood risk associated with reservoirs. We would recommend that both the planners and the applicant speak to the relevant department of the Local Planning Authority in this regard as it may have implications on their proposals.

The Environment Agency is currently in the process of identifying 'High Risk' reservoirs. It has not been confirmed at this point as to whether this particular reservoir will be deemed as high risk.

The following comments included in our previous consultation response of 9 July 2014 remain pertinent to this application however the condition requested below now only refers to foul water to avoid duplication with the condition requested for a Surface Water Drainage Strategy:

Land affected by past contaminative uses

We have reviewed a copy of the Desk Study and Site Walkover Report, reference BE/14012/1 dated May 2014 prepared by bEk Enviro, in terms of the risk to controlled waters and would like to make the following comments:

We consider that the controlled waters at this site are of low environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency 'Guiding Principles for Land Contamination.'

Environment Agency position

The proposed development will be acceptable if the following measure(s) are implemented and secured by way of a planning condition on any planning permission.

Condition

The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul water has been submitted to, and approved in writing.

Reasons

To ensure there are no unacceptable discharges to ground or surface waters.

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The proposed development lies in a Source Protection Zone (SPZ) 2 and 3 for a new public water source groundwater abstraction hence this is a sensitive location. For development on land within a SPZ 2 we would expect any planning application to consider the vulnerability of the land and to propose suitable mitigation measures which will be employed to reduce the risk of pollution to groundwater. This applies particularly to any underground works/engineering and sewage works which are prone to leakage. If infiltration techniques are to be used for surface water disposal the appropriate levels of treatment must be applied.

Further information on SUDS can be found in;

- the CIRIA C697 document SUDS manual
- HR Wallingford SR 666 Use of SuDs in high density developments
- CIRIA C635 Designing for exceedance in urban drainage – good practice
- the Interim Code of Practice for Sustainable Drainage Systems. The Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SUDS. The Interim Code of Practice is available at www.ciria.org.uk

Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SUDS approach. Under Approved Document Part H the first option for surface water disposal should be the use of SUDS, which encourage infiltration such as soakaways or infiltration trenches. In all cases, it should be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems.

For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

Advice to applicant

The developer must apply the waste hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal options. Government Guidance on the waste hierarchy in England is at: <http://www.defra.gov.uk/publications/files/pb13530-waste-hierarchy-guidance.pdf>

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate permitted facility and all relevant documentation is completed and kept in line with regulations.

If any waste is to be used onsite, the applicant will be required to obtain the appropriate waste exemption or permit from us. We are unable to specify what exactly would be required if anything, due to the limited amount of information provided.

The applicant is advised to contact the Environment Management team at our Penrith office on 03708 506 506 or refer to guidance on the gov.uk website: <https://www.gov.uk/managing-your-waste-an-overview/overview>

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To avoid pollution work should be carried out in accordance with Pollution Prevention Guidelines 6 Working at Construction and Development Sites, available at:
<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

Cumbria Fire & Rescue

“This response from Cumbria County Council Resilience Unit relates to emergency planning arrangements in the unlikely event of an incident occurring at BAE Systems maritime submarine facilities

Part of the BAE site is covered by the provision of the Radiation (Emergency Preparedness and Public Information) 2001 Regulations. There are no objections to the proposed development but it should be noted that the proposed development is situated within 2km range of the site and in liaison with the site operator and in liaison with the Office of Nuclear Regulation special arrangements are made for residents/business premises in this area and particular attention is paid to ensuring that people are aware of the appropriate action to take in the event of an incident at the site. Accordingly I would be grateful if you could, in the event of the application being approved, advise the applicant to liaise with this office to allow for further discussion. Thank you for your assistance.”

Office for Nuclear Regulation

“ONR does not advise against this development.

This advice takes into account the views that your Planning Authority has received from the multi agencies.

Under the Radiation Emergency Preparedness and Public Information Regulations (REPPIR) 2001, the multi agencies are required to assess and determine the likely impact of new planning developments upon the off site plan.

That assessment will also take into account consultation with the nuclear licensee who also has duties under REPPIR and under other legislation to meet conditions required for their nuclear site licence.

In this case, the multi agencies have advised that the proposed development would not have an adverse impact on the ability of the responding agencies to implement the Off-Site Plan in the event of a nuclear emergency. We have seen their assessment and we support that view.

This decision is made without prejudice to the interests of the Health and Safety Executive.

It will be appreciated if you would indicate, in due course, whether or not you have approved this application. Please address your reply to me at the above address.”

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Barrow Constabulary Community Safety Team

“The proposal is for outline planning permission for the redevelopment of a warehouse and industrial land to a residential of 84 houses. In relation to this application, I would like to make some observations from a crime prevention and community safety perspective. As such, any element of unwittingly designing in crime within this project will result in calls for service for the police and other services.

Secured By Design is a police initiative to guide and encourage the design and build of new homes within the principles of designing out crime. I would strongly request that should planning permission be given for this land to become residential, that Secured By Design principles are followed, thereby reducing the opportunity for crime and the fear of crime and to create safer and more secure sustainable environments.

Parking

There is limited parking availability for supporters to the Barrow AFC Football grounds which would be in close proximity to the proposed development. Historically, supporters have parked at Asda car park, immediately adjacent to the grounds. However, Asda now have signage displayed stating that the car park cannot be used by supporters when a match is on. I understand that Asda car park staff can monitor this as well.

Visitors to the football grounds now park on Pheonix Road and Holker Street. It is therefore envisaged that visitors, whether it be on match days or other events, will park their vehicles within the proposed development. This will invariably result in calls for service to the police.

Within the development proposals, it does state ‘car parking will be provided in accordance with Cumbria County Councils car parking standards. The situation on match days will be monitored...’ and goes on to suggest 6 measures that could be implemented ‘to ensure problems do not arise.’

Very careful consideration of any measures here needs to be done with the football grounds management, County Council Highways and Barrow Police Neighbourhood Policing Team. I would suggest that *physical* measures rather than relying on goodwill, will reduce the likelihood of unauthorised parking in this location. The clubs parking attendant could end up being busy at the club car park and not able to oversee car parking at the development. Signs could be erected as a ‘rule setting’ measure but the site would need still a physical presence. It is the remit of Barrow Borough Council Civil Enforcement Officers to enforce any parking offences. Ultimately, whatever measures are put in place, it is highly likely the police will be called to deal with unauthorised parking or residents perception of vehicle obstruction. This will result in increased calls for service and police staff then attending to ascertain:

- a) Whether the offending vehicle is causing an obstruction and
- b) Does it belong to a visitor to the development or a user of the football grounds?

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Defensible space

Vehicular and pedestrian routes should be designed to ensure that are visually open, direct, well used and should not undermine the defensible space of neighbourhoods. It is desirable on this development to limit access/use to residents and their visitors, so features such as rumble strips or a change in road surface by colour or texture should be used – this will help define the defensible space and psychologically giving the impression that the area beyond is private.

Permeability

Cul-de-sacs that are short and not linked by footpaths can be very safe environments in which residents benefit from lower crime. Features of cul-de-sacs that do generate crime are ones that back onto open land, and railways lines, and/or are very long, or linked to one another by footpaths.

With regard to this proposal, there should be no pedestrian (or vehicular access) through the site from the commercial to residential areas. It would likely become a short cut through the housing development from Walney Road to Wilkie Road, which in itself creates crime and safety risk. "Neighbourhood permeability...is one of the community level design features most reliably linked to crime rates, and the connections operate consistently in the same direction across studies: more permeability, more crime*." Suitable boundary (security) fencing will be required between the development and both the commercial site (bus depot) and the railway line/embankment to prevent this permeability.

There are trespassing and safety concerns when residential developments back onto railway lines and the boundary protection is not suitable or robust enough to keep people out. This has been an issue in certain areas in Barrow historically where the nearby community has been exposed to anti-social behaviour, and criminality on the railway lines as well as the obvious safety concerns for children living on the estates."

Strategic Planning Response - Cumbria County Council see Appendix A

Environmental Protection Officer, Environmental Health

I have reviewed the 'Desk Study and Site Walkover' report (Dated May 2014, Ref. No. BE/14012/1) prepared by bEk Enviro. This Phase 1 study represents a thorough understanding of the potential contamination issues that may affect the proposed development due to numerous past uses of the site.

The conclusions and proposals suggested by bEk Enviro are justified to ascertain the extent (if any) of contamination. This consultant has also suggested a possible sampling methodology which seems appropriate for the site, but I would advise that I be contacted for a general discussion on the design by the consultant before a final sampling strategy is commissioned.

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Based the Desk Study and Site walkover, I would recommend that conditions are imposed on any Planning Consent granted, based on the following:

1. The Preliminary Investigation has identified potential unacceptable risks, therefore a **Field Investigation and Risk Assessment** should be conducted in accordance with established procedures (BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and Model Procedures for the Management of Land Contamination (CLR11)), shall be undertaken to determine the presence and degree of contamination and must be undertaken by a suitably qualified contaminated land practitioner. The results of the Field Investigation and Risk Assessment shall be submitted to and approved by the Local Planning Authority before any development begins.
2. Where contamination is found which poses unacceptable risks, no development shall take place until a detailed **Remediation Scheme** has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remedial options and proposal of the preferred option(s), all works to be undertaken, proposed remediation objectives, remediation criteria and a verification plan. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use.
3. The approved Remediation Scheme shall be implemented and a **Verification Report** submitted to and approved in writing by the Local Planning Authority, prior to occupation of the development.
4. In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and Field Investigations shall be carried out. Where required by the Local Planning Authority, remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to occupation of the development.
5. No soil material is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development. A suitable methodology for testing this material should be submitted to and approved by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out as per the agreed methodology with verification of its completion submitted to and approved in writing by the Local Planning Authority.

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OFFICERS REPORT:

1. SITE AND LOCALITY

The application site is approximately triangular in shape with its base formed by the site's frontage onto Wilkie Road opposite the Barrow AFC ground. Its eastern side adjoins the railway line which separates the site from Ormsgil Reservoir. Its western side adjoins various commercial uses including a vehicle repair garage. By far the largest use however is the bus depot operated by Stagecoach.

The application is accompanied by a design and access statement which describes the site as follows:

This land known locally as Brady's Yard is roughly triangular in shape and extends to some 3.4 hectares [8.4 acres]. It comprises the concrete bases and hard standings of former warehousing and storage depot buildings along with open areas, car parking and a small two storey office building used in connection with that business. The site is located at a slightly lower level than the carriageway of Wilkie Road and the existing brick wall along that frontage helps to screen views into the site from the road.

2. PROPOSAL DETAILS

The application has been submitted in outline form. Access is not a reserved matter. As a consequence detailed permission is sought for the access. All other matters (appearance, landscaping layout and scale) are reserved. The application is therefore seeking consent in principle to redevelop the site for housing and the fix the location and design of the access.

The application does not specify the numbers of houses proposed. Accompanying the application is an illustrative layout plan. This shows a total of 84 houses arranged around a series of cul-de-sacs. However the plan is clearly described as an 'illustrative concept masterplan' and has to be treated as such. It therefore follows that unless a condition is imposed that the number of houses and the layout could change significantly.

3. RELEVANT HISTORY

1986/0889 Granted planning permission for warehousing and road haulage. Related to the full extent of the former hoop works site.

1994/0589 granted planning permission for use of part of site as a bus depot. Adjoins the current application site.

2014/0087 Screening opinion under the EIA regulations – not EA development

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4. RELEVANT POLICIES AND GUIDANCE

Application benefits from saved policy B3 in locational terms in that it relates to a brownfield located within the built up area (B3 i)

B5 similarly advocates residential development on suitable brownfield sites within the urban boundaries of Barrow (and Dalton).

5. PLANNING ISSUES

General Location

The site benefits from policies which seek to recycle urban land. It is also located close to facilities. The situation is neatly summarised by the County Council in their strategic planning response as follows:

Whilst the site is not allocated in the saved Barrow Local Plan (1996-2006), it is located within the urban fabric, it is a brownfield site not far from established residential areas, and is relatively well related to important key services in Barrow Town Centre being only 1.2km away. It would therefore form a logical infilling and re-use of what appears to be a redundant site within the existing built environment. It is felt that given its good location within Barrow, and its proximity to a range of alternative transport modes, the development is considered to represent a fundamentally sustainable location. It could therefore provide a welcome contribution towards meeting the housing needs of the area. (paragraph 4.1 CCC strategic response).

The proposal further benefits from the NPPF policy in terms of boosting the supply of new housing (47), that housing should be considered in terms of the presumption of sustainable development (49) and to encourage the reusing of previously developed (brownfield) land (17) Access/ transport issues

The highway authority have been consulted and who have noted that while in outline form that the means of access is to be determined at this time. They make the following points in their response.

No developer contribution required for school transport given the site's proximity to schools.

Site benefits from a good pedestrian network.

Traffic generation is considered to have a negligible impact on the surrounding road network.

That a condition should be imposed stating the required visibility splays.

The comments of the highway authority reinforce the comments regarding sustainability reached above and that the development will not be detrimental to highway safety.

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Noise environment

Noting the general site sustainability issues discussed above it was agreed at planning committee that the decision on the application would be delegated to planning panel (minute 116, 12/08/14 refers). Rather than taking this approach I have considered it necessary to bring the matter before planning committee for determination. The reason for this relates to objections from Montague Evans on behalf of Stagecoach. The first objection was dated 10/09/15. This made the following points:

that the bus operation includes various noisy activities which occur at unsociable times (early mornings/late evenings)

that the introduction of a noise sensitive use (housing) could impact adversely on the operation of the bus depot and consequent impact on the ability of the operator to provide a bus service. This could arise they explain were a future resident to complain about the noisy activities and it to be found that the noise represented a statutory nuisance.

Relevant policies include the NPPF which states:

'The planning system should contribute to and enhance the natural environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability'

Also guidance in the NPPG which states:

neither the Noise Policy Statement for England nor the National Planning Policy Framework (which reflects the Noise Policy Statement) expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development.

Paragraph: 003 Reference ID: 30-003-20140306

Saved policy D59 states that housing will not be permitted in locations where exposure to high noise levels are likely. This uses different wording to the NPPF/NPPG. The saved policy adopts a blanket ban approach to housing being located in noisy environments. The NPPF/NPPG allows more discretion making reference to risk and an assessment as to whether the development would be adversely affected or not. I consider the blanket ban approach does not accord with the NPPF/NPPG and therefore little weight can be attached to the saved policy. The NPPF and its risk based approach is therefore the appropriate way forward.

In order to assess the risk, noise survey works were required. Two surveys were carried out with the first being subject of a report dated 9/10/2014 and a more extensive survey subject of a report dated 4/11/14

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The noise environment is usefully presented in table 3 of the 4/11/14 report. Due to difficulties in trying to incorporate this report into the text it appears at appendix B . The report considers this information in relation to advise contained in PPG24 (now cancelled). However it is recognised by both BA and the EH that it is still a useful indicator of the noise environment. The chart from PPG24 is reproduced below. It uses the same noise method of measurement as the table above (LAeqT)

Noise Source	A	B	C	D
Road traffic				
07.00-23.00	<55	55-63	63-72	>72
23.00-07.00 ⁽¹⁾	<45	45-57	57-66	>66
Rail traffic				
07.00-23.00	<55	55-66	66-74	>74
23.00-07.00 ⁽²⁾	<45	45-59	59-66	>66
Air traffic ⁽³⁾				
07.00-23.00	<57	57-66	66-72	>72
23.00-07.00	<48	48-57	57-66	>66
Mixed Sources ⁽⁴⁾				
07.00-23.00	<55	55-63	63-72	>72
23.00-07.00	<45	45-57	57-66	>66

Source PPG 24 now cancelled

It can be seen that the noise levels recorded on site are up to 63 dB LA eq,T. This places the noise levels at the upper limit of noise category B and at the start of C. Category B is where noise levels are expected to be a material planning consideration but which are likely to be resolvable by condition. Category C is where noise is sufficiently high that planning permission should not normally be granted. The site is therefore on the threshold between the two.

Room/area	LAeq (16 hr) 0700-2300	LAeq (8 hr) 2300-0700	LA1 (15 min) 2300-0700	LAmx 2300-0700
Living Rooms/Studies	35dB	n/a	n/a	n/a
Bedrooms	n/a	30dB	45dB	55dB
Gardens	50dB	n/a	n/a	n/a

Source World health Organisation – minimum noise levels

The report concludes that these levels are achievable subject to certain design criteria. This includes a specified standard of double glazing and that bedroom windows should not have a direct line of sight with the bus depot. Also, that specialised ventilation will be required. This is to allow for rooms to be ventilated without having to open windows. It should be noted that the noise environment varies across the site and that these measures will not be needed in relation to all of the houses. Also that the noise environment is also affected by noise from other sources most notable the A590 which is appears to be the dominant source of noise during most of the day. The report describes the measures further (5.2.1) as follows:

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'The alternative ventilation should simulate the rapid cooling provided by an open window, in other words the ventilation must have a boost function'. The report then makes reference to a suitable make and modal for a whole house system. It further adds that trickle ventilation must not be incorporated into the window frames due the impact on acoustic performance.

In relation to outdoor areas the report recognises that the target of 50 dB(A) is below that measured at 63dB(A). It advises on a minimum density of timber boarded fence (acoustic fencing) and for this to be 1.8m high. It further advises that a full assessment of boundary treatment can be undertaken once the final layout is known (5.2.3). In discussion with the EH the view expressed is that the fence may need to be higher than that described in the report.

Following receipt of the updated report (dated 4/11/14) I have received a further objection from Montague Evans on behalf of Stagecoach. They make the various points which I have highlighted in italics as paragraph headings with comment beneath:

That there are too many unknowns

ME draw attention to the acceptance that some properties will require alternative ventilation (and mitigation generally) but which ones is currently unknown due to the illustrative nature of the layout. In other words what mitigation will be needed and for which properties can not be determined at the present time. It is open to the Council to impose conditions which set maximum noise levels for internal and external areas as per the quoted WHO standards. It would be for the applicant taking account of the back ground noise levels that these target levels would be met. This is likely to require higher levels of mitigation for some houses as opposed. The requirement for bedroom windows not to have a direct line of sight to the bus depot can also be conditioned. The Council will still retain control for the layout at reserved matters stage with the exception of the access point.

Effects of the proposed development on the bus chassis wash

This outside facility is located at the rear of the large bus garage. Buses drive along the rear of the garage to enter via the rear doors, or to use the bus wash. The application site originally extended up to the bus wash and would have dictated its relocation given that it would block the bus route. ME expressed concern at this and the difficulty which may be encountered in securing planning permission for an alternative location (a reference to any planning permission for housing). The applicant has pointed out that he owns the land on which the bus wash stands and that this can be terminated on serving of 6 months notice. However the application site edged red has been set in in order to allow a bus route down the side of the bus wash.

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Effect of noise from the bus wash

ME note that the manned surveys did not pick up the operation of the bus wash. ME conclude that 'this is a major short coming of the report that major noise incidents were not assessed by the report'. However the unmanned survey ran from 1618 hours on Thursday 23/10/14 for a period of 48 hours (4.1). It is reasonable to assume that noise has been picked up in this assessment. Even if it were not it is not considered to be so substantial to warrant further surveys.

Additional to the mitigation measures outline above it has been agreed that there will be further measures to improve the noise environment including the creation of a bund along the western and northern boundaries. Also the gable elevations of the warehouse/work shop units adjacent to the south west corner of the site will be reclad. While this is intended as a visual improvement it should offer some acoustic improvement. The nearest unit is occupied by a vehicle repair garage. Additional bunding to the northern section of the railway boundary is also proposed.

Other Issues

Relationship with reservoir

The environment agency made comment regarding the site's relationship with Ormsgill reservoir. This is located to the east of the application site with the railway line separating the two. Their objection in this regard was withdrawn by email dated 9/09/14.

Relationship with railway

The site shares a common boundary with the application site. Network rail have responded to the consultation. While they raise no objections they have asked for a number of conditions to be imposed on any consent. Conditions based upon their recommendations are proposed to be attached.

Drainage – surface water

The application is accompanied by a preliminary report into drainage issues. It concludes that there are likely to be two options. One is to replicate the existing drainage regime by draining all roof water into the on site pond. This appears to be connected to other ponds. In so doing they conclude that the ecology of the pond and the connecting ponds will be maintained. They calculate that the proposed roof water will be less than the warehousing recently demolished. The related option of rainwater harvesting is also mentioned.

Two, to replicate the drainage solution used at Holker Street and pump surface water into the mains sewer (a surface water sewer is shown located in Holker Street). A pump would be required because the site is located at a much lower level than Wilkie Road such that a gravity system is not feasible. The issue of drainage can be dealt with via a suitably worded condition with the most sustainable solution chosen.

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Drainage – foul

The indication is that foul would drain by gravity to the southeast corner of the site (across from the Wilkie Road/Holker St junction) as per option 2 for surface water. It would then be pumped into the foul sewer in Wilkie Road.

Bio diversity

An ecological appraisal accompanies the application. It concludes that the site's interest lies in the pond and parts of the site's perimeter. Subject to conditions which protect these features and seeks to improve connectivity and there appear to be no protected species/bio diversity reasons to withhold consent. No measures have been put forward as to how the pond will be maintained in the future. This does not appear capable of being resolved at the current time as the applicant is not intending to develop the site; the intention being that it would be sold off with the benefit of planning permission.

Bio diversity/open space/play space provision

Saved policy G9 includes the following:

development sites over 50 units or 0.8 hectares in size should provide a play area of no less than 400 metres², with at least five types of play equipment within 500 metres or 5 minutes safe walking distance of the new dwellings.

The application site extends to in excess of 3 hectares and therefore to accord with the saved policy an equipped play area would be required. This would need to be secured by a planning condition and usually a 106 obligation would be drawn up. This would require the play area to be transferred to the Council with the payment of a commuted sum to cover an agreed period of maintenance.

Over recent years the Council has changed its approach with regard to the refurbishment of play areas seeking to close smaller installations and concentrating on the larger play areas. As a consequence of this the decision was reached in relation to the nearby development in Holker Street that there would be no on site provision. Instead it was agreed that the developer would contribute to off site provision in relation to an improvement scheme for Ormsgill reservoir. There appears to be two options. One, to require an on site facility in line with the saved policy. The other to adopt the same approach as agreed with the nearby Holker Street development. I have recommended the 'Holker Street' approach for consistency with the payment based on the same formula. It may be that if it becomes clear at reserved matters stage that any open space within the site is better transferred to the Council, then the agreement can be modified at that stage.

Ground conditions

The application is accompanied by a phase 1 desk study report into the potential for on site contamination. This recognises that the potential does exist given the previous industrial usage of the site and advises on the need and scope of intrusive investigations. This will need to be secured by conditions as recommended by the Council's environmental.

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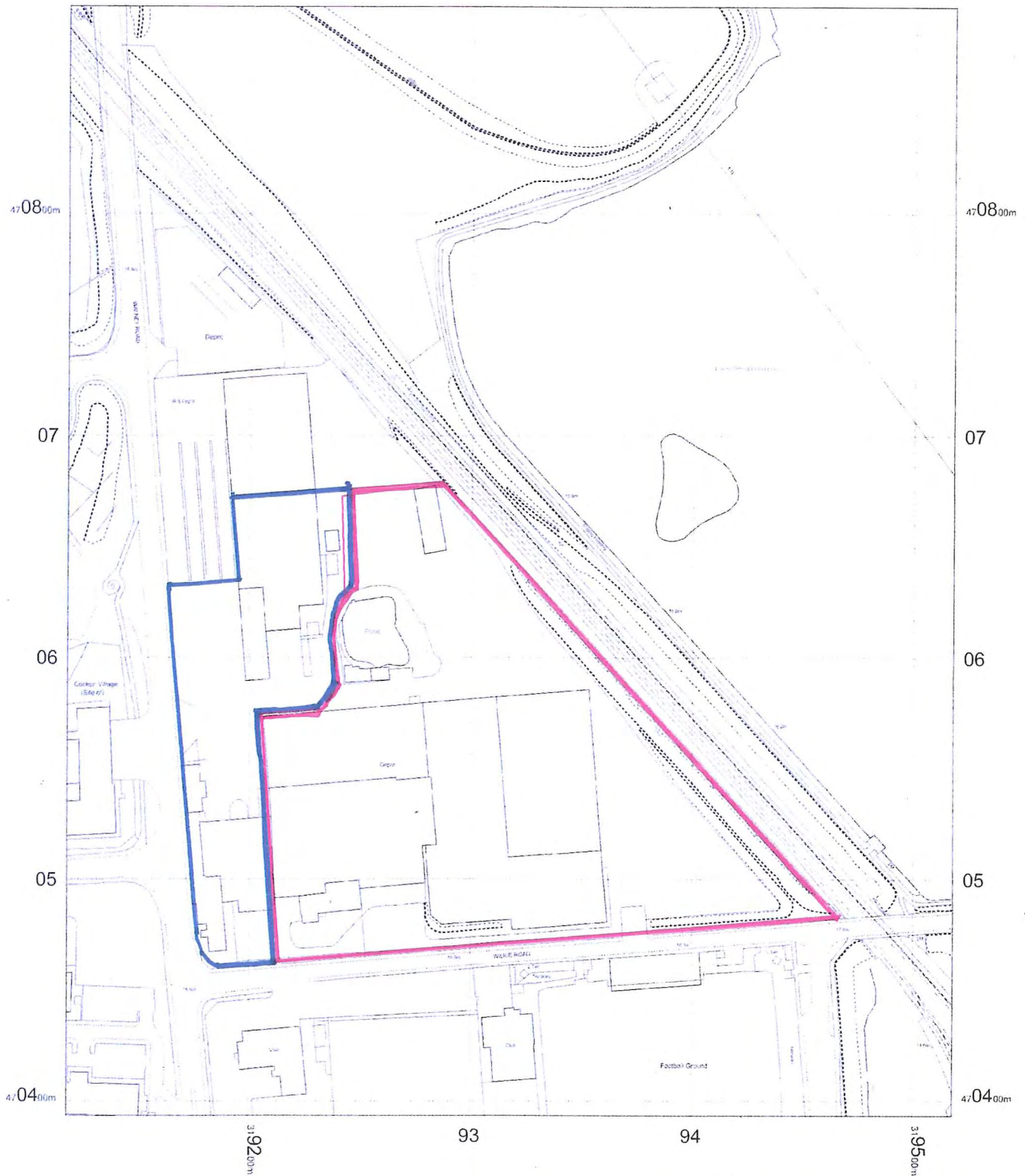
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Historic Environment officer (HEO)

The HEO comments that the application will result in the loss of a visually interesting structure and that it is a shame that it can not be incorporated into the proposed development. If not that the building be recorded up to level 2 English Heritage.

The structure appears much older than it actually is. This is because the building was erected during the 1980's using architectural salvage from the former steel works offices (located in Walney Road opposite the end of Duke Street). As a consequence the building has no formal designation and can not be protected by the planning process. As the parts of been reassembled in a non – complete way I see no real value in recording them.

I recommend that planning permission be granted on completion of a 106 obligation which will require the payment of a commuted sum of £50 000 prior to the occupation of more than 20 houses on the application site and subject to conditions (to be provided in the additional information booklet).



LOCATION PLAN

Scale: 1:1250

National Grid sheet reference: 319318E 470644N

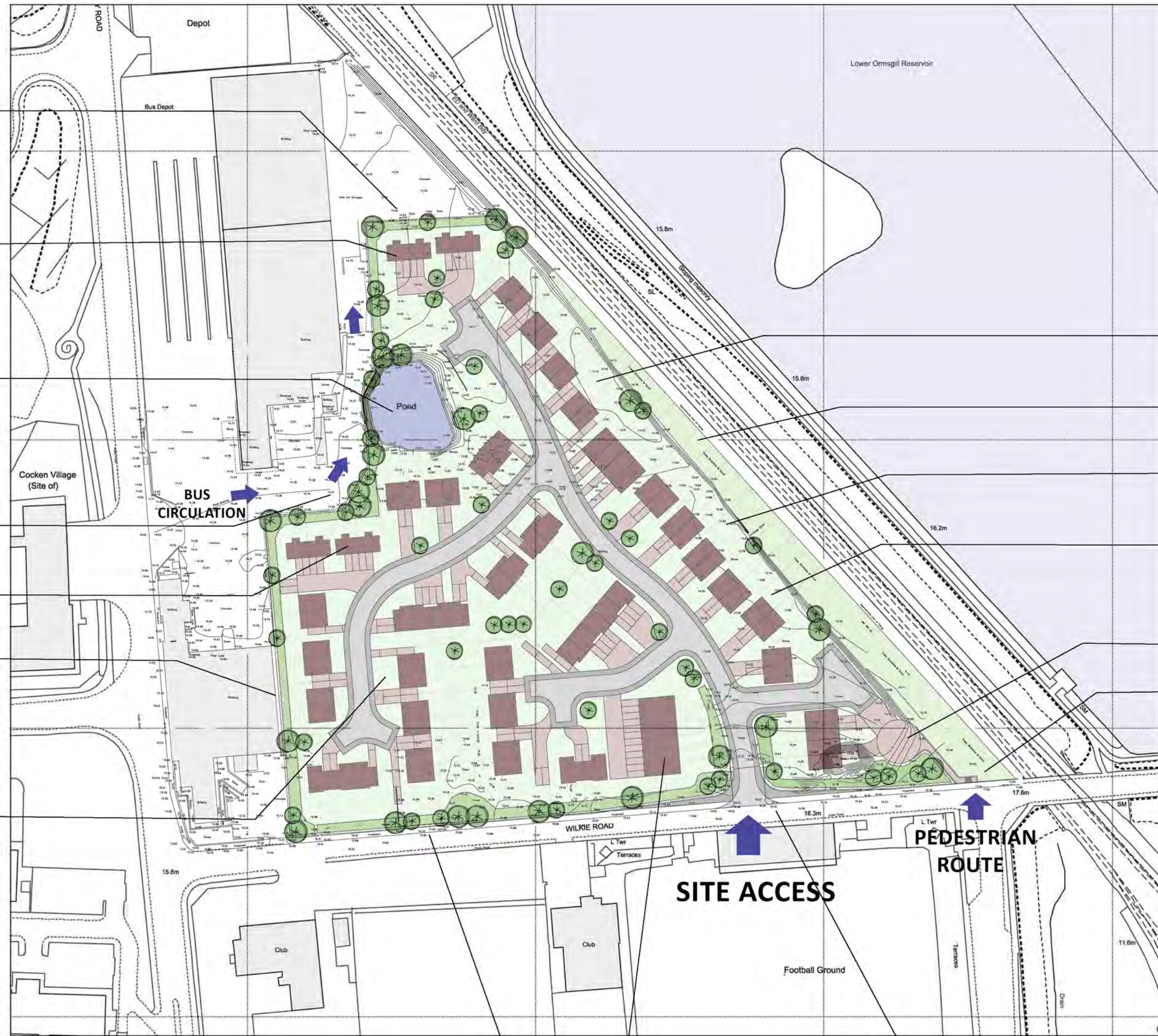
BRADY'S YARD, WALNEY ROAD
BARROW IN FURNESS

Craig & Meyer Architects

NORTH



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MASTERPLAN

THIS ILLUSTRATIVE CONCEPT MASTERPLAN HIGHLIGHTS A DEVELOPMENT OF 84 RESIDENTIAL DWELLINGS ON A SITE AREA OF 3.4 ha.

THE SCHEME WILL COMPRISE A RANGE OF HOUSE TYPES FROM 800 ft² TO 1600 ft² TWO AND THREE STOREY TERRACED AND SEMI-DETACHED HOMES

INDICATIVE SCHEDULE OF HOUSES:

12 No.	1550 ft ²	3 BED 3 STOREY TOWNHOUSE
8 No.	1500 ft ²	3 BED 3 STOREY TOWNHOUSE
6 No.	1200 ft ²	3 BED 2 1/2 STOREY TOWNHOUSE
8 No.	1100 ft ²	3 BED 2 1/2 STOREY SEMI-DETACHED
11 No.	1050 ft ²	3 BED 2 STOREY SEMI-DETACHED
22 No.	1000 ft ²	3 BED 2 STOREY SEMI-DETACHED
9 No.	950 ft ²	3 BED 2 STOREY TERRACED
8 No.	800 ft ²	2 BED 2 STOREY STARTER HOME
84 No.		TOTAL UNITS

EXISTING BRICK BOUNDARY WALL RETAINED SCREEN PLANTING TO PERIMETER OF SITE

HIGHER DENSITY 2 1/2 STOREY TOWN HOUSES ADJACENT TO SITE ENTRANCE

MAIN SITE ACCESS WITH EXISTING BOUNDARY WALL REBUILT TO CREATE VISIBILITY SPLAY & FEATURE ENTRANCE DEMARKATION CREATED

NORTH

scale 1:1250 @ A2

MASTERPLAN

Proposed Development of Land at Brady's Yard, Walney Road, Barrow

Craig & Meyer Architects

111 Duke Street
Barrow in Furness
Cumbria
LA14 1XA

Tel: 01229 820072

**DELEGATED PLANNING REPORT
25 July 2014**

A Report by the Assistant Director Environment and Regulatory Services

Application No: 06/2014/0360

Applicant: T B Group Ltd c/o Rob Turley Planning Consultants, 2 Plowley Close, Didsbury, Greater Manchester, M20 2DB

District: Barrow Borough Council

Proposal: Application for outline planning permission for the redevelopment of warehouse and industrial land to a residential (84 houses) (appearance, landscaping, layout and scale reserved)

Location: Land Brady's Yard (Former), Wilkie Road, Barrow-in-Furness

1.0 RECOMMENDATION

1.1 No objection is raised from a strategic planning perspective, subject to the following matters being resolved to the satisfaction of Cumbria County Council:

- to better meet the needs of residents as they age, the applicant should consider the mix of dwellings on site to ensure the provision of increased homes with straight staircases, and room for level entry shower facilities adjacent to ground floor toilet facilities. The developer should also consider opportunities to deliver a proportion of bungalows on the site;
- a satisfactory landscaping scheme should be submitted to include retention and strengthening of boundary planting along the eastern boundary to screen the development from, and generally enhance, views westwards across the reservoir;
- a suitable condition should be attached to any outline planning permission requiring submission to the Lead Local Flood Authority of satisfactory details for drainage on the site to ensure that a sustainable scheme is developed;
- a satisfactory scheme indicating adequate provision for additional public space should be submitted in accordance with relevant local planning policy;
- the two storey sandstone building on the site that formed part of the Steel Hoop and Wire Works should be recorded prior to demolition, as required in the recommended conditions set out in Appendix A.

1.2 The response of the Highways Authority is set out in Appendix B.

2.0 THE PROPOSAL

- 2.1 The application site comprises land locally known as Brady's Yard. The site is located immediately north of Wilkie Road, and is some 1.2km north west of Barrow Town Centre. The site is bounded to the north east by the railway line and embankment, and to the west by existing office and industrial buildings fronting Walney Road.
- 2.2 The general area is characterised by industrial and office uses to the north and west and further industrial development to the west and beyond Walney Road. The railway line to the immediate north east separates the site from the extensive Lower Ormsgill reservoir. To the south, on the opposite side of Wilkie Road, is the home ground and stadium of Barrow AFC, another local football ground home to Furness Rovers FC, and the local football social club and associated car parking.
- 2.3 The site is roughly triangular in shape and extends to some 3.4ha (8.4acres). It comprises concrete bases and hard standings of former warehousing and storage depot buildings along with open areas, car parking and a small vacant two storey office building (of approximately 150sqm) used in connection with that business. The site is located at a slightly lower level than the carriageway of Wilkie Road, and the existing brick wall along that frontage helps to screen views into the site from the road.
- 2.4 The planning application seeks outline approval for the principle of the

development including a proposed new access, with all other matters reserved for subsequent approval. The illustrative layout indicates a mix of two and three storey, 2 and 3 bedroomed housing types providing for a total of 84 units. The size of the proposed dwellings would vary from 800sqft for the terrace homes to larger semi-detached units of 1,550sqft, including some town houses.

3.0 KEY CUMBRIA COUNTY COUNCIL CONSIDERATIONS

- 3.1 The proposal has been assessed as to whether or not it would materially conflict with or prejudice the implementation of the Cumbria Strategic Partnership's Sub Regional Spatial Strategy (SRSpS) 2008-2028, Cumbria County Council's adopted Planning Obligation Policy (September 2013), Cumbria County Council's Economic Ambition and Cumbria County Council Barrow-in-Furness Area Plan.
- 3.2 Cumbria County Council is the Highway Authority for Cumbria and the Highway Authority's response is set out in Appendix B.
- 3.3 This report will not make comment on housing need, as this is considered to be a local matter for the Borough Council to assess and determine, and this approach follows the revocation and abolition of the North West of England Regional Spatial Strategy (2008) and the Saved Policies contained in the Cumbria and Lake District Joint Structure Plan (2006) in May 2013. This report therefore focuses primarily on strategic infrastructure and other issues arising from the development, for which the County Council is responsible, having regard to the above policy documents.
- 3.4 It is considered that the main aspects raised for the County Council by the application are:
- To determine the consistency of the proposal with the development strategy for Barrow-in-Furness;
 - to determine whether there are implications for local infrastructure and the needs for services given the scale, mix and type of development of this location; and
 - to determine whether there are any significant adverse effects on landscape, and the historic environment and measures to mitigate the impact.

Development Strategy and Locational Issues

- 3.5 The Cumbria Strategic Partnership's Sub-Regional Spatial Strategy sets out the spatial framework for Cumbria. It identifies actions that affect specific areas and locations, and provides the sub-regional spatial framework for the preparation of development plans in Cumbria. It recognises that a key challenge is to secure a sustainable level and pattern of development that creates balanced communities and meets need.
- 3.6 The Cumbria Sub-Regional Spatial Strategy identifies Barrow as a Key Service Centre and that major development and inward investment should take place in the town to support its regional and sub-regional role, and to ensure that Barrow has a high quality environment and that the necessary infrastructure and transport

Appendix A

networks are to modern standards. Development should provide a range of facilities and services to improve health, reduce crime, enhance education and skills attainment within communities. Balanced housing markets will be created through refurbishment, clearance and renewal, and by building new homes that create choice and quality in the market to meet housing demand and help generate investor confidence.

- 3.7 The Barrow Local Committee Area Plan recognises the importance of providing new housing development and housing market renewal to support sustainable development in the area. The Area Plan states that

“Barrow contains areas of housing market weakness and areas of poor quality environment therefore there is a need for improved housing stock and a broadened housing offer through new supply to meet needs”.

- 3.8 The Cumbria County Council Economic Ambition additionally notes the importance of investment and growth in West Cumbria.

- 3.9 Paragraph 14 of the NPPF highlights some of the key overarching principles development should adhere to. Included in there is a requirement that planning should:

“manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable”.

- 3.10 The Development Principles of the Sub-Regional Spatial Strategy states that sites should be sought that are, or will be made, accessible by public transport, walking and cycling, providing a realistic choice of access by means other than private car.

- 3.11 The site is not allocated or identified for any particular use in the saved Barrow Local Plan (1996-2006), and hence the loss of this commercial site to residential use is not considered to fundamentally undermine the long-held planning principles to retain industrial land. In this regard, the National Planning Policy Framework (NPPF) refers to the re-use of employment land and buildings for alternative uses such as housing and states:

“Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers. They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.”

- 3.12 The NPPF also identifies 12 principle overarching roles of the planning system, which includes:

“encourage(ing) the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high

environmental value”

- 3.13 It will be for the Borough Council to determine as to whether there are strong economic reasons why residential re-use would be inappropriate in this case, given these circumstances.
- 3.14 The 'old style' Local Plan is now due for renewal, and it is understood that the Borough Council has a programme in place to consult on a new Local Plan (Regulation 18) during the Summer 2014. The main part of the application site has also been identified in the Barrow Borough Council's SHLAA Review (December 2013) as a '*deliverable/developable*' site (reference REC08). It is termed as a '*cleared brownfield site within the urban area*' (only the northern portion is missing from the SHLAA Map). The SHLAA indicates that the identified site is capable of accommodating a total of 108 units, and it is expected that 20 units would be capable of coming forward within the 1-5 year period, with the remaining 88 units coming forward in the 6+ year time period.
- 3.15 Given the above factors, it is considered that whilst the site is surrounded by commercial uses, it is located within the urban fabric, it is a brownfield site not far from established residential areas, and is relatively well related to important key services in Barrow Town Centre being only 1.2km away. It would therefore form a logical infilling and re-use of what appears to be a redundant site within the existing built environment. It is felt that given its good location within Barrow, and its proximity to a range of alternative transport modes, the development is considered to represent a fundamentally sustainable location. It could therefore provide a welcome contribution towards meeting the housing needs of the area. It is therefore considered that in locational terms, the development of the site for residential purposes would be acceptable in principle from a strategic planning perspective.
- 3.16 Notwithstanding this point, along with other considerations such as the environment and heritage, the NPPF (paragraphs 7, 17, 21, 31, 157 and 162) makes clear that working with providers, the planning system must plan to meet the infrastructure requirements of areas to ensure the delivery of sustainable development. It will therefore be important that the development proposals for this site do not conflict with important planning principles, including the need for necessary infrastructure provision and capacity.

Infrastructure Issues

- 3.17 In line with the principles expressed in Paragraph 7 of the NPPF, the planning system must consider what infrastructure and services are needed to support the growth of areas. These relevant areas include; *“infrastructure for transport, water supply, wastewater and its treatment, energy (including heat), telecommunications, utilities, waste, health, social care, education, flood risk, coastal change management”* (Paragraph 162). During the consideration of these matters, Paragraph 203 of the NPPF advises the *“local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations”*.

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- 3.18 In recognition of this, set out below is consideration of the effects of the proposed development with respect to Cumbria County Council services and infrastructure with reference to the adopted Cumbria County Council Planning Obligations Policy. The formal Highway Authority Response is appended.

Local Plan Infrastructure Delivery

- 3.19 The application site is not identified in the Barrow Borough Council Local Plan (1996-2006) for any particular use, and is not allocated for residential development. The site has come forward in advance of the replacement new Local Plan consultation (Regulation 18) expected during the Summer 2014. The identification of the site in the Borough Council's SHLAA (albeit deliverable/developable) merely indicates the Borough Council's assessment of its potential to deliver approximately 108 new homes, but it gives no material weight in favour of this site in terms of determining this planning application.
- 3.20 Whilst this maybe the case, it is considered that the current proposal is unlikely to prejudice the delivery of the new Local Plan and the proper planning for infrastructure of this broader strategic location. The reason being that there are no significant strategic planning issues identified, which could have a negative effect on the delivery of the next Local Plan. However, it is considered that there are site specific infrastructure issues that must be considered as set out below.

Local Flood Risk Management

- 3.21 Cumbria County Council's Planning Obligation Policy sets out how the County Council seeks to ensure appropriate surface water management is in place, given the provisions of the Floods and Water Management Act 2010.
- 3.22 The County Council's Local Flood Risk Management Team recommends submission of appropriate drainage details as soon as possible to ensure that a sustainable scheme is developed. There are concerns with regard to existing drainage from adjacent sites, outwith the development being joined with the development site drainage. Calculations as to existing discharges from the brownfield site will have to show that there is sufficient capacity, including taking account of a 30% increase for surface water due to future climate change. Proof would be required that the existing drainage ditch on the site boundary has an outfall to the pond and is in good condition and details must be provided of its known capacity. In addition, it is expected that information must be provided to show how the levels in the adjacent pond are controlled.
- 3.23 With the retention of pond features and scrubland, it would be expected that a soft SuDs approach would be taken using swales to transmit water around the site. The outline of such an approach would be appreciated at an early stage so that drainage is not being compromised by individual dwelling locations.
- 3.24 If discharge to existing United Utilities (UU) networks is being permitted, the County Council would require proof of this from United Utilities and the discharge rate that they are willing to accept. It would be preferred that there is no discharge to the UU network, if this is ultimately being sent for treatment. If discharge to the existing system is via a pumping station, then again assurance would be required

that this would be adopted by UU, as this would not be adopted by the Lead Local Flood Authority or by the Highways Authority. Dialogue is necessary between UU and Local Lead Flood Authority to progress site drainage adoption and agreement on a satisfactory site layout.

- 3.25 It is considered that should outline planning permission be granted for this scheme, it should be subject to a suitable condition requiring submission of satisfactory details for drainage on the site.

Education

- 3.26 The Cumbria County Council Area Plan and the SRSpS (Barrow Sub-Area) recognise that with new housing additional social infrastructure will be required to support economic growth. It is the County Council's responsibility to ensure that necessary Education infrastructure is in place. The County Council's Planning Obligation Policy sets out how the County Council will ensure that there is sufficient education infrastructure to meet the requirements of new development in accordance with the CIL Regulations 2010.
- 3.27 Using a dwelling-led model, this development of 84 units is estimated to yield 17 primary aged pupils and 12 secondary aged pupils. The catchment schools are Ormsgill Primary School (1.15 miles away) and Furness Academy (1.22 miles away).
- 3.28 There were no other developments with planning permission in the vicinity that would need to be taken into consideration. It is considered that there is sufficient capacity at both the above schools to accommodate the number of additional pupils generated by this proposed development. Consequently, from a school organisation point of view there is no requirement for a financial contribution to fund additional school capacity in this case.

Adult Social Care

- 3.29 Housing is a vital component of community care and the key to independent living. In order to support people to live as independently as possible there is a need for agencies to work collaboratively in planning and the use of resources. The County Council's Planning Obligation's policy seeks to ensure that new housing designs can be easily adapted to meet the requirements of occupants should their needs change over time.
- 3.30 Should the requirements of an occupier change, homes that are designed to Lifetimes Homes standards or incorporate key elements of these standards are easier and cheaper to adapt to enable people with disabilities to continue to live there. Moreover, adaptations to properties that are not designed with a view to accessibility often fall short of achieving their full impact. Poorly adapted properties can contribute to increased levels of dependence, which impact on the wellbeing of the individual, their carers and families and ultimately require social care support.
- 3.31 The most frequently requested adaptations are stairlifts and level access showers, usually both facilities. Housing design that incorporate a straight staircase and a

room for level entry shower facilities adjacent to ground floor toilet facilities will support the provision of the most frequently requested adaptations in the most cost effective way. The benefits of incorporating these design elements from the outset include:

- Homes that better meet the needs of residents as their requirements change.
- Improved use of DFG funding by Council's
- Overall reduced demand for personal care support and care home services by promoting greater independence, safety and wellbeing in the home environment.

3.32 The current planning application is made in outline with all matters reserved except for site access. There are no details submitted of the dwelling types, other than a suggestion in the Design & Access Statement that they may be a range of 2-3 bedroomed units, with a mix of semi-detached and terraced type of mainly 2 storeys with elements of possibly 3 storeys.

3.33 With this in mind and to better meet the needs of residents as they age, it is recommended that the applicant should consider the mix of dwellings on site and their internal arrangements to ensure the provision of increased homes with straight staircases, and room for level entry shower facilities adjacent to ground floor toilet facilities. The developer should also consider opportunities to deliver a proportion of bungalows on the site. These revisions will better meet the needs of the wider population as identified in the Cumbria Joint Strategic Needs Assessment, the Barrow Strategic Housing Market Assessment (SHMA) and the Cumbria County Council Planning Obligations Policy.

Landscape and Visual Impact Issues

3.34 This brownfield site lies within the urban area as defined by the Cumbria Landscape Character Guidance & Toolkit (CLCGT). However, it displays many of the defining characteristics of the area directly adjacent to the west, which is defined as 2d, Coastal Urban Fringe.

3.35 The CLCGT states that this generally flat undulating land has a strong association with both the urban character of nearby villages, towns and cities and the open and undeveloped adjacent landscapes. The vision for this area states that:

'...where possible, derelict and old industrial sites will be restored through positive development and management schemes, reflecting any historic or biodiversity value, and landscape works will soften coastal edges, protect significant views and improve recreation facilities...'

3.36 It is noted that this application is currently at outline stage. However, a Masterplan has been submitted, which indicates the general approach to be taken to landscape and design. The Masterplan indicates that the existing brick boundary wall and pond will be retained and enhanced – with the latter being integrated into an area of public open space. Additional planting is also proposed, and dwellings are to be orientated in order to maximise open views. This is consistent with the

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approach suggested by the CLCGT and is strongly supported.

- 3.37 It is not clear however, whether the existing hedgerow to the eastern boundary of the site is to be retained and/or enhanced. The retention and strengthening of boundary planting along this edge would screen the development from, and generally enhance, views westwards across the reservoir.
- 3.38 Finally, whilst the integration of the pond into an area of public open space is welcomed, it would reduce the overall amount of space available for children's play area, and may create difficulties in regard to health and safety relating to the latter. Given the development proposes a relatively large amount of dwellings, the provision of additional public space may be deemed necessary at the reserved matters stage, in accordance with relevant local planning policy.

Historic Environment Issues

- 3.39 The SRSpS seeks to encourage development which supports quality historic environments. The Development Principles require new development to avoid the loss of or damage to, and wherever possible enhance important or distinctive conservation features including landscapes, buildings, archaeological sites, historic parks and garden and visually important public and private open spaces.
- 3.40 The proposed development will demolish a building considered to be a heritage asset of local architectural significance. The two storey sandstone building on the site that is proposed for demolition dates between 1913 and 1933 and formed part of the Steel Hoop and Wire Works that was formerly located on the site. Despite alterations, it clearly retains original architectural features of note, such as the rusticated quoins, the central arch on the main façade, and the arched windows with stone surrounds. It is considered unfortunate that such a visually interesting structure cannot be incorporated into the proposed development.
- 3.41 It is therefore recommended that, in the event planning consent is granted, the two storey sandstone building is recorded prior to demolition. This recording should be in accordance with a Level 2 Survey, as described by *English Heritage Understanding Historic Buildings: A Guide to Good Recording Practice, 2006*. It is advised that this be secured by attaching a condition to any planning consent that the Local Planning Authority might otherwise be minded to grant. A suitable form of words is recommended in Appendix 1.

Local Member Comments

- 3.42 The Local County Councillors in the vicinity of the application site have been notified of the planning application consultation. No comments have been received so far.

Barrow Local Area Committee Chairperson

- 3.43 The Chair of Barrow Local Area Committee has been consulted on the planning application consultation, and no comments have been received so far.

4.0 CONCLUSION

- 4.1 Whilst the site is not allocated in the saved Barrow Local Plan (1996-2006), it is located within the urban fabric, it is a brownfield site not far from established residential areas, and is relatively well related to important key services in Barrow Town Centre being only 1.2km away. It would therefore form a logical infilling and re-use of what appears to be a redundant site within the existing built environment. It is felt that given its good location within Barrow, and its proximity to a range of alternative transport modes, the development is considered to represent a fundamentally sustainable location. It could therefore provide a welcome contribution towards meeting the housing needs of the area.
- 4.2 It is considered that the current proposal is unlikely to prejudice the delivery of the new Local Plan and the proper planning for infrastructure of this broader strategic location.
- 4.3 Should outline planning permission be granted for this scheme, it should be subject to a suitable condition requiring submission of satisfactory details for drainage on the site to ensure that a sustainable scheme is developed.
- 4.4 No financial contribution would be required to extend the capacity of the local schools affected by this development.
- 4.5 To better meet the needs of residents as they age, it is recommended that the applicant consider the mix of dwellings on site to ensure the provision of increased homes with straight staircases and room for level entry shower facilities adjacent to ground floor toilet facilities. The developer should also consider opportunities to deliver a proportion of bungalows on the site.
- 4.6 The Masterplan indicates an approach consistent with that suggested by the Cumbria Landscape Character Guidance & Toolkit and is strongly supported. The retention and strengthening of boundary planting along the eastern boundary would screen the development from, and generally enhance, views westwards across the reservoir. The provision of additional public space may be deemed necessary at the reserved matters stage, in accordance with relevant local planning policy.
- 4.7 The two storey sandstone building on the site that is proposed for demolition dates formed part of the Steel Hoop and Wire Works that was formerly located on the site. In the event planning consent is granted, this two storey sandstone building should be recorded prior to demolition. It is advised that this be secured by attaching a condition to any planning consent that the Local Planning Authority might otherwise be minded to grant. A suitable form of words is recommended in Appendix A.
- 4.8 The views of the Highways Authority are set out in Appendix B.

Contact

Graham Hale, Spatial Planning Team Leader

01228 226111 (Parkhouse)

Background Papers

Planning Application File Reference 06/2014/0360

Electoral Division Identification

Local Member: Cllr A Burns – Hindpool ED

Adjoining Members: Cllr K R Hamilton – Risedale ED
Cllr John Murphy – Old Barrow ED
Cllr Jane Murphy – Newbarns & Parkside ED
Cllr W McEwan – Ormsgill ED
Cllr M H Worth – Walney North ED

Barrow Local Committee Chair: Cllr K R Hamilton – Risedale ED

APPENDIX A – CUMBRIA COUNTY COUNCIL RECOMMENDED ARCHAEOLOGICAL CONDITIONS

- i. Prior to the carrying out of any construction works the existing two storey sandstone building affected by the proposed development shall be recorded in accordance with a Level 2 Survey as described by English Heritage's document Understanding Historic Buildings A Guide to Good Recording Practice, 2006. Within 2 months of the commencement of construction works 3 copies of the resultant Level 2 Survey report shall be furnished to the Local Planning Authority.

Reason: to ensure that a permanent record is made of the building of architectural interest prior to its demolition as part of the proposed development

APPENDIX B – CUMBRIA COUNTY COUNCIL HIGHWAYS AUTHORITY RESPONSE

APPLICATION FOR OUTLINE PLANNING PERMISSION FOR THE REDEVELOPMENT OF WAREHOUSE AND INDUSTRIAL LAND TO RESIDENTIAL (84 HOUSES) (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE RESERVED)

LAND AT BRADY'S YARD (FORMER), WILKIE ROAD, BARROW-IN-FURNESS

APPLICATION REFERENCE: 06/2014/0360

Having consideration for the following Transport/Accessibility and highways issues, the following County Council policies are considered relevant:

SRSpS	Development Principles
SRSpS	Areas within Cumbria
LTP Policy LD4	Transport Assessments and Travel Plans
LTP Policy LD5	Access to new developments
LTP Policy LD6	Developer contributions
LTP Policy LD7	Design standards
LTP Policy LD8	Safety and security
LTP Policy WS3	Travel Plan monitoring

Although this is an 'Outline' application it is considered that 'means of access' must be determined at this time and note details have been submitted with this application. The applicant has submitted a 'Transport Assessment' (TA) to support the application, which has been fully assessed and the following comments reflect the information provided within this statement.

PUBLIC TRANSPORT

Public Transport

Whilst the site is close to Barrow bus depot, there is only a limited bus service passing the site on the Service 7. However, the majority of Service 7 journeys are currently funded by the County Council and these will cease shortly when the supported funding is withdrawn. The nearest other bus service is the service 3 on Holker Street / Devonshire Street.

Barrow railway station is a short walk from the development site. It is unlikely that this size of development will have a significant impact on the rail network.

School Transport

The School Organisation Team has advised that the development of 84 units is expected to yield 17 primary aged pupils and 12 secondary aged pupils. The catchment schools are Ormsgill Primary School (1.15 miles away) and Furness Academy (1.22 miles away). There is sufficient capacity at both schools to accommodate this development.

School transport must be supplied to a child's nearest school or catchment school where there is a walking distance of 2 miles for children under 8, and 3 miles for older children or if a walking route of lesser distance is assessed as unsafe. School transport would not

be provided to either Ormsgill Primary or Furness Academy from this development as the walking routes are considered to be under the statutory walking distance.

A developer contribution would therefore not be required in this case.

Public Rights of Way/Cycle Paths

The proposed development will not affect any recorded public rights of way.

TRAVEL PLAN

The applicant has submitted a Travel Plan at this time, it would be appropriate to condition an annual review of this document for its effectiveness should the application be recommended for approval.

Targets and monitoring

By helping to reduce occupant car use, Travel Plans can encourage effective use of current transport networks (thereby reducing the need for significant infrastructure improvements), help support sustainable economic growth, encourage healthy lifestyles, promote exclusion, manage travel demand and assist in reducing the impacts of climate change. A Travel Plan is therefore not needed merely to address highway capacity issues associated with the specific development proposal to which it relates.

Evidence shows that a robust Travel Plan can readily reduce trips to a development by around 15-20%, and in some cases by over 50%. There is also evidence to suggest that 'origin' travel plans, such as those for residential developments, can play an important role in cutting urban peak-hour traffic by 21% and off-peak traffic by 13%. Nationally, traffic volumes can fall by 11%. While national guidance states that targets should be ambitious, in recognition of the particular qualities in respect of geography, rurality and population levels and to ensure consistency, it is considered that a 10% target (for reducing single car occupancy private vehicle trips/number of peak hour trips generated by a development) across the county is reasonable and achievable for this development.

TRANSPORT ASSESSMENT

Transport Activity

Pedestrian

The site and its surrounding area benefits from a good pedestrian network with adequate footways and street-lighting provided along both sides of all roads in the vicinity of the site.

It is proposed that pedestrian access to the site be achieved via the main site access (Wilkie Road) but also via steps from a point just north of the Holker Street junction. The indicative internal layout of the site shows a comprehensive pedestrian network, with footways provided on both sides of the carriageway. It is evident the town centre is well within a short walk with the facilities on Abbey Road being around 15minutes away.

Traffic

In terms of traffic activity (trip generation) it is evident that there will be an increase in traffic movements in the morning and in the evening during the commuter peak hour from the development proposal. To assess the trip generation of the development an analysis of data using the latest TRICS database was undertaken. It is a computerised database and trip rate analysis package used for transport planning and development control purposes. TRICS provides vehicle trip rates for a variety of land uses and enables the breakdown of surveys by very specific criteria in this case dwellings.

The database comprises of over 6000 transport surveys at over a 110 different types of development and allows comprehensive trip rate analysis and auditing.

TRICS continues to be the nationally accepted standard source of trip generation information. TRICS was established in 1989 by a consortium of County Councils and is the system that challenges and validates assumptions about the transport impacts of new developments.

Using TRICS data it is estimated within the applicants' Transport Assessment that around 50 vehicles two way flow in any one busy hour will be generated by the development. The Highway Authority agrees with these figures. To conclude the associated trip generation traffic is considered negligible given the numbers it will generate i.e. in the busiest hour in terms of distribution e.g. Walney Road direction is predicted to be around one vehicle every three minutes.

The surrounding junctions are predicted to operate within capacity with a negligible amount of traffic queuing at the nearby junctions and the site access i.e. Wilkie Road such small changes in traffic flow would not result in a significant material change in highway operation.

In terms of personal injury traffic accidents in the area there are no significant correlations in the timing, location, frequency or circumstances of the personal injury accidents that were apparent at either the Walney Road/Wilkie Road or Wilkie Road/Holker Street junctions including the site access with the highway.

In short it is therefore considered that additional traffic generated by the proposal is considered to have no detrimental impact on the adjacent highway given the alterations to the existing junction arrangements.

DETAIL DESIGN ISSUES

Car Parking

It is appreciated that this is an Outline application and the layout plans are indicative only. Car parking must be provided in accordance with Cumbria County Councils – 'Parking Guidelines in Cumbria'. It is therefore recommended that the following parking levels must be adhered to:

- 1 bedroom dwelling = 1 parking space

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- 2-3 bedroom dwelling = 2 parking spaces
- 4+ bedroom dwelling = 3 parking spaces

On this basis adequate parking and vehicular turning/servicing facilities shall be provided within the application site in accordance with details to be submitted to the Local Planning Authority for approval as part of any subsequent application for approval of reserved matters. Such parking and vehicular turning facilities as approved shall be constructed to the satisfaction of the Local Planning Authority before the proposed development hereby approved commences.

Layout

The indicative layout appears to be acceptable, however, the submitted final details will be subject to perusal when the reserved matters/detailed planning application is submitted.

Adoption of streets

It is noted where development involves the construction of residential estate roads/pavements it is a requirement of developers to enter into an agreement with the highway authority under section 38 of the Highways Act 1980, under which they themselves will construct the streets to the satisfaction of the highway authority and in accordance with the Cumbria County Council 'Design Guide' specification. This must be conditioned accordingly.

CONCLUSION

In policy terms it is considered that from a traffic and highway point of view the character and location of the proposed development is in accordance with local and national policy guidance. The site is located within easy reach of local facilities and services and has a number of travel choices particularly walking given its proximity to rail, bus and local shopping facilities.

To conclude in terms of traffic generation and impact there is likely to be an insignificant effect on the adjacent highway network as a result of the proposed development. Furthermore, it is considered there are no existing highway safety issues on the adjacent/nearby local highway network that would be exacerbated by the proposed development.

Should the application be recommended for approval there are no objections subject to a number of conditions that must be imposed as follows:

- i. Road/pavement construction, traffic calming and drainage details, including street lighting proposals, must be submitted to and approved by the Local Highway Authority before any works begin on site (Section 38 agreement under the Highways Act 1980). The proposed road layout must be in accordance with the standards and specification set out in the current Cumbria County Council 'Design Guide': Layout of New Residential Developments.

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Reason: To ensure a minimum standard of construction in the interests of highway safety.

- ii. A construction method statement including a traffic management plan must be submitted to and approved by the Local Planning Authority before any works begin on site.

Reason: The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users.

- iii. Wheel wash facilities shall be provided within the site in accordance with details of location, manner and type to be agreed with the Local Planning Authority. The facilities shall be maintained in situ throughout all construction works.

Reason: In the interests of environmental management.

- iv. An annual report reviewing the effectiveness of the Travel Plan and including any necessary amendments or measures shall be prepared by the developer and submitted to the Local Planning Authority for approval.

Reason: To aid the delivery of sustainable transport objectives.

- v. The development shall not commence until visibility splays providing clear visibility of 2.4metres x 43metres measured down the centre of the access road and the nearside channel line of the major road respectively have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason: In the interest of highway safety.

Appendix B

Location	Time		Duration	Time Period T	$L_{Aeq,T}$ dB	NEC	$L_{A1,15min}$ dB (highest)	L_{Amax} dB
	Start	Finish						
1	06:10	07:00	00:50	night	44	A	65	81
1	07:00	08:30	01:30	day	51	A	--	--
2	08:32	08:35	00:02:52	--	52.5	A	--	--
3	08:39	08:44	00:05:00	--	50.1	A	--	--
4	08:54	08:59	00:05:00	--	52.8	A	--	--
5	16:18	23:00	06:42	day	58	B	--	--
	23:00	07:00	08:00	night	56	B	69	82
	07:00	23:00	16:00	day	52	A	--	--
	23:00	07:00	08:00	night	52	B	71	81
	07:00	16:18	09:18	day	63	B	--	--
2	16:17	19:35	03:17	day	61	B	--	--

Table 3
Summary of noise monitoring results

PLANNING COMMITTEE

9th December 2014

INDEX – BOOK 2

Page	App. No.	Address	Description
2	2014/0525	Thornccliffe School (North site), Thornccliffe Road, Barrow-in-Furness	Residential development of 11 detached houses and associated site works.
15	2014/0360	Bradys Yard, Wilkie Road, Barrow-in-Furness	Application for Outline Planning Permisson for the redevelopment of warehouse and industrial land to a residential (84 houses) (appearance, landscaping, layout and scale reserved)