

BOROUGH OF BARROW-IN-FURNESS

PLANNING COMMITTEE

Meeting, 6th August, 2013
at 2.30 p.m. (Drawing Room)

A G E N D A

Site Visit

2012/0812 – Gateway
2013/0281 – Barrow Borough Cemetery

Depart Town Hall Court Yard at **1.00 p.m.**

PART ONE

1. To note any items which the Chairman considers to be of an urgent nature.

2. Questions on Notice

The Chairman to answer questions on any matter in relation to which the Council has powers or duties which affect the Borough and which fall within the terms of reference of the Planning Committee where due notice has been given in accordance with Council Procedure Rules 10.3 and 10.4.

3. 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.

4. 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.

5. Declarations of Interest

To receive declarations by Members and/or co-optees of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the revised Code of Conduct, they are required to declare any disclosable pecuniary interests or other registrable interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Members may however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable

pecuniary interests which they have already declared in the Register, as well as any other registrable or other interests.

6. Apologies for Absence/Attendance of Substitute Members.
7. To confirm the Minutes of the meeting held on 9th July, 2013 (copy attached) (Pages 1-11).
8. Delegated Approvals – For Information (booklet attached).

FOR DECISION

- (D)** 9. Planning Applications (booklet and appendix colour supplement attached).
- (D)** 10. Deferred Planning Applications (booklet attached).
- (D)** 11. Legislative Changes.

INVITATIONS TO SPEAK TO THE COMMITTEE (2.30 p.m.)

2013/0135 – Land at Sinkfall Farm, Rakesmoor Lane, Barrow-in-Furness

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

Membership of Committee

Councillors

M. A. Thomson (Chairman)
C. Thomson (Vice-Chairman)
Derbyshire
Husband
Johnston
R. McClure
Murphy
Murray
Preston
Thurlow
Williams
Wilson

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Published: 29th July, 2013

PLANNING COMMITTEE

Meeting: Tuesday 9th July, 2013
at 2.30 p.m. (Drawing Room)

PRESENT:- Councillors M. A. Thomson (Chairman), C. Thomson (Vice-Chairman), Derbyshire, Johnston, Murphy, Murray, Thurlow, Williams and Wilson.

89 – Declarations of Interest

Councillor Murphy declared an interest in Planning Application No. 2013/0281 – Crompton Drive (opposite 19-25), Dalton-in-Furness (Minute No. 136) as his niece had made representations to him.

Councillor Murray declared an interest in Planning Application No. 2013/0281 – Crompton Drive (opposite 19-25), Dalton-in-Furness (Minute No. 136) as constituents were known to him.

90 – Apologies for Absence

Apologies for absence were received from Councillors Husband, R. McClure and Preston.

91 – Minutes

The Minutes of the meeting held on 11th June and reconvened on 19th June, 2013 were taken as read and confirmed.

92 – Appeal Decision – Change of Use of Land to Siting of Caravans at Park Knott Smallholding, Dalton Road, Askam-in-Furness (2012/0489)

The Assistant Director of Regeneration and Built Environment reported on an appeal and costs decision with respect to a development of 19 caravans at the above site. Copies of the decision notices were attached as an appendix to his report.

The appeal was allowed while the appellant's cost claim was dismissed. The decision was of interest for a number of reasons including the fact that this was the first appeal decision post the NPPF taking full effect (March 2013). While the development plan remained the starting point for consideration of applications the NPPF now outweighed any saved policies which were in conflict with it (saved structure plan policies were revoked in May). The approach was illustrated by the Inspector in Paragraph 5 of his costs decision:

“The LP policies were adopted some time ago and I find little weight should be given to LP Policy D1 in the light of its conflict with the Framework. However LP Policy G18 is broadly in line with the Framework objectives and should still attract full weight. When the application and appeal were submitted SP Policy E37 was still extant. It adopted a criteria-based approach to landscape character similar to that advocated in paragraph 113 of the Framework and

would also have attracted full weight. The Council was right to assess the proposal against LP Policy G18 and SP Policy E37”.

