

BOROUGH OF BARROW-IN-FURNESS

EXECUTIVE COMMITTEE

Meeting, Wednesday, 17th November, 2010
at 2.00 p.m. (Committee Room No. 4)

NOTE: Group Meetings at 1.15 p.m.

A G E N D A

PART ONE

1. To note any items which the Chairman considers to be of an urgent nature.
2. To receive notice from Members who may wish to move any delegated matter non-delegated and which will be decided by a majority of Members present and voting at the meeting.

3. **Admission of Public and Press**

To consider whether the public and press should be excluded from the meeting during consideration of any of the items on the agenda.

4. Disclosure of Interests.

A Member with a personal interest in a matter to be considered at this meeting must either before the matter is discussed or when the interest becomes apparent disclose

1. ***The existence of that interest to the meeting.***
2. ***The nature of the interest.***
3. ***Decide whether they have a prejudicial interest.***

A note on declaring interests at meetings, which incorporates certain other aspects of the Code of Conduct and a pro-forma for completion where interests are disclosed accompanies the agenda and reports for this meeting.

5. To confirm the Minutes of the meeting held on 20th October, 2010 (copy attached).
6. Apologies for Absence/Attendance of Substitute Members.

FOR DECISION

- (D) 7. Additional Resources for Shopfront Grants and Shopfront and Advertisement Design Supplementary Planning Document (SPD).

- (R) 8. Updated Statement of Community Involvement (SCI) and Document Charging Schedule.
- (D) 9. RSS Report.
- (D) 10. Land at Biggar Bank, Barrow-in-Furness.

PART TWO

- (D) 11. 100/102 Abbey Road, Barrow-in-Furness.

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 3 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

- (D) 12. Development of Playground, Multi Use Games Area and Skate Park in Dalton-in-Furness.

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 3 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

**NOTE (D) - Delegated
(R) - For Referral to Council**

Membership of Committee

Councillors Guselli (Chairman)
Williams (Vice-Chairman)
Barlow
Doughty
English
Garnett
Hamezeian
Marcus
Pidduck
Richardson
Stephenson
Waiting

For queries regarding this agenda, please contact:

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Published: 9th November, 2010

EXECUTIVE COMMITTEE

Meeting: 20th October, 2010
at 2.00 p.m.

PRESENT:- Councillors Guselli (Chairman), Barlow, Doughty, English, Garnett, Hamezeian (items 1-11 and Urgent Item – Furness Academy only), Heath, Marcus, Pidduck, Richardson, Stephenson (items 1-12 only) and C. Thomson.

78 – The Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985 and Access to Information (Variation) Order 2006 – Urgent Items

RESOLVED:- That by reason of the special circumstances outlined below the Chairman is of the opinion that the following items of business not specified on the agenda should be considered at the meeting as a matter of urgency in accordance with Section 100(B)(4)(b) of the Local Government Act 1972.

<u>Item</u>	<u>Reason</u>
Waterside Business Park – New Access Road (Minute No. 91)	To enable the works to commence at the earliest opportunity to avoid unnecessary costs and delay due to the winter period.
Furness Academy New Build Consultation (Minute No. 93)	To enable the Council to respond to the consultation process.

79 – Delegated Item to Non Delegated

Councillor Hamezeian moved which was duly seconded by Councillor Stephenson that Item 8 – Increase in VAT be a non delegated item.

The vote was taken and the motion declared lost.

RESOLVED:- To agree that the item be a delegated matter.

80 – The Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985 and Access to Information (Variation) Order 2006

Discussion arising hereon it was

RESOLVED:- That under Section 100A(4) of the Local Government Act, 1972 the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined

in Paragraph 1 (Minute No. 95) and Paragraph 3 (Minute No. 91) of Part One of Schedule 12A of the said Act.

81 – Disclosure of Interests

Councillor Guselli declared a personal and prejudicial interest in the Urgent Item – Furness Academy New Build Consultations (Minute No. 93). He lives adjacent to Furness Academy. He also declared a personal interest in Agenda Item 10 – Council Finances Report – Quarter 2 2010/2011 (Minute No. 87). He was a private landlord.

Councillor Hamezeian declared a personal interest in the Urgent Item – Furness Academy New Build Consultations (Minute No. 93). He was a Member of Cumbria County Council.

Councillor Heath declared a personal interest in the Urgent Item – Furness Academy New Build Consultations (Minute No. 93). She was a Member of Cumbria County Council.

Councillor Marcus declared a personal interest in the Urgent Item – Furness Academy New Build Consultations (Minute No. 93). He was a Member of Cumbria County Council.

82 – Minutes

The Minutes of the meeting held on 22nd September, 2010 were agreed as a correct record.

83 – Apologies for Absence

Apologies for absence were received from Councillors Waiting and Williams.

Councillors C. Thomson and Heath substituted for Councillors Waiting and Williams respectively.

84 – Grants Sub-Committee

RESOLVED:- To note the Minutes of the Grants Sub-Committee held on 27th September, 2010.

85 – Increase in VAT

The Borough Treasurer reminded the Committee that in the recent budget the Government had announced an increase in VAT of 2.5% effective from January 2011. In view of the large increase and the expected reductions in central grant, it was prudent to pass on the increase to the Council's fees and charges that were subject to VAT.

RESOLVED:- To approve an increase in prices from January 2011 in order to cater for the 2.5% increase in VAT.

Note:- Immediately after the vote had been taken, Councillor Hamezeian requested that it be recorded in the Minutes that he had voted against the motion.

86 – Capital Programme Monitoring Report to 30th September, 2010

The Committee considered the half year position of the Capital Programme for 2010/2013 which was summarised as follows:-

Capital Programme	2010/2011 Budget	2010/2011 Half Year Expenditure
As at 30/06/2010	£14,624,187	
As at 30/09/2010	£13,046,530	£3,690,040
Alterations	£1,577,657	

The Committee also considered the three year Capital Programme 2009/2010 to 2011/2012 which was summarised as follows:-

Capital Programme	2010/2011 Budget	2011/2012 Budget	2012/2013 Budget
As at 30/06/2010	£14,624,187	£10,882,533	£6,619,297
As at 30/09/2010	£13,046,530	£9,064,491	£6,508,144
Difference	£1,577,657	£1,818,042	£111,153

	2010/2011 Budget	2011/2012 Budget	2012/2013 Budget
Total Programme	£13,046,530	£9,064,491	£6,508,144
Funded by:			
Borrowing	£2,000,000	£2,000,000	£2,000,000
Grants	£7,582,486	£4,179,758	£2,164,500
Major Repairs Reserve	£1,933,543	£1,967,901	£2,012,644
Earmarked Reserves	£110,449	£0	£0
Usable Capital Receipts	£1,420,052	£916,832	£331,000

Major (over £10,000) alterations to the programme compared to the previously reported programme on 30th June, 2010 were reported to the Committee.

RESOLVED:- To note the information and approve the variations to the current Capital Programme.

87 – Council Finances Report – Quarter 2 2010-2011

The Committee considered a detailed report of the Borough Treasurer regarding the financial information for the second quarter of the financial year. It contained summary information and key data for the General Fund; Treasury Management; Capital Expenditure and Financing; Housing Revenue Account; Collection Fund; Bad Debt Provisions and Write Offs; Reserves, Balances and Provisions; and Benefits Performance.

RESOLVED:- To note the information contained in the Borough Treasurer's report.

88 – Green Heart Den – North Plot

The Chief Executive reminded the Committee that the grant of a lease of land at the rear of Marsh Street to the Marsh Street Arches and Garden Community Interest Company (CIC) had been agreed at the last meeting of the Committee. That land was formerly derelict and unused for many years, and was owned by the Council.

The land consisted of two plots, separated by the arches supporting the bridge carrying Greengate Street over the railway line.

The southern plot had already been developed by the CIC into a community garden "Green Heart Den". The CIC had intended to use the north plot for similar purposes. Some planting of trees, wild flowers and raised planters had already taken place in the north plot.

The CIC also intended to bring the arches under the Greengate Street Bridge into use for the community. One arch had already been made accessible and used for storage of materials for the project. The CIC would now like to bring two more arches into use which were currently fenced off. To make the arches accessible, the fences would need to be replaced with gates.

The north plot fell within the North Central Renewal Area to the rear of 190-222 Marsh Street. The block of houses was currently undergoing Group Repair works previously approved by this Committee. Improvements to the north plot would complement the enhancements resulting from the Group Repair work.

The boundary wall between the rear of Marsh Street and the north plot was currently in a poor condition, and part of the wall had recently been demolished as it was structurally unstable.

It was proposed that the project be supported with an allocation of £15,000 from the Council's Capital Programme. The funding would be made available from the allocation for Housing Market Renewal within the Programme.

The CIC had received a quotation for the fabrication and installation of the gates to two arches. The quoted cost was just under £7,000, of which the CIC already had £1,700 available. The remainder of the cost could be met from the proposed allocation from the Council.

The remainder of the Council's funding allocation would be used to carry out remedial works to the boundary wall. The demolished section would be rebuilt, and new access gates provided. The remainder of the wall would be lowered, and the removed brickwork would be replaced with railings. The CIC was investigating other funding sources to contribute to the cost of the work.

RESOLVED:- To allocate £15,000 from the Housing Market Renewal Fund to assist with the development of the arches and north plot elements of the project.

89 – Hindpool Road Car Park

The Director of Regeneration and Community Services informed the Committee that the section of land on Hindpool Road and the corner of Wesley Place had recently been purchased by the Council and had been identified for use as a contract holder car park. Authorisation was required for the Chief Executive to give Notice of Intention to make an appropriate Order under the Road Traffic Regulation Act 1984.

It was also proposed that the facility to allow car park users to pay for parking by mobile phone be introduced on all existing pay and display car parks. That gave greater flexibility to car park users as additional parking could be paid for without returning to the vehicle.

RESOLVED:- (i) To authorise the Chief Executive to give Notice of Intention to make an appropriate Order under the Road Traffic Regulations Act 1984 to give effect to the use of the section of land owned by the Council on Hindpool Road for the purpose of contract parking;

(ii) To introduce the additional facility of payment of pay and display parking in all existing car parks by method of mobile phone payment; and

(iii) To agree that if no objections are received, the Chief Executive be authorised to make the Order.

90 – Anchor Staying Put – Barrow Home Improvement Agency (HIA)

The Director of Regeneration and Community Services informed the Committee that the HIA had been established in 1995 by Anchor Trust to provide a range of housing services within the Borough for elderly or vulnerable residents to enable them to continue to live independent lives in their own homes.

The HIA had subsequently been integrated into a wider social services support network across Cumbria in partnership with Cumbria County Council Supporting

People (SP). Since 2004, Anchor Trust had been formally contracted by SP to deliver housing services across Cumbria utilising funding from district councils, SP and fee income derived from a range of capital works including applications for mandatory Disabled Facilities Grants (DFG).

Over the last 12 months, SP had sought to re-tender the current contract for housing services held by Anchor Trust to comply with contract procurement legislation and had been unsuccessful in being able to attract suitable service providers, including Anchor Trust, to submit tenders. Anchor Trust had also confirmed that they no longer wished to deliver housing services through Home Improvement Agencies and were seeking to attract an alternative provider to take over their portfolio of HIA services across the country. As a result of taking that business decision, Anchor Trust had formally notified SP that they wished to terminate existing arrangements in Cumbria, effective from the end of March 2011.

To make matters more problematic for all of the district councils in Cumbria, SP had very recently indicated that they were reviewing their funding priorities for services for the elderly across Cumbria and SP had made it clear that they could no longer guarantee that they would be able to support HIA services in Cumbria with effect from next financial year.

As a result of those recent developments that SP had written to Anchor Trust confirming the winding up arrangements of the HIA effective from the end of March, 2011.

The absence of any HIA services from next financial year left the Council and a number of the other district councils in Cumbria with the need to consider the options available for the delivery of housing services to the elderly, in particular, the provision of support for grant applications for mandatory DFGs which were programmed to utilise in excess of £1million capital grant annually within the Borough.

Management Team had indicated that they wished to see a range of options be presented for Members consideration ranging from the provision of little or no direct support, relying on the private sector to meet the needs of applicants; provision of agency services similar to that provided by Anchor Trust through an alternative third sector/ housing association partner and finally, directly employing staff to provide an in-house DFG support service.

He suggested that such an option appraisal may take some time to prepare considering the potential complexities of TUPE legislation, redundancy liabilities for Anchor Trust employees and discussion with local third sector partner agencies.

RESOLVED:- (i) To note the report; and

(ii) To authorise the Chief Environmental Health Officer to prepare an option report for consideration by the Committee at the earliest opportunity to explore how private sector housing grant support services could be provided, effective from April 2011.

91 – Waterside Business Park – New Access Road

The Director of Regeneration and Community Services reminded the Committee that the loss of European Regional Development Fund (ERDF) from project funding had prevented the proposed extension from going ahead. This Committee had agreed at its last meeting to progress provision of a new access from Bridge Road to serve the Waterside House site to improve access and open up the wider site for future development.

The proposal was to construct a new site access from the currently formed bell mouth on Bridge Road to serve Waterside House, which currently had a poor access directly off Bridge Approach, and to service the rest of the undeveloped site. The estimated cost of the work was £300,000 and could be progressed irrespective of the rejection of the ERDF application; that would overcome an existing highway safety issue and a constraint to development of the whole site in the future.

The works had now been re-tendered with the costs being met entirely from the Working Neighbourhoods Fund allocation.

Six tenders had been received for a new access road with associated road lighting and the required surface water and foul drainage installations (with tails for future phases), including a concrete outfall to Walney Channel, all built to adoptable standards. The existing vehicular access off Bridge Approach would be closed with new dwarf wall and pedestrian gate. The works had been programmed to last approximately fourteen weeks. Planning Permission had been obtained on 16th June 2009.

RESOLVED:- To appoint L&W Wilson under the JCT Intermediate Building Contract with Quantities 2005 Edition, Revision 2 2009 to carry out the proposed works.

92 – Appointment of Chairman

It was moved by Councillor Guselli and seconded by Councillor Marcus that Councillor Richardson be appointed Chairman for the following item.

RESOLVED:- To agree that Councillor Richardson be appointed Chairman for the under mentioned item only.

COUNCILLOR RICHARDSON IN THE CHAIR

93 – Furness Academy New Build Consultations

The Chief Executive reminded the Committee that the Council had expressed its support for the development of a single site campus for Furness Academy. Cross party representations had been received expressing serious concern that the “preferred” site for development of a new school building for Furness Academy made no attempt to accord with the Borough’s Local Plan and, far from mitigating the impact on the attractive and protected site, the “preferred” site appeared in Members’ opinion to despoil one of the more attractive green areas in the Borough.

Unfortunately, the County Council would be acting as the planning authority for the development and the Local Plan would, afford minimal protection.

The Academy had begun formal public consultation on the development of its “preferred” site and it was unfortunate that neither the Council nor the County Council Area Committee had been consulted separately on the matter.

The land available to the Academy was constrained by the land which Cumbria County Council was prepared to lease to the Academy and, again, there had been no consultation on that aspect of the development.

It appeared that the existing Parkview School building and the Thorncliffe Site would remain in the ownership of the County Council and there were no clear indication of their intentions as regards disposal or redevelopment of the sites.

Finally, as a Sports Academy, the proposals had included the development of sports facilities, some of which were complimentary to the nearby Park Leisure Centre and some were potentially competing. There was no swimming pool provision in the proposal and the Academy clearly intended to rely on the Leisure Centre for all wet sport activity.

Given the difficult financial position facing all local Councils, it was essential that sports facilities provided at the new Academy did not undermine the viability of the Leisure Centre.

As indicated, the consultation process had begun and it was essential that the Council respond formally raising concerns and objections to the current proposal as follows:-

1. An explanation as to why the existing building cannot be improved, modified and expanded to minimise the environmental impact of the development;
2. The need for an explanation as to why other site locations, more respectful of the Local Plan had been discounted;

3. Failing this an urgent assessment of potential alternative locations for the new building;
4. An assessment by the Highway Authority of the implications of locating the main entrance of such a large school so close to the notorious Bridgegate/Greengate staggered junction;
5. A request for urgent discussions as to how to ensure sports facilities to be provided would be complimentary to the Park Leisure Centre and not further undermine the financial viability of the facility;
6. Confirmation that the proposed running track would be of a standard to replace the Park Vale facility and, if not, the financial implications of making it so;
7. An indication from Cumbria County Council of their intentions for the Parkview School and Thorncliffe sites when they become surplus to requirement; and
8. To request that a Masterplan be prepared showing the intended uses for all land owned by Cumbria County Council on the Park View site.

RESOLVED:- (i) To authorise the Chief Executive to write to Cumbria County Council raising the Council's concerns and objections as reported on proposals for Furness Academy New Build; and

(ii) To request that a site meeting be held with Cumbria County Council.

REFERRED ITEMS

THE FOLLOWING MATTERS ARE REFERRED TO COUNCIL FOR DECISION

(COUNCILLOR GUSELLI IN THE CHAIR)

94 – Reviewing the Member Development Strategy

The Director of Corporate Services informed the Committee that in order to ensure that Member training and development was prioritised, planned and co-ordinated effectively it was important that the Council had a Member Development Strategy. The Committee had agreed to adopt the Strategy in July 2004.

The Member Development Strategy sets out that it would be reviewed on an annual basis in conjunction with the Democratic Services Manager and the Member Training Working Group.

The Member Training Working Group had revised the Strategy document and referred it to this Committee for approval. A copy of the revised Strategy was considered by the Committee.

RECOMMENDED:- To recommend the Council to approve the revised Member Development Strategy.

95 – Barrow BC – IT Services Restructuring

The Chief Executive informed the Committee that in view of the imminent retirement of the IT Manager, and the anticipated outcomes of the Comprehensive Spending Review, a restructuring of the internal IT Services Department may now be appropriate.

It was proposed that a restructured IT Service could be designed to maintain acceptable levels of service whilst reducing management and administration costs.

If a restructured IT Service was designed to reduce costs, it would also be necessary to redefine the levels of service provided. Members and Service Managers would need to understand and support the approach.

The IT Service provided would be described in a simple SLA with the service levels being designed to protect a baseline service, supporting the Council's key systems and objectives.

Expectations on improvements, changes and additions would need to be realistically managed.

Strategy and development issues should be driven by senior managers rather than by the service itself.

A modest development capability would be retained to progress small scale cost-saving initiatives such as:

Front to back office integration to avoid re-keying data;

Online transactions and other web improvements; and

Automation of internal systems (e.g. elimination of paper based processes).

RECOMMENDED:- To recommend the Council:-

- (i) To agree to delete the IT Manager from the establishment;
- (ii) To agree to create an IT Services Manager on PO 9-12;
- (iii) To confirm the removal of the Assistant IT Manager from the establishment;

- (iv) To agree to delete the IT Admin. Support Officer from the IT Section; and
- (v) To transfer the management of the Council's Admin. Unit to the Car Parks Manager with a temporary responsibility payment of £1,743 plus on costs from PO 1-4 to PO6 pending the outcome of the Off Street Parking Review by Cumbria County Council.

The meeting ended at 3.45 p.m.

EXECUTIVE COMMITTEE	(D) Agenda Item 7
Date of Meeting: 17th November, 2010	
Reporting Officer: Director of Regeneration and Community Services	
Title: Additional Resources for Shopfront Grants and Shopfront and Advertisement Design Supplementary Planning Document (SPD)	
Summary and Conclusions:	
The purpose of the report is to confirm additional capital resources for the Shopfront Grant Scheme and to guide expenditure of the fund, seek a revised draft of the Shopfront and adoption of Advertisement Design Supplementary Planning Document for adoption as part of the Local Development Framework.	
Recommendation:	
1. To agree that an additional £100,000 is allocated to the Shopfront Grant Scheme to be funded from Capital Receipts; and	
2. To agree to adopt the Shopfront and Advertisement Design Supplementary Planning Document.	

Report

This report seeks approval of additional resources for the Shopfront Grant following the Council Leader's announcement at Council on 12th October. It also seeks Members endorsement for design advice to guide expenditure of the Fund.

(i) **Resources for the Shopfront Grant Scheme**

Since its launch in April 2010 the Council's Shopfront Grant Scheme has proved very popular. Currently 65 applications have been received with one on a waiting list. To date nine have been approved and it is clear that if all current applications were funded this is likely to exceed the £200,000 available for the scheme. Therefore at Council on 12th October, the Council Leader requested Officers to report on how resources available to the scheme could be financed. I can advise Members an additional £100,000 of capital resources can be made available funded by Capital Receipts and you are requested to approve this variation to your Capital Programme.

(ii) Shopfront and Advertisement SPD

Members approved a draft of the Shopfront and Advertisement Design Supplementary Planning Document (SPD) for consultation on 9th June 2010; following Committee consideration on 26th May 2010 (Minute 17 09/06/10 refers).

The SPD sets out detailed planning and design guidelines for the external alteration of commercial buildings, primarily shops and offices. In the absence of a higher level Borough-wide Development Plan Documents (DPDs) such as the Core Strategy or General Policies for the Control of Development DPD, it would supplement the relevant policies of the saved Barrow-in-Furness Local Plan (the Barrow-in-Furness Local Plan Review 1996-2006) and the Barrow Port Area Action Plan DPD.

The document was published for consultation for a six week period from 23rd July to 3rd September 2010. A schedule of the comments received and the recommended responses to those that were received within the consultation period is attached at **Appendix 1**. The draft SPD has also been discussed with a number of other Council Officers and their comments and suggestions considered. A copy of the revised document has been placed in the Member's Room and is available on the Council's website.

Apart from the comments of Furness Partnership, some of the members of which responded positively separately, the consultation responses are generally supportive of the SPD's production and aims, and do not raise any objections to the guidance set out. Whilst some amendments have been made to address the concerns raised by Furness Partnership and more generally to improve and update the document, not all the suggestions from Furness Partnership considered appropriate.

The point raised by Furness Partnership about the guidance being rather lengthy and in depth for casual use by some shop owners is accepted, and this has also been raised by other Officers. Discussions are ongoing with Barrow by Design about producing a shorter leaflet which pulls together and extracts some of the SPD guidance and also includes guidance on non planning matters e.g. window displays. Such a leaflet would not be appropriate as a formal SPD; rather as a guidance leaflet to promote awareness of design issues, the availability of the SPD and provide some basic guidance. This leaflet could draw together some of the individual guidance which has been provided by Barrow By Design for selected Shopfront Grant Scheme projects and planning applications.

Planning Policy Working Group

Planning Policy Working Group considered the content of the document at a meeting on 2nd November 2010. The Working Group supported the recommendation to adopt the SPD and had no specific suggestions for amendments.

Competition

As part of the consultation on the SPD and to raise awareness generally, a competition was held inviting people to vote for their favourite shopfront. Voters were asked to indicate their favourite shopfront and state in no more than 50 words what they thought made it attractive or special. The shopfront which received the most votes was to be crowned as the "Borough's Favourite Shopfront" and the person who best justified their choice of shopfront awarded a £50 cash prize.

Although only a small number of entries were received, these gave a valuable insight into what the public value about shopfronts and how important the presentation of the building, shopfront and window display is, in enticing customer into shops.

There was a joint winner of the overall vote with Vickerstown Upholstery/ Interiors on Douglas Street, Walney and Hartley's on Market Street, Dalton tying for first place; both deserved winners.

(i) Legal Implications

The SPD will be a material consideration in the consideration of relevant applications.

(ii) Risk Assessment

Not Applicable.

(iii) Financial Implications

An additional £100,000 is being made available from your Capital Programme funded by Capital Receipts.

(iv) Health and Safety Implications

Not Applicable.

(v) Key Priorities or Corporate Aims

Key aims:

2 - Investing in our economic future

3 - Creating an enhanced quality of life for local residents

4 - Developing safe confident and socially inclusive community

Key Priorities 2008-2011

KP 1 - Create a safer, cleaner, greener Borough and reduce the gaps between the priority wards and the average

KP 4 - Support Economic Regeneration

KP 6 - Expand facilities and activities for young people

(vi) Equality and Diversity

The SPD encourages and reminds owners of the need to address Access for All issues.

(vii) Health and Well-being Implications

The SPD promotes good and improved design and environmental quality.

Background Papers

Correspondence held by the Director of Regeneration and Community Services.

**Shopfront and Advertisement Design Supplementary Planning Document:
Schedule of Comments Received and Recommended Responses**

Ref	Consultee	Comments Received	Recommended Response
3	Environment Agency	The Environment Agency has no comments to make on the document.	Noted
7	Highways Agency	<p>In relation to the above, as the SPD is primarily concerned with town centre locations and has no major impact on the strategic road network, the Agency has no specific comments to make.</p> <p>We do however wish to draw attention to the possible safety implications of eye-catching designs and advertisements which may distract drivers and contribute to accidents.</p>	Comment noted
9	Cumbria County Council	<p>(Highways & Transport Environment)</p> <p>While the inclusion of the following paragraph on page 23 is welcomed</p> <p>"A good quality hanging sign carefully placed to avoid interfering with architectural features in addition to, or in place of a fascia sign, will normally be acceptable. These should be installed at fascia level at either end of the fascia panel. Any object projecting over the public highway will require a minimum vertical clearance of 2.6 metres from the highway, as stated in the Manual for Streets (see paragraph 6.3.24 of Manual)."</p> <p>It should also note that any object projecting over the public highway will require the consent of the highway authority under Section 178 of the Highways Act 1980.</p>	The text has been amended accordingly.
131	The National Trust	<p>The Trust has a particular interest at Dalton in respect of Dalton Castle and is especially aware of the importance of the wider historic centre which provides a significant part of its context.</p> <p>In general terms the National Trust welcomes the preparation of this document and in particular its recognition of the importance of shopfronts and advertisements to the character of places, including the particular problem of the erosion of the</p>	Comments and support welcomed. Reference to PPG19: Outdoor Advertisement Control has been added as suggested.

**Shopfront and Advertisement Design Supplementary Planning Document:
Schedule of Comments Received and Recommended Responses**

Ref	Consultee	Comments Received	Recommended Response
		<p>quality of our retail centres by inappropriate and ill-considered developments that do not adequately respect their special qualities and heritage. This is not to say that there is no place for modern interpretations and styles in appropriate locations and which respect the wider context - it is considered that the draft guidance suitably addresses this matter.</p> <p>The section on 'Understanding Shopfront Design' is well written and amply illustrated by some good examples.</p> <p>The Trust supports the principles and more detailed guidance set out in the document under the headings of design principles for shop fronts, signs, shopfront security and blinds.</p> <p>It is suggested that in Appendix A that the list of National Planning Guidance should be extended to include PPG19: Outdoor Advertisement Control - whilst now a little long in the tooth it nonetheless remains the case that much of the advice contained in it is appropriate and relevant to shopfront advertisements.</p>	
179	The Theatres Trust	<p>The Theatres Trust is The National Advisory Public Body for Theatres. The Town & Country Planning (General Development Procedure) Order 1995, Article 10, Para (v) requires the Trust to be consulted on planning applications which include 'development involving any land on which there is a theatre.' It was established by The Theatres Trust Act 1976 'to promote the better protection of theatres'. This applies to all buildings that were either built as theatres or are used for theatre presentations, in current use, in other uses, or disused.</p> <p>We have read the document and have no particular comments to make except to advise that restrictive generic signage policies can stop a theatre from advertising itself on the streetscape and could have a significant impact on a theatre's economic viability. We would recommend specific guidelines for design of signage connected to theatres in the borough to</p>	It is not considered necessary or appropriate to add a specific section on theatre signage. The unique role and requirements of these and other specialist buildings would be judged on a case by case basis bearing in mind the general guidance set out in the SPD.

**Shopfront and Advertisement Design Supplementary Planning Document:
Schedule of Comments Received and Recommended Responses**

Ref	Consultee	Comments Received	Recommended Response
		<p>recognise the unique role of these buildings. A special case could be made for public and landmark buildings where it may be more appropriate to allow more specialised signage.</p> <p>We look forward to being consulted on the Core Strategy stages, Planning Obligations SPD, Barrow Town Centre AAP and Development Control Policies.</p>	
202	The Coal Authority	Having reviewed your document, I confirm that we have no specific comments to make on this document at this stage.	Noted
227	Furness Partnership	<p>(Officer response on behalf of Furness Partnership)</p> <p>Furness Partnership, through the Sustainable Community Strategy (SCS), is committed to encouraging high quality design and the use of high-quality, sustainable materials in all developments. This aim is an important part of delivering on key outcomes of the SCS, which include 'a vibrant town centre with a range of retail and non-retail offers' and 'a high quality built environment where people feel safe and comfortable'. These comments are submitted from this perspective.</p> <p>The stated purpose of the guidance is to "provide advice to owners and occupiers of commercial buildings, particularly shops and offices, who are considering external alterations to their properties or new build projects; and those wishing to comment on applications" (p4). It is difficult to see the value to this audience of the section on "History of Shopfront Design" which runs over 6 pages (p9-14). This section maybe of academic interest to some, but is it really appropriate here? If so, does it need to be so extensive? I'm afraid the stated audience for the document is unlikely to get through this section and into the 'guidance' that follows.</p> <p>More generally, the SPD does not seem to be written with this audience in mind. If the primary audience is, as stated, owners and occupiers of commercial premises, I would suggest that the copy needs to be much more concise and direct, along the</p>	<p>The production of an SPD is considered to be one important tool in the delivery of the Sustainable Community Strategy's key outcomes of delivering 'a vibrant town centre with a range of retail and non-retail offers' and 'a high quality built environment where people feel safe and comfortable'. It is not clear whether Furness Partnership support its production to help achieve this, and this is disappointing.</p> <p>It is accepted that the stated purpose of the guidance in the draft SPD needs amending (and this has been done). The SPD is a formal planning policy document whose users include applicants, professional agents, officers, members and ultimately the planning inspectorate. If it is to be effectively used in decision making and to secure significant improvements in design and quality in line with the Council's stated aims and policies, it needs to be fully explained and reasoned. A simple statement of what people can and cannot do is considered both too prescriptive and too crude for the particular and varied circumstances of the Borough, and would be unlikely to fundamentally improve design standards or add anything to the exiting local and national policy framework, the implementation of which has failed to deliver the</p>

Shopfront and Advertisement Design Supplementary Planning Document:

Schedule of Comments Received and Recommended Responses

Ref	Consultee	Comments Received	Recommended Response
		<p>lines of the 'summary' information provided on p25. This is the kind of 'guidance' that the business community will be looking for - i.e. a simple statement of what they can/can't or should/shouldn't do.</p> <p>The SPD seems to give higher value - and certainly more prominence - to 'traditional' design and the preservation of historic shopfronts, than it does to encouraging high quality modern design. While there is no doubt that high quality and attractive traditional shopfronts should be retained and protected, it should be recognised - as it is in the regulation 17 (1) statement of consultation - that in Barrow town centre the architectural quality of shopfronts and the quality of the shopping environment is relatively poor. The majority of owners and occupiers are therefore not responsible for 'traditional' or high quality shopfronts and the guidance should reflect the needs of the majority, who should be encouraged to incorporate high quality modern design when updating poor quality shopfronts.</p> <p>Finally, some administrative issues:</p> <ul style="list-style-type: none"> - The references to policy in bold at the end of some sections are not helpfully labelled, and the reader is not directed to a relevant resource (page, document, etc). - p28 and 29 suddenly apply tick, cross and circle symbols against images with no explanation, and these are not repeated elsewhere in the SPD where images are used. An explanation of the symbols and a more uniform approach would be helpful. <p>Please let me know if you require clarification of any of these points</p>	<p>high quality design that the Furness Partnership seek.</p> <p>Whilst it is accepted that some the SPD content may not be of interest to all of the wider audience or to all shop owners, it will be of interest to others to understand the history of shopfront design and the importance (if any) of their building. The information in the SPD will help them and their agents to prepare the required Design and Access statements for planning applications, including any statements of significance and impact for heritage assets which may be required.</p> <p>The SPD has a difficult task of setting out guidance for listed buildings, unlisted buildings in conservation areas and unlisted buildings in areas where the architectural quality of shopfronts and the quality of the shopping environment is relatively poor. It is considered that the SPD does cover these different circumstances and gives appropriate guidance, allowing for innovation and modern design where appropriate.</p> <p>The SPD promotes and explains in some detail how to achieve good quality design (both 'traditional' and 'modern'), and it is firmly believed that an understanding of and respect for the role and value of tradition does not preclude good quality modern design, rather it encourages designers to rise to the challenge of producing good quality modern design appropriate in its context. Further illustrations of how relatively poor quality shopfronts can be improved have been added at Section 6.</p> <p>It is also vitally important that the SPD should raise</p>

**Shopfront and Advertisement Design Supplementary Planning Document:
Schedule of Comments Received and Recommended Responses**

Ref	Consultee	Comments Received	Recommended Response
			<p>awareness of, and where appropriate, protect what little is left of the shopping centres' heritage; and the history section of the SPD in particular is meant to help prevent the unnecessary loss of irreplaceable surviving historic shopfronts or signage through a simple lack of understanding or appreciation. Although it may not be of interest to some, this section of the SPD (around two pages of text, the rest illustrations), contains information which is not available elsewhere. Consideration has been given to moving this section to the Appendices, but it is considered that for those who don't already understand the subject, the starting point is always to understand what you have before considering replacing it.</p> <p>Reference to the location of the policies highlighted in bold has been added as suggested.</p> <p>The ticks and crosses causing confusion have been removed.</p>
99	NHS Cumbria	<p>(Late Comments)</p> <p>Many thanks for you recent letter asking for comments on the above document.</p> <p>I would support any initiative leading to improvements to the environment in Barrow Town Centre which would enhance the wellbeing of the town centre ward residents and the wider community in Barrow.</p>	

EXECUTIVE COMMITTEE	(R) Agenda Item 8
Date of Meeting: 17th November, 2010	
Reporting Officer: Director of Regeneration and Community Services	
Title: Updated Statement of Community Involvement (SCI) and Document Charging Schedule	
Summary and Conclusions:	
The purpose of this report is to present a revised Statement of Community Involvement (SCI) for adoption as part of the Local Development Framework; and to present to Members an updated schedule of charges for planning policy documents.	
Recommendation:	
<ol style="list-style-type: none">1. To adopt the Statement of Community Involvement (SCI); and2. To approve the updated charging schedule for planning policy and associated documents be approved.	

Report

Statement of Community Involvement

The Statement of Community Involvement was the first document to be produced as part of the emerging Local Development Framework and was adopted in July 2007.

The SCI sets out the Council's policies and procedures for involving the public in the planning process, both in the preparation of planning policy documents and in the determination of planning applications.

Over time, the content of the SCI and list of consultees within its appendices has become out of date. The LDF system was reformed in 2008 in an attempt to streamline the procedures for document preparation and consultation, including the preparation of the SCI itself. The SCI has therefore been reviewed and updated in line with the legislative and national policy changes.

As a result of the reforms, SCI's are no longer examined by the Planning Inspectorate, and once complete can be formally adopted by the local planning authority.

As part of the updating process, a consultation exercise was carried out and the substantive comments received and the recommended responses to those that were received within the consultation period are set out in **Appendix 2**.

A copy of the revised document has been placed in the Member's Room and is available on the Council's website.

Document Charging Schedule

A charging schedule for planning policy documents was last agreed by Committee and Council in April 2009.

Since the schedule was last agreed, further documents have been produced, including the Barrow Port Area Action Plan; and the borough-wide Proposals Map has been updated to reflect the new allocations. The Proposals Map now consists of five large detailed plans requiring reproduction in colour to make them legible. A charge for their production needs to be set.

All current statutory planning policy documents and their approved drafts are available on the Council's website, at Council Offices, and in local libraries; or are emailed free of charge if their size allows. Any background documents referred to are also made available on the website or emailed free of charge if their size allows.

Stakeholders are encouraged to make use of the Council's website to download documents rather than purchase hard copies or CD's. Where stakeholders wish or need to purchase hard copies or copies on CD, the revised schedule of charges is proposed to apply and can be found at **Appendix 3**. These modest charges reflect only the cost of printing and not the full production cost or staff time for printing each document. Other than setting a new charge for the Proposals Map, all other charges are proposed to remain the same.

Specific charges are only indicated for documents commissioned or produced by the Council. In respect of other relevant documents, people will be referred in the first instance to the originating body/company or, where appropriate, charged at a standard copying rate.

Planning Policy Working Group

Planning Policy Working Group considered the content of the SCI and the proposed Charging Schedule at a meeting on 2nd November 2010. The Working Group supported the recommendation to adopt the revised SCI and Charging Schedule. Two suggestions for amendments to the SCI were made and agreed to be appropriate, namely adding reference to the Council's Web Mapping service which was felt to be a very useful tool, and amending the wording of Section 6.2 to make it clear that potential applicants for major and minor schemes are encouraged and able to discuss their proposals informally with Development Control Officers. These changes have been incorporated into the SCI.

(i) Legal Implications

The Council is required to produce an SCI. In order to be found legally compliant, development plan documents must, inter alia, be produced in accordance with the SCI.

(ii) Risk Assessment

Not Applicable.

(iii) Financial Implications

The schedule is considered to represent an appropriate charge for printing the documents (not including production costs or staff time).

(iv) Health and Safety Implications

Not Applicable

(v) Key Priorities or Corporate Aims

Key aims:

2 - Investing in our economic future

3 - Creating an enhanced quality of life for local residents

4 - Developing safe confident and socially inclusive community

Key Priorities 2008-2011

KP 1 - Create a safer, cleaner, greener Borough and reduce the gaps between the priority wards and the average

KP 4 - Support Economic Regeneration

KP 6 - Expand facilities and activities for young people

(vi) Equality and Diversity

Documents need to be available in hard copy and electronic format to meet the needs of different people.

(vii) Health & Wellbeing Implications

The SCI sets out how individuals and groups working in health related sectors or with an interest in health and wellbeing issues can and will be engaged during the production of Local Development Framework documents.

Background Papers

Correspondence held by the Director of Regeneration and Community Services.

**Barrow-in-Furness Local Development Framework – Statement of Community Involvement:
Schedule of Representations to Regulation 26 Consultation on SCI and Recommended Responses.**

Ref	Consultee	SCI Regulation 26 Comments	Recommended Response
7	Highways Agency	Thank you for the opportunity to comment on the review of SCI document. The Highways Agency has no comments with regard to this document at this time but look forward to being involved in further LDF documents as they are produced.	Comments noted.
8	North West Regional Development Agency	<p>I refer to the letter dated 30th April 2010 inviting initial comments on forthcoming revisions to the Statement of Community Involvement (SCI).</p> <p>As noted in the letter, the SCI will need to be updated to reflect revisions to the LDF Regulations in 2008. We also suggest that the SCI takes account of changes to planning at the regional level under the Local Democracy, Economic Development and Construction Act 2009 which took effect on 1st April 2010.</p> <p>Notwithstanding these changes, NWDA's inclusion on the list of specific consultation bodies at Appendix C remains relevant.</p> <p>The Agency is also a statutory consultee on planning applications for certain types of development. Our notification setting out the relevant consultation criteria is available on our website at http://www.nwda.co.uk/pdf/Revised-Statutory-Notification-Oct06.pdf. Whilst this will be amended in due course to take account of the revised list of strategic regional sites, none of these are in Barrow.</p> <p>We note that the current SCI (page 16) says, in most cases, consultees are invited to respond within 21 days of the date on the consultation letter. We would point out that Circular 08/2005 states that the 21 days does not start until statutory consultees <u>have received</u> all the information they need to provide an informed response.</p>	<p>The SCI has been updated to reflect the changes to the LDF regulations.</p> <p>The NWDA will remain included in the list of specific consultees as dictated by the regulations. However, the Coalition Government has announced its intention to replace Regional Development Agencies with a number of Local Enterprise Partnerships (LEPs), and the consultee database will be updated accordingly.</p> <p>The Agency's notification of consultation criteria for planning applications is noted, along with the guidance contained within Circular 08/2005.</p> <p>Consultees are given the statutory 21 day period in which to make representations on planning applications.</p>
56	Health & Safety Executive	Regarding your request for our comments and suggestions on how and when people can become involved in the preparation of LDF documents and planning applications - certain sites and pipelines throughout the borough are designated as notifiable installations by virtue of the quantities of hazardous substances present. The siting of such installations will be subject to planning controls, for example under the Planning (Hazardous Substances) Regulations 1992, aimed at keeping these separated from housing and other land uses with which such installations might be	<p>The HSE's comments and suggestions regarding consultation on relevant planning applications is noted, along with the guidance contained within Circular 04/2000.</p> <p>The Council's Development Control Section make full use of the advice</p>

**Barrow-in-Furness Local Development Framework – Statement of Community Involvement:
Schedule of Representations to Regulation 26 Consultation on SCI and Recommended Responses.**

Ref	Consultee	SCI Regulation 26 Comments	Recommended Response
		<p>incompatible from the safety viewpoint. In accordance with the Dept of the Environment, Transport and the Regions Circular 04/2000 the LA will consult the HSE, as appropriate about the siting of any proposed notifiable installations.</p> <p>A list of such notifiable sites and pipelines can be found on the HSE Consultation Zone Library which can be found using HSE's standing advice tool, PADHI +- the Council do have designated users of this system in the Planning Department and should be able to help you further. I would suggest you familiarise yourself with the sites in your area, if they are not already known to you.</p> <p>The HSE website www.hse.gsi.gov.uk/landuseplanning does contain a good source of useful information regarding issues such as LDF.</p>	<p>tool where appropriate.</p>
131	The National Trust	<p>Thank you for your letter of 30th April 2010 (ref HH/LDF4) in respect of the above.</p> <p>At this stage the National Trust does not have any particular comments that it wishes to make upon the current SCI as part of the review process. In particular we have not identified any specific areas that ought to be excluded, albeit changes to the text will need to be considered in the light of legislative/planning policy guidance changes since the adoption of the current SCI.</p> <p>I confirm that the National Trust wishes to remain on the LDF Consultee database and that we believe that we are currently correctly identified as an "Other Consultation Body" within Appendix 1.</p>	<p>Comments noted. The SCI has been updated to reflect the changes to the LDF regulations.</p>
132	Sport England	<p>Thank you for giving Sport England the opportunity to provide comments in relation to the review of the Statement of Community Involvement (SCI). The comments of Sport England are presented below against the section headings of the existing SCI (2007) which they relate to.</p> <p>2. The Statement of Community Involvement and its Preparation 3. The New Local Development Framework 4. How We Consult on Local Development Framework Documents I would just point out that these sections need to be revised to take account</p>	<p>The SCI has been updated to reflect the changes to the LDF regulations.</p>

**Barrow-in-Furness Local Development Framework – Statement of Community Involvement:
Schedule of Representations to Regulation 26 Consultation on SCI and Recommended Responses.**

Ref	Consultee	SCI Regulation 26 Comments	Recommended Response
		<p>of the changes to national planning policy (revised PPS12) and regulations affecting the production of development plans which have been published / come into effect since the existing SCI was adopted.</p> <p>5.1 Formal Applications This section makes reference to statutory consultees and also that their involvement will vary depending upon the nature of the application and the Regulations which are in force. I would like to take the opportunity to point out here that even though Sport England is a statutory consultee on planning applications affecting playing fields, we often receive consultation letters stating that we have less time to respond than is set out in the legislation.</p> <p>For this reason we take the opportunity when commenting on SCIs to remind local planning authorities that as a statutory consultee, Sport England has 21 days to respond to an application affecting playing fields from the date we have received all the information needed to provide an informed response.</p> <p>For the sake of clarity, I also set out below the information needed by Sport England in relation to planning applications affecting playing fields in order to provide an informed response:</p> <ul style="list-style-type: none"> - Covering letter from Local Authority indicating timescales and contact case officer details (telephone number & e-mail address), an accurate description of the proposed development and site location address including ordnance survey grid reference of the site and postcode. - Copy of application form, stating size of site, ownership details and the existing use of site. - Location plan, preferably on an OS base at a minimum scale of 1:2500, with proposed site clearly identified in red and other land within the applicant's ownership edged in blue. - Copy of any relevant correspondence, supporting statement or submission, including when last used, used by whom, in addition to what formal sports provision is being proposed (if any), including replacement facilities. - Copies of site plans at a legible scale, external and internal details of any sporting/recreational facilities (sports halls, changing facilities, court markings etc) and elevational drawings. - The size of the existing playing field and how much of the playing field is affected by the proposal (in ha or m2). 	<p>Sport England's comments on section 5.1 are noted. Consultees are given the statutory 21 day period to make representations on planning applications.</p> <p>The Town and Country Planning (Development Management Procedure) (England) Order 2010 (DMPO) came into force on 1 October 2010. This Statutory Instrument consolidated all amendments made the GPDO up until 6 April 2010 and therefore sets out the current statutory requirements for submitting planning applications. Up to date guidance on information requirements and validating planning applications was also issued by DCLG in March 2010. The amended SCI reflects these requirements.</p>

**Barrow-in-Furness Local Development Framework – Statement of Community Involvement:
Schedule of Representations to Regulation 26 Consultation on SCI and Recommended Responses.**

Ref	Consultee	SCI Regulation 26 Comments	Recommended Response
		<p>- Existing site plan, clearly showing the layout of the winter and summer pitches including safety margins at a minimum 1:1000 scale.</p> <p>- Proposed site plan, showing how any proposed new buildings and other works are likely to impact on the existing pitch layout. Any realignment of pitches should also be shown.</p> <p>- Any information of alternative sport and recreational provision proposed.</p> <p>Section 5.1 also succinctly outlines how applications are determined by the Council. This section could be improved by referring to the circumstances where the Secretary of State has to be consulted to consider whether or not to exercise call in powers. In the case of Sport England, where we object to a planning application affecting playing fields on land owned by a local authority or used by an educational institution, and the local authority is minded to grant permission, The Town And Country Planning (Consultation) (England) Direction 2009 requires a local planning authority to notify Government Office (to enable the Secretary of State to determine whether the application should be called in for decision).</p> <p>The existing SCI states that the Council sends copies of the decision notice to all those who have submitted representations. This is an action welcomed by Sport England, as we are required to monitor our involvement on planning applications and report decisions involving playing fields directly to Government. Indeed, we ask all local planning authorities to advise us on planning decisions and supply, or make available, a copy of the decision notice (free of charge).</p> <p>Finally, in relation to this section, I would like to take this chance to add that Sport England also wishes to be consulted on a range of planning applications other than those affecting existing playing fields. Indeed, Annex B of DoE Circular 9/95 - General Development Order Consolidation 1995 advises local planning authorities to consult Sport England on a range of proposals which would lead to either the creation of, or loss of, major sports facilities. The views of Sport England should also be sought on applications for significant new housing (300+ dwellings) proposals which create sport and recreation demands, and for minerals proposals where sport and recreation may be an after-use.</p>	<p>The Development Control Section send a copy of the decision notice to all neighbouring residents who have made representations on a planning application. Statutory Consultees are notified, normally electronically, that a decision has been made and are able to view or download the decision notice online. The SCI has been amended to reflect this procedure and movement towards the increased use of electronic communication.</p>

**Barrow-in-Furness Local Development Framework – Statement of Community Involvement:
Schedule of Representations to Regulation 26 Consultation on SCI and Recommended Responses.**

Ref	Consultee	SCI Regulation 26 Comments	Recommended Response
		<p>Appendix C Consultees for the Local Development Framework The identification of Sport England as an ‘other’ consultee is welcome. This classification is consistent with the Communities and Local Government Plan Making Manual, which includes Sport England as an ‘Other Consultation Body’ in relation to the Regulation 25 requirement to consult. It would also be consistent with Annexe E of the original version of PPS12.</p>	
179	The Theatres Trust	<p>Thank you for your email of 30 April consulting The Theatres Trust on the review of the Statement of Community Involvement.</p> <p>The Theatres Trust is The National Advisory Public Body for Theatres. The Town & Country Planning (General Development Procedure) Order 1995, Article 10, Para (v) requires the Trust to be consulted on planning applications which include ‘development involving any land on which there is a theatre.’ It was established by The Theatres Trust Act 1976 ‘to promote the better protection of theatres’. This applies to all buildings that were either built as theatres or are used for theatre presentations, in current use, in other uses, or disused.</p> <p>Apart from amendments following changes to the planning regulations in 2008 we have no particular comment to make. However we do suggest for clarity that contact details for queries and to be included on the LDF database of consultees should be repeated from its current location in Appendix B to section 4 How We Consult.</p> <p>We look forward to being consulted on the Core Strategy stages, Planning Obligations SPD, Barrow Town Centre AAP and Development Control Policies.</p>	<p>Comments noted. The SCI has been updated to reflect the changes to the LDF regulations.</p> <p>Contact details for requests to be added to the Council’s LDF consultation database are now repeated in the ‘Who are the consultees?’ section.</p>
202	The Coal Authority	<p>Thank you for consulting The Coal Authority on the above. Having reviewed your document, I confirm that we have no specific comments to make on this document at this stage. We look forward to receiving your emerging planning policy related documents; preferably in an electronic format. For your information, we can receive documents via our generic email address planningconsultation@coal.gov.uk, on a CD/DVD, or a simple hyperlink which is emailed to our generic email address and links to the document on your website. Alternatively, please mark all paper consultation documents and correspondence for the attention of the Planning and Local Authority Liaison</p>	<p>Comments noted and preferred contact details updated.</p>

**Barrow-in-Furness Local Development Framework – Statement of Community Involvement:
Schedule of Representations to Regulation 26 Consultation on SCI and Recommended Responses.**

Ref	Consultee	SCI Regulation 26 Comments	Recommended Response
		Department.	
241	Barrow in Furness Congregation of Jehovah's Witnesses	The document seems fine to me. I presume we will be added to the appendix listing in subsequent documents.	Comment noted. The Congregation of Jehovah's Witnesses have been added to the list of consultees.
Late Representations			
99	NHS Cumbria	<p>Thank you for your letter dated 30 April 2010 regarding the review of the Council's Statement of Community Involvement.</p> <p>I have read the document and would like to make the following comments on the lists of consultees in appendix C.</p> <ul style="list-style-type: none"> • to ensure that as many people as possible from the town's priority wards are consulted, West Central Residents Association, MAST and the Harrison Street Residents Association could be added to the list of general consultees. • Cumbria Partnership Foundation Trust, which provides mental health services in Barrow could be added to the list of 'other' consultation bodies. • The inclusion of an organisation which represents the interests of people with learning disabilities would help ensure that the views of this group are heard. Could I suggest people First as an initial contact? • An organisation representing the interest of cyclists could also be added to the list. We are keen to promote active travel, which benefits health by increasing physical activity and reducing carbon emissions. <p>Representatives of public transport providers could also be added to the list so that the impact of developments on public transport, which helps to reduce carbon emissions, can be taken in to account.</p>	
147	North of England Civic Trust	<p>Only one comment to make regarding the document and this is in regard to the proposed list of Supplementary Planning Documents.</p> <p>This should/could include one for the "historic environment".</p> <p>The central role played by the historic environment in the provision of a sustainable community is well established and the Council should consider the development of a heritage strategy (to compliment a regeneration strategy) in line with evolving policies both at national and local levels.</p> <p>Such a document will allow further development plan documents to be developed under the wider umbrella of a document which does form part of the core documents where a sustainability appraisal will have been carried out. (For example Conservation area appraisals and associated management plans; local lists.)</p>	
160	Furness Partnership	I realise that I've missed the deadline for responses to your consultation on the SCI, and in fact I did not receive any formal responses from members of the Furness Partnership to pass to you. I did however receive a couple of informal comments and I wanted to share those with you, together with some comments of my own as a council officer (and consultation and engagement lead for the Authority), so that they might help inform development of the document.	

**Barrow-in-Furness Local Development Framework – Statement of Community Involvement:
Schedule of Representations to Regulation 26 Consultation on SCI and Recommended Responses.**

Ref	Consultee	SCI Regulation 26 Comments	Recommended Response
		<p>The informal responses I received from two LSP members were to the effect that, for a document concerned with engaging the 'the public and other stakeholders' in the planning process, this is a fairly dry and impenetrable publication. Much of the language used could most kindly be described as 'professional' and is not easy for public sector partners to understand, less still the average person in the street. As you know I have some sympathy with this perception. I've suggested previously that the traditional methods of consulting on this type of document (the advertisement in the Mail and a document on the website) are not likely to engage 'real people', and the SCI is a case in point. That said I know that it can be difficult to balance the statutory and technical requirements of this kind of document with the need to engage laypeople. My offer to produce/edit copy for documents - and particularly this community engagement document - remains open if this is something you would like to address, and you think I can help.</p> <p>Other than this general comment, as the lead officer for consultation and engagement for the Authority, I would suggest that an updated version of the SCI (which I understand the Council will now be producing) should overtly acknowledge the LA's statutory duty to 'inform, consult and involve' ('The Duty to Involve') which came into force on 1 April 2009 (under the Local Government and Public Involvement in Health Act, 2007 and strengthened by the Local Democracy, Economic Development and Construction Act, 2009). Essentially this means that we should:</p> <ul style="list-style-type: none"> • Provide 'representatives of local persons' with appropriate information to allow them to have their say and get involved • Make information accessible, easy to understand and tailored to different audiences • Provide genuine opportunities for people to have their say, through formal consultations and surveys as well as direct dialogue with representatives • Feed back the outcomes of consultation, making clear how the input of representatives of local persons has contributed to the decision/policy • Consider where it is appropriate to provide opportunities for people to get involved over and above being informed and consulted • Involvement should be aimed at giving representatives of local people greater influence over decisions and/or delivery <p>Not only that, but we should be able to demonstrate that we've done all of this. Obviously you're in process of updating the document, but I thought it worth pointing out at this stage that in my view the SCI as it stands doesn't demonstrate compliance with the duty (or that current practice meets the duty). If you would like any input from me as to how the document and LDF engagement practice can be updated to reflect the requirements of the Duty to Involve then just let me know.</p>	

Schedule of Charges for Planning Policy Documents

Document	Proposed Charge (Inc any P&P)
Local Plan (Inc. Housing Chapter Alteration)	£50
CD Version (Exc. Housing Chapter Alteration)	£5
Housing Chapter Alteration only	£10
Housing Chapter Alteration - CD Version	£10
New LDF Documents (including Drafts)	
Local Development Scheme	£5
Annual Monitoring Report	£5
SCI	Free (first copy to those with a legitimate interest in document, otherwise as DPDs below)
Proposals Map (Set of 5 full colour)	£10
Development Plan Documents - DPD's	£5 each
Supplementary Planning Documents - SPD's	£5 each
Sustainability Appraisals	£5 each
Appropriate Assessment	£5 each
Sustainability Appraisal Scoping Reports	£10 each
CD Version - 1 LDF doc	£5
CD Version - Set of current LDF docs	£10
Associated Documents	
Retail Capacity Study 2006 Urban Design Framework 2005 Barrow Marina Village Masterplan 2006 Urban Capacity Study	Hard copy - £30 each CD - £5 per doc (Hard copies provided in black and white and colour where necessary for certain maps etc)
Strategic Flood Risk Assessment (Phase 1 and/or 2)	Hard copy - £100 CD - £5 CD (Hard copies provided in black and white and colour where necessary for certain maps etc)
Barrow Strategic Housing Market Assessment. Northern Housing Consortium Ltd for Barrow Borough Council. (Forthcoming) Barrow Island Conservation Area Appraisal. Gillespies for Barrow Borough Council (2007) Barrow-in-Furness Port Art & Landscape Strategy Final Report. Gillespies for Barrow-in-Furness Borough Council & West Lakes Renaissance (2006)	Hard copy - £30 each CD - £5 (Hard copies provided in black and white – with colour only where necessary for certain maps etc)
All other relevant documents will be charged at the following rate:	Black and White: 10p per sheet single-sided 20p per sheet double-sided Colour: 50p per sheet single-sided £1.00 per sheet double sided

Applicability – See the Council’s Statement of Community Involvement (SCI) for explanation

LDF Documents

All drafts of LDF documents sent out with consultations to **general** and **specific** consultation bodies and government departments will be free of charge (normally one copy only).

All drafts sent out with consultations or following requests to **other** relevant public sector or charitable bodies and associations will be free of charge (normally one copy only).

Final versions will be supplied in colour.

Drafts will normally be supplied in black and white.

Background Documents

CD versions will be free to Government Departments and voluntary and community groups with a legitimate interest in the particular document.

Background documents will normally be supplied in black and white unless colour is essential for certain maps or illustrations.

EXECUTIVE COMMITTEE	(D) Agenda Item 9
Date of Meeting: 17th November, 2010	
Reporting Officer: Director of Regeneration and Community Services	
Title: Revocation of the Regional Strategy, revisions to PPS3 Housing and SLDC Core Strategy Inspector's Report	
Summary and Conclusions:	
The purpose of this report is to advise Members of:	
<ol style="list-style-type: none">1) The Secretary of State's decision to revoke the Regional Strategy for the North West with a view to enacting legislation to abolish Regional Strategies entirely;2) the revision of the advice in PPS3 'Housing' in relation to housing density and the definition of previously-developed land;3) the publication and recommendations of the Inspector's binding report in respect of South Lakeland District Council's Core Strategy; and4) set out the likely short term implications for the Borough's planning function and Local Development Framework.	
Recommendation:	
To note the content of the report.	

Report

Background

The Planning and Compulsory Purchase Act 2004 replaced the 'old' development plan system of a County Structure Plan and Borough-wide Local Plan with a new system comprising a Regional Spatial Strategy and Local Development Framework.

1 Revocation of the Regional Strategy

1.1 Regional Spatial Strategy (RSS)

The most recent Regional Spatial Strategy for the North West was adopted on 30 September 2008 following a lengthy preparation process, which included

consultation with this Council at all the key stages. A Partial Review of the adopted RSS commenced in 2008 focussing on a limited number of discrete technical issues considered to represent strategic gaps in RSS policy, namely:

- Gypsies & Traveller's;
- Travelling Showpeople; and
- Regional Car Parking Standards.

The review process also included consultation with this Council at all the key stages. The Examination in Public was completed in Spring 2010. The Panel report of the Examination was not issued, but a freedom of information request to the Secretary of State resulted in the release of the 'Unissued Panel Report' for information only. This 'unissued' report does not represent the views of the Government and does not form any formal part of the planning system. A copy of the report has been placed in the Member's Room for information.

1.2 Regional Strategy (RS)

The Local Democracy, Economic Development and Construction Act 2009 introduced Regional Strategies (RS's) which were integrated strategies for planning, economic development and housing, merging the former Regional Spatial Strategy (RSS) and Regional Economic Strategy (RES).

In April 2010, under the provisions of the 2009 Act, the existing RSS and RES became part of the RS. However, initially, only the part which had been the RSS formed the part of the 'Development Plan', not that part which had formerly been the RES.

'4NW', the regional planning body, had commenced informal preparation of a new regional strategy 'RS 2010', in anticipation of the above legislative changes allowing its production.

1.3 Revocation of the of Regional Strategy (RS)

On 6 July 2010, the Secretary of State revoked Regional Strategies under s79 (6) of the 2009 Act, by way of a Parliamentary Statement. This revocation applied to both the former RSS and RES.

Whilst Regional Strategies still exist in theory as part of the planning framework to which LDF Development Plan Documents must be in 'general conformity', and as part of the Development Plan for the determining of planning applications, there is in effect no Regional Strategy to fulfil this role and the revoked RS is not to be used for this purpose. However, the evidence that informed the preparation of the RS may still be a material consideration in the development of policy and the determination of planning applications. The Government's stated intention is that the abolition of Regional Strategies will be taken forward through a Localism Bill later this year.

Following abolition, it is understood that the statutory Development Plan will consist solely of local policy, written to be consistent with national policy. Local

policy will be the district wide LDF and in Cumbria, the Cumbria Minerals and Waste LDF, but currently also includes saved Local Plan and Structure Plan policies.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that: 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

From an LDF perspective, DPDs need to be in 'general conformity' with the RS, but there is no requirement to conform with the Structure Plan.

2 Revision of PPS 3

Planning Policy Statement 3 (PPS3) published in November 2006 was revised on 9th June 2010 with two changes:

- private residential gardens are now excluded from the definition of previously developed land
- the national indicative minimum density of 30 dwellings per hectare has been deleted.

The intention was to remove what the Secretary of State saw both as a presumption in favour of approval for development of gardens and an inflexibility to set density ranges that suited the needs of local areas (particularly for family houses and to prevent the 'overdevelopment of neighbourhoods').

3 South Lakeland District Council's Core Strategy

The Inspector's binding report in respect of South Lakeland District Council's Core Strategy was issued on 1 August 2010 with a finding that subject to a number of changes as set out by the Inspector, the Strategy was 'sound'. SLDC Adopted the Core Strategy on 20 October 2010.

A copy of the Inspectors' Report has been placed in the Member's Room for information and is available on SLDC's website.

There are a number of significant changes to the Proposed Submission Core Strategy on which this Council formally commented. Some were proposed by SLDC both before during and after the Examination/Hearing, others have been specified by the Inspector. This Council made representations in respect of the Proposed Submission Core Strategy considering it 'unsound' due to the scale of development proposed in Ulverston and the surrounding villages, and concern that despite the policies set out in the Proposed Submission Core Strategy prioritising previously-developed land, development of the scale proposed could not be developed without significant greenfield development.

Following Examination, the changes set out in the Inspector's Report that are required in order for the Plan to be adopted include:

- Reducing the previously-developed land housing target from 50% to 'at least' 28%;
- A slight re-phasing of housing delivery in Ulverston 'to help Barrow's redevelopment proposals achieve momentum' (the overall numbers remain the same, but there is a reduction from 459 to 312 dwellings in the period 2009-2014);
- The grouping of housing targets for smaller settlements;
- Support for the Affordable Housing policy but deletion of additional requirements for local occupancy market housing;
- Clarification of the appraisal and selection criteria for employment sites;
- Inclusion of retail as a possible land use for the Kendal Canal Head Area Action Plan.

4 Short term implications for the Borough's planning function and the LDF.

At this stage there is no clear indication from the Coalition Government of whether the LDF system will continue in the absence of the RS, but also no indication that it won't. There are also a number of other significant proposals being aired by DCLG which will fundamentally alter the way LDF and the planning system operates which may come forward in the Localism Bill. These are not discussed here.

In the meantime, the revocation of the RS has left some significant policy gaps from a development control and LDF preparation perspective, particularly outside the Barrow Port Action Plan Area; or situations where the more recent RS policy, which was developed to be consistent with national policy, has been revoked and older saved Structure or Local Plan policy, which is perhaps a little outdated, is now the primary or only Development Plan policy. The imminent adoption of the SLDC Core Strategy also has implications for the Borough, particularly in the absence of the RS.

Some of the key areas of concern are discussed below, but the list is by no means exhaustive.

Focus of Development and Regeneration

The RS identified Barrow as a focus of development in Cumbria along with Carlisle and Workington/Whitehaven and emphasised the importance of regenerating the Furness area and encouraging investment, growth and development in Barrow, including through policies CN1, CN2, W2 and RDF1. It also identified Furness as a Regeneration Priority Area. The RS also supported Housing Market Renewal in the Borough. The removal of these policies now means that no one town in the county or region has priority over another in terms of development or regeneration though any formal national, regional or sub regional plan-making policy. Whilst some sub-regional agreement on priorities could be provided through the recently announced Cumbria LEP, most of the key decisions on the focus of development and regeneration will need to be taken through individual LDF Core Strategies. This elevates their importance as

strategic corporate documents and so too the importance of engaging with or challenging other district's strategies.

However, in the view of your officers, the priorities in the former RS and the abandoned replacement RS 2010, were not being delivered as set out; with the plans of the individual Cumbrian Authorities, backed by Cumbria County Council and 4NW, departing from the thrust of the RS. However, it is also true to say that there were unresolved conflicts within the RS itself.

For example, up to the point of revocation, a larger quantum of new housing and new allocated employment land than the RS envisaged for Barrow Borough, was being supported in South Lakeland. Whilst the RS always proposed a larger number of new dwellings in South Lakeland, this was to be predominantly on previously-developed land and not greenfield sites as is now proposed and supported. The RS required a de-allocation of employment sites in Cumbria. Some of this conflict was noted by the Inspector conducting the Examination into South Lakeland District Council's Core Strategy, who, when considering this Council's concerns about cross boundary issues noted that "both Barrow's regeneration plans and South Lakeland's aim to regenerate Ulverston enjoyed the support of the former RSS and there appeared to be no obvious reconciliation mechanism."

Housing Targets

The most obvious area of policy gap resulting from the revocation of the RS is the lack of an adopted housing target; the older Local Plan and Structure Plan targets having been cancelled in view of the higher and more recent RSS/RS targets.

The Borough therefore no longer has a formal Development Plan target for net additional dwellings against which to require or measure any 5 year supply.

Whilst clearly no longer part of the Development Plan, the evidence which underpinned the former RS targets and what DCLG call the 'option 1 numbers', can be regarded as material considerations in the consideration of planning applications and as part of the evidence base for the development of future targets through local policy, as can other evidence such historic build rates and the forthcoming SHMA and SHLAA (Strategic Housing Market and Land Availability Assessments).

In Barrow's case, the 'option 1 numbers' were the draft RSS numbers supported by the Borough Council i.e. 2700 net additional dwellings over the plan period as a maximum, with an annual average of 150 net additional dwellings; and were subject to similar caveats about undersupply in the early years as made their way into the final version of the RSS.

At this point in time, the Council is nowhere near exceeding the former RSS/RS or option 1 targets. However, the Council has previously demonstrated a '5 year supply of land for housing'. This 5 year supply will be reviewed in the forthcoming AMR unless advised otherwise by CLG.

A new target, if such is a 'target' is either required or deemed appropriate, will need to be set in the Core Strategy.

Housing Density

The 2006 version of Planning Policy Statement 3 (PPS3) stated (para 47):

“Local Planning Authorities may wish to set out a range of densities across the plan area rather than one broad range, although 30 dwellings per hectare net should be used as a national indicative minimum to guide policy development and decision making. Where Local Planning Authorities wish to plan for, or agree to, densities below this minimum, this will need to be justified having regard to paragraph 46.” (italics added)

PPS3 therefore allowed lower densities only where specifically justified. The revised PPS3 no longer contains the section in italics and there is therefore no longer a national indicative minimum in terms of housing densities for plan making or development control. In terms of development control decisions, the revised PPS3 is now silent on the issue of specific densities, but PPS3 still requires plans to set density policies.

In terms of local policy, saved Policy B4 of the Housing Chapter Alteration requires housing densities of 'at least 30 dwellings per hectare with higher densities sought in accessible locations and/or where consistent with good urban design principles.' The policy's supporting text states that 'The Council will operate policy B4 flexibly in order to exceptionally permit development at a lower density on a difficult to develop site, where it is demonstrated that it would otherwise lie vacant.' This policy was developed to be consistent with national policy emerging at that time and the Council can now reconsider whether this minimum or any minimum standard is still appropriate in terms of providing quality and choice and supporting housing market renewal through the development of the Core Strategy and other LDF documents. Until that time, the policy remains in force as the starting point for the consideration of relevant planning applications.

Previously-Developed Land Targets & Definition

In terms of previously-developed land (PDL), the indicative target for the Borough set out in the RS of 80% of new housing to be on previously developed land has been revoked and there is no specific target in the saved Local Plan. The national annual minimum target set out in PPS3 is 60%. However, national and local policy is still clear that the priority for development remains previously developed land. PPS3 still requires a target to be set both regionally and locally having regard to the regional target (which of course has been revoked) and the Council can now consider what target is appropriate through the development of the Core Strategy and other LDF documents. The minima in the RS were indicative only and South Lakeland, for which the RS had an indicative minimum target of 60%, are now proposing a minimum target of 28% and this is supported by their Inspector's Report.

Although the clear intention of the 2006 Housing Chapter Alteration was to prioritise the reuse of buildings and derelict land in urban areas, rather than previously developed land (PDL), there was a slight presumption in favour of the development of PDL in Barrow and Dalton and to a lesser extent in the identified development cordons, whilst the Structure Plan policy was still in place. Some of this presumption was lost with the cancellation of the relevant Structure Plan policy and although the replacement RS also prioritised buildings and PDL in settlements, it did this in a different way to the Structure Plan.

The current version of PPS3 is the most recent of all policy documents and this clearly prioritises PDL over greenfield land, but also still favours sustainable locations.

Applications for development in domestic gardens will need to be dealt with on a case by case basis and locational sustainability and PDL status will remain key issues, subject to all other relevant considerations, including issues of supply (but see above regarding the current absence of targets). Given their now greenfield status, there could be a slightly stricter application of the other relevant criteria e.g. of B3, B7 and B13. Policy B5 will no longer apply to gardens in Barrow and Dalton. In other non-Local Service Centres, (LCS are as yet undefined), garden new build development is now less likely to be acceptable, as in line with PPS3, the greenfield nature of the site and overall locational sustainability constraints will normally outweigh the location in the Local Plan's development cordon. Further clarity on these issues is unlikely until the Council's Core Strategy can give a clearer steer.

5 Conclusion and the way forward

The consequences of the revocation and ultimately the abolition of the Regional Strategy, the changes to PPS3 and the adoption of South Lakeland's Core Strategy, will need to be addressed both through the work of the LEP and more particularly the development of Barrow's LDF Core Strategy and other DPDs (or any replacement form of plan proposed by the Coalition Government) as soon as possible. PPS3 will need to be comprehensively rewritten once the RS is formally abolished and presumably include guidance on whether the government requires housing targets to be set in local plans.

The hastily introduced changes discussed above have made what was already a complicated and resource hungry transitional development plan system even more complicated and have left the Borough, and many other districts, susceptible to 'planning by appeal'.

Whilst the revocation of the RS and the adoption of SLDC's Core Strategy does create challenges for the Council in achieving its regeneration and strategy, the fact that the Council does not have a Core Strategy tied to a now revoked RS also provides an opportunity for the Council to review its housing and employment policies, in particular any targets or location criteria, with a view to being consistent with national policy whilst fully reflecting local needs and aspirations and the Government's stated localism agenda.

Judging by the number of enquiries from landowners it is clear there is renewed interest in development of greenfield sites for residential development following the revocation of the Regional Strategy. Although outside the scope of this report the Council may wish to review its current landholdings in a similar way.

(i) Legal Implications

Not Applicable

(ii) Risk Assessment

Not Applicable

(iii) Financial Implications

Not Applicable

(iv) Health and Safety Implications

Not Applicable

(v) Key Priorities or Corporate Aims

Not Applicable

(vi) Equality and Diversity

Not applicable

(vii) Health and Well being Implications

Not Applicable

Background Papers

Correspondence held by Director of Corporate Service.

		Part One
EXECUTIVE COMMITTEE		(D)
Date of Meeting: 17th November, 2010		Agenda
Reporting Officer: Commercial Property Manager		Item
		10
<p>Title: Land at Biggar Bank, Barrow-in-Furness</p> <p>Summary and Conclusions:</p> <p>The report outlines a request from the owners of The Castle House Hotel, Biggar Bank to purchase land fronting their property on Biggar Bank Road.</p> <p>Recommendation:</p> <p>To agree to transfer the land fronting the Castle House Hotel to the owners of The Castle House Hotel subject to a nominal sum plus the payment of all Council incurred costs.</p>		

Report

This Council owns much of the land at Biggar Bank, Walney including Biggar Bank Road as shown hatched on the plan attached at **Appendix 4**.

The council-owned land extends beyond the adopted highway that is Biggar Bank Road and beyond the physical boundaries of those dwellings on Biggar Bank Road, numbers 1 to 44 inclusive.

Over the years, and to rectify the situation concerning the boundary line, this Council have sold various plots of land to various property owners, at a nominal fee and subject to the payment of all council legal costs. The Council have also lost one or two plots of land to successful adverse possession claims.

The current owners of the Castle House Hotel have requested that the land fronting their property, as shown cross-hatched, be transferred to them from the council thus giving them unfettered access and egress to and from their property. They have requested that the transfer shall be for a nominal sum plus the payment of all council incurred costs in this matter.

It is recommended that approval be granted for the transfer and that the Commercial Estate Manager be given approval to document the exchange accordingly.

(i) **Legal Implications**

The freehold transfer of land currently in the ownership of Barrow Borough Council.

(ii) Risk Assessment

There are no risks associated with this transaction.

(iii) Financial Implications

There are no financial implications

(iv) Health and Safety Implications

There are no Health and Safety implications.

(v) Key Priorities or Corporate Aims

Not Applicable

(vi) Equality and Diversity

Not Applicable

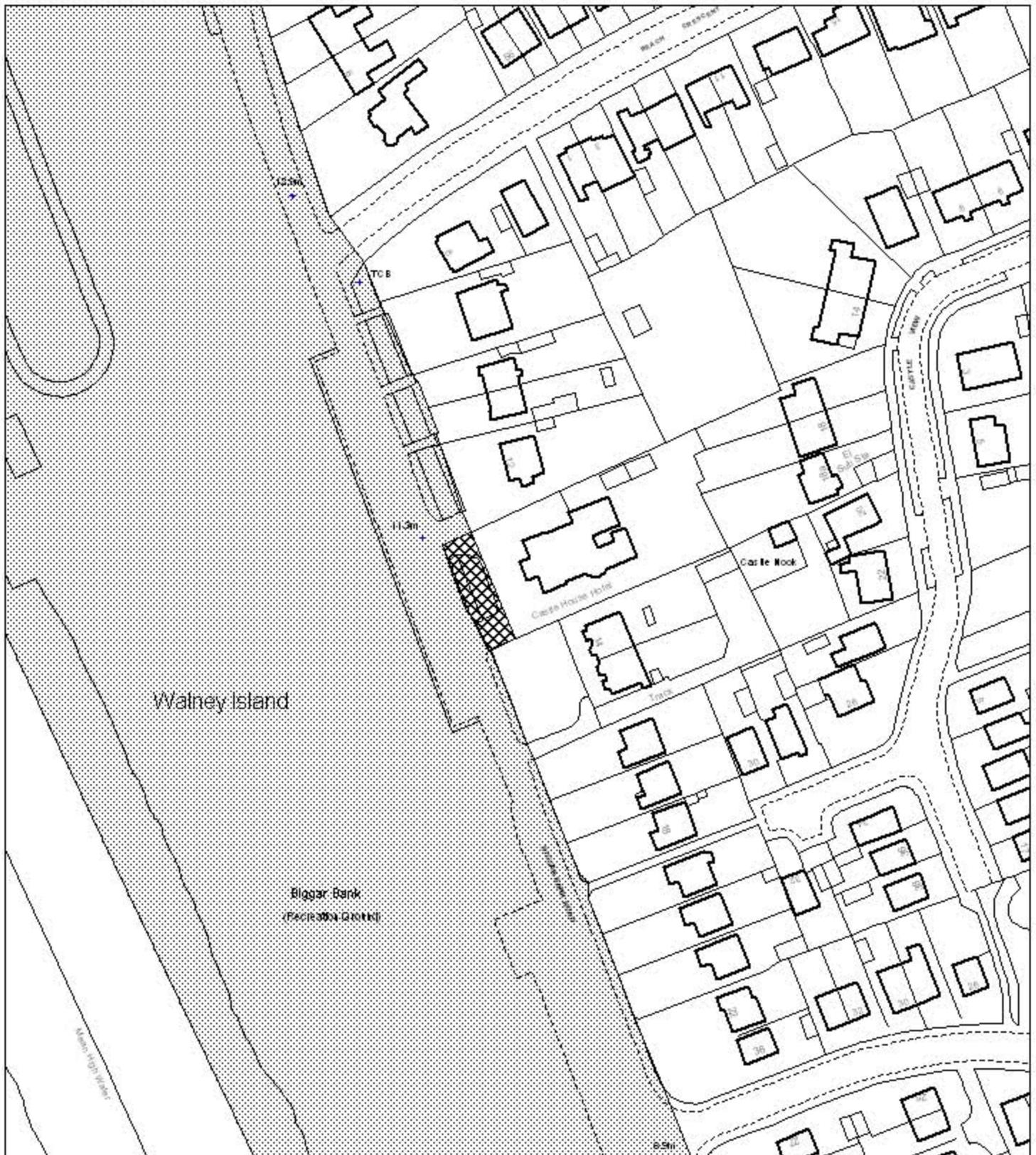
(vii) Health and Well-being Implications

Not Applicable.

Background Papers

Nil.

Land fronting The Castle Hotel, Biggar Bank Road, Barrow



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Scale : 1:1250

Grid : None



Produced on : 03/11/2010