The Inspector commented further on the weakness of D1:

“It was unreasonable for the Council to rely on Local Plan Policy D1 and this weakens its case”.

Overall the Inspector concluded that the Council had acted reasonably hence the dismissal of the costs claim. He further commented as follows (Paragraph 7):

“The Council did not carry out its own landscape and visual impact assessment (LVIA) but it refers to that prepared by the appellants in its Committee report. Unlike the appellants it considers that the landscape immediately to the south of Askam-in-Furness should be treated as highly sensitive and that the assessment of harm to the countryside should address not only visual impact from public vantage points but also the harm associated with loss of openness and urbanisation. The LVIA is a tool to assist in the decision making process. Ultimately the degree of sensitivity to be given to a particular landscape is a matter of judgement and I do not consider that it was unreasonable for the Council to come to the view that it did”.

However the Inspector was of the view that the site benefited from a good level of screening and that as a consequence, the benefits of the development outweighed any adverse impact.

The decision highlighted the importance of comprehensive Committee reports, the potential weakness of saved local plan policies and the need for these to be assessed on a case by case basis in relation to compliance with the NPPF.

RESOLVED:- That the report be noted.

93 – Appeal Decision – Application to Fell a Sycamore Tree Identified as T1 in the Application and Subject of Tree Preservation Order 1984 No.1 at 28 Infield Gardens, Barrow-in-Furness (2012/0836)

The Assistant Director of Regeneration and Built Environment reported on an appeal which concerned an application to fell a tree included within a Preservation Order and situated in the rear garden of the above address. The appeal was dismissed with the decision letter which was attached as an appendix to his report.

The tree was much taller than the house which meant that while located at the rear of the property it could still be seen in the wider public views of the area. The Inspector agreed with the Council's assessment that it was a skyline specimen whose loss would make a noticeable gap in the linear belt of woodland (once defined the edge of Chetwynde). Furthermore he agreed with the Council that the applicant had not put forward sufficient justification for felling.

The decision illustrated the fundamentals of TPO legislation namely the need for an assessment of the tree's contribution to the wider public amenities of the locality and an appropriate assessment of the reasons advanced for felling.

RESOLVED:- That the report be noted.

94 – Larger Homes Extensions

The Planning Manager reported that on 9th May 2013, secondary legislation was laid before Parliament which would increase the size of single-storey rear extensions which could be built under permitted development, and would bring into force the associated neighbour consultation scheme.

On 30th May 2013, the government published the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013. This introduced new Permitted Development provisions for rear extensions on houses.

For a period of three years, between 30th May, 2013 and 30th May, 2016, householders may be able to build larger single storey rear extensions under Permitted Development subject to a new consultation process. The size limits would double from 4 metres to 8 metres for detached houses and from 3 metres to 6 metres for all other houses. A homeowner wishing to build a larger single storey rear extension must give prior notification to the Planning Authority and provide:-

- (a) a written description of the proposal which includes the length that the extension extends beyond the rear wall of the original house, the height at the eaves and the height at the highest point of the extension;
- (b) a plan of the site, showing the proposed development;
- (c) the addresses of any adjoining properties, including at the rear; and
- (d) a contact address for the developer and an email address if the developer is happy to receive correspondence by email.

The Authority may ask for further details in order to make a formal assessment of the proposal, and then send notification letters to adjoining neighbours, with a strict 21 day deadline for comment. If any adjoining neighbour raised an objection within the 21 day period, the Planning Authority would take this into account and make a decision about whether the impact on the amenity of the adjoining properties was acceptable. No other issues would be considered. Only objections from adjoining neighbours may be taken into account, so no other bodies would be notified.

The Authority retained some control in that as with the existing permitted development legislation, the external materials must be of similar construction to the dwelling (apart from conservatories). In addition, to benefit from these rights, the extension must be built in accordance with the details provided to the Council and completed before 30th May, 2016. There was no guidance for what constituted "complete", or the status of those extensions that were incomplete after this date. It may be presumed that in the former, a habitation certificate had been issued, in the latter, that the development becomes unlawful and requires retrospective planning permission. The new legislation did not apply to properties within conservation areas or locations subject to an article 4 direction.

This process must be completed within 42 days. If no decision was made within this period, the extension could go ahead (i.e. approval by default); if it was refused there was a right of appeal. As with planning applications there was no right of appeal for third parties.

There was no fee in connection with this process; however because of the short timescale, each application could potentially involve a significant workload on the Council's resources including diverting officers away from other applications, which could be particularly acute if an appeal arose against the refusal of a large extension. Consequently it was important that the Authority established an appropriate process to deal with these large extension submissions as expeditiously as possible. The Planning Manager considered that these applications should be determined by Officers, with more contentious ones being placed before the Panel, at the discretion of the Planning Manager. The delegation scheme would need to be revised in order to take account of these applications.

RESOLVED:- That the information be noted and that Members endorse the appropriate changes to the Officer delegation agreement.

Town and Country Planning Acts

The Assistant Director of Regeneration and Built Environment submitted for information details of planning applications in this report which he had determined under delegated authority (Minute No. 254, Planning Committee, 3rd September, 2002, confirmed by Council 24th September, 2002). The decisions are reported for your information. The plans recommended for approval under the Town and Country Planning Acts will be subject to the standard conditions referred to in Minute No. 208 (April, 1971) of the Plans Sub-Committee, Barrow-in-Furness, County Borough Council, in addition to any conditions indicated hereunder. Applications with a (P) besides the applicant's name denotes those applications that were reported to the Planning Panel.

RESOLVED:- (i) To note the decisions made under the Town and Country Planning Act 1990 (as amended) as follows:-

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| 95 | 2013/0229 | Re-cladding of existing building and blocking up of two existing vehicular access doors at BAE Systems Bridge Road Barrow-in-Furness. |
| 96 | 2013/0298 | Listed Building Consent for additional rooflight to top floor dining room at Harbour Hotel The Strand Barrow-in-Furness. |
| 97 | 2013/0306 | Erection of solar panels to flat roof at rear of the property at 2 St Georges Square Barrow-in-Furness. |
| 98 | 2013/0340 | Listed Building Consent for installation of wet room to mid first floor bedroom and conversion of bathroom to linen store on first floor rear at Harbour Hotel The Strand Barrow-in-Furness. |

- 99 2013/0311** Advertisement consent to display 1 internally illuminated fascia sign, 5 non-illuminated fascia signs and 4 non illuminated directional car park signs as part of 'click and collect' facility at Tesco Stores Corner House Park Hindpool Road Barrow-in-Furness.
- 100 2013/0274** Application for Outline Planning Permission for approval to demolish the existing buildings and construct 5 No.3 Bedroom, 3 storey terraced houses with associated parking (with all matters reserved for subsequent approval) at 54 Church Street Barrow-in-Furness.
- 101 2013/0202** Listed building consent for the demolition of an existing outbuilding and the erection of a shower room extension to rear elevation at 11 The Green Lindal-in-Furness.
- 102 2013/0308** Application for a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) for the erection of a rear kitchen extension in place of an existing conservatory, and the erection of an adjacent but detached outbuilding at 9 Manx View Askam-in-Furness.
- 103 2013/0284** Application for a Certificate of Lawfulness for a Proposed Use or Development (CLOPUD) for a rear dormer bedroom/en-suite at 84 Cobden Street Dalton-in-Furness.
- 104 2013/0323** Submission of details to part discharge condition no.3 (Phase 1 desk study) of planning permission 2012/0793 - (Proposed detached bungalow forming lounge, kitchen, dining room, bathroom and bedroom with off street parking) at Land adjacent to 31 James Street Askam-in-Furness.
- 105 2013/0300** Replace small pitch roof, corrugated roof and small flat roof on the side extension with a larger apex roof at Marsh Farm Duddon Road Askam-in-Furness.
- 106 2013/0335** Application for a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) for the removal of existing balconies and extend ground floor bedroom and first floor lounge area into the vacated space at The Plantation Pit Lane Lindal-in-Furness.
- 107 2013/0156** Erection of a rear first floor extension to enlarge two existing bedrooms and provide a bathroom at Thwaite House Hawthwaite Lane Barrow-in-Furness.
- 108 2013/0243** Replacement of rear extension and conservatory with a larger living room extension at 4 Ireleth Court Road Ireleth Askam-in-Furness.

- 109 2013/0035** Application for a Non Material Amendment following grant of planning permission B21/2012/0689 (rear sunroom, utility room and W.C.) to change sunroom bi-fold door and window frames from 'grey powder coated aluminium' to 'black powder coated aluminium' at The Dairy St Helens Hill Dalton-in-Furness.
- 110 2013/0304** Application for a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) to remove existing out buildings and replace with a garage at 52 Prince Street Dalton-in-Furness.
- 111 2013/0145** Removal of existing hedgerow and banking to the rear boundary and replacement with a blockwork and timber panelled wall and raising height of stone planter at 2 Nursery Gardens Dalton-in-Furness.
- 112 2013/0266** Replacement of two centres pivot windows with top opening windows also using timber frames to front elevation at 41 Market Street Dalton-in-Furness.
- 113 2013/0246** Erection of a detached garage at 1 The Crescent Dane Ghyll Park Barrow-in-Furness.
- 114 2013/0339** Advertisement consent to display 1 fascia panel sign (non-illuminated) at 76 Scott Street Barrow-in-Furness.
- 115 2013/0338** Siting of an ice-plant for the purpose of packing freshly caught fish ready for transportation at Barrow and Furness Fishermans Compound Land at Dock Museum North Road Barrow-in-Furness.
- 116 2013/0062** Change of use from (A2) Estate Agents to (A5) Takeaway and installation of extractor fan/ducting (Resubmission of B20/2012/0649) at 36 Cavendish Street Barrow-in-Furness.
- 117 2013/0296** Retention of furniture store without complying with condition No.10 of planning permission 1994/0128 (Erection of non-food retail building), to allow a travel agency (A1) to operate within the store with a floor area not exceeding 25m² at Stollers Furniture World Walney Road Barrow-in-Furness.
- 118 2013/0305** Advertisement consent to display 2 internally illuminated fascia signs and 4 non illuminated poster frames located to the front elevation at Bensons for Beds Hindpool Retail Park Hindpool Road Barrow-in-Furness.
- 119 2013/0230** Erection of a portal framed building for an 'indoor skate park' at James Freel Close (Land adjacent to Barton Townley) Barrow-in-Furness.

- 120 2013/0352** Erection of a garage to side elevation at 4 Sandringham Close Barrow-in-Furness.
- 121 2013/0313** Application for a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) the erection of an Orangery to be built on a purpose designed raft foundation at 2 Rosse Field Barrow-in-Furness.
- 122 2013/0315** Installation of 11kW Gaia Wind Turbine mounted on 18m tubular mast (amended proposal) - Resubmission of Planning Application B18/2012/0669 in a revised form at Stank Farm Stank Lane Stank.
- 123 2013/0283** Application for a Certificate of Lawfulness for a Proposed Use or Development (CLOPUD) for a proposed rear ground floor family room at 3 Sandalwood Close Barrow-in-Furness.
- 124 2012/0610** Replacement of existing modern windows with timber framed, double glazed sliding sash windows at Concle Inn Rampside Barrow-in-Furness.
- 125 2012/0611** Listed Building Consent for replacement of existing modern windows with timber framed double glazed sliding sash windows at Concle Inn Rampside Barrow-in-Furness.
- 126 2013/0353** Amendment to previously approved planning permission B21/2013/0190 (Erection of a single storey side extension) to increase extension width by 200mm and amend window sizes at 6 Cows Tarn Lane Barrow-in-Furness.
- 127 2013/0345** Application for Prior Notification of proposed demolition under Part 31 of the General Permitted Development Order at Wensum Lea Hostel Wensum Lea.
- 128 2013/0231** Application for a new planning permission to replace an extant permission B07/2010/0435 Demolition of part of the Institute and the development of the land to the south of the original institute building for 20 houses (two storey three bedroom terraces) - Outline application) at Vickerstown Working Mens Club and Institute Central Drive Barrow-in-Furness.
- 129 2013/0271** Change of use of vacant land to incorporate into the curtilage of the dwellinghouse at 7 Medway Road Barrow-in-Furness.

The following applications were not E A Developments:-

- 130 2013/0215** Town and Country Planning (Environmental Impact Assessment) Regulations 2011 – Screening Opinion – Opinion for a 50 kW wind Turbine at Church Farm Church Hill Lindal-in-Furness.

- 131 2013/0216** Town and Country Planning (Environmental Impact Assessment) Regulations 2011 – Screening Opinion for a proposed 50 kW wind turbine at Maidenlands Tarn Flatt Marton Ulverston.
- 132 2013/0262** Internal alterations to incorporate part of No. 2 Station Approach within No.1 Station Approach and the extension of no. 2 into an attached outbuilding including formation of dormer windows to front elevation at 1-2 Station House Station Approach Dalton-in-Furness.
- 133 2013/0292** Town and Country Planning (Environmental Impact Assessment) Regulations 2011 – Screening Opinion - Engineering works to alter levels, construct new access paths and install drainage including creation of a swale to facilitate additional burial plots at Barrow Borough Cemetery Devonshire Road Barrow-in-Furness.
- 134 2013/0317** Town and Country Planning (Environmental Impact Assessment) Regulations 2011 – Screening Opinion for an Installation of 11kW Gaia Wind Turbine mounted on 18m tubular mast at Stank Farm Stank Lane Stank.

The following County Matter was considered:-

- 135 2013/9004** Listed Building consent for installation of pigeon bird netting over the top of a lantern light located within the Nan Tait Centre enclosed courtyard (County Matter) at The Nan Tait Centre Abbey Road Barrow-in-Furness.

(ii) To note the decisions made under the Building Act 1984/The Building Regulations 2010 as submitted by the Principal Building Control Surveyor.

Town and Country Planning Acts

The Assistant Director of Regeneration and Built Environment reported on the following planning applications:-

136 – Crompton Drive (opposite 19-25), Dalton-in-Furness

From Moorsolve Limited in respect of the erection of three detached two bedroomed bungalows at Crompton Drive (opposite 19-25), Dalton-in-Furness as shown on plan number 2013/0175.

Representations received and the results of consultations were reported.

The Committee had undertaken a site visit prior to the meeting.

The applicant and an objector attended the meeting and made representations to the Committee.

RESOLVED:- That planning permission be granted subject to the Standard Duration Limit and the following conditions:-

2. The development shall be carried out in accordance with the application dated 12.03.13 and the accompanying plans reference 2013/03, 04 and House Type 'E' drawing.

Reason

To retain the development within the forms applied for.

3. The finished floor levels shall not exceed the levels annotated on plan reference 2013/03.

Reason

To ensure the development is sensitive to its context.

4. Prior to the context of the commencement of this development further details showing how the section of private road/shared drive shown on plan reference 2013/03 to be upgraded to an adoptable standard is to be so upgraded including the provision of the identified turning head, and additional street lighting if necessary to secure an adoptable standard shall have been submitted to and approved in writing by the Planning Authority. The upgrade shall then be carried out in accordance with the approved details prior to the occupation of any of the approved dwellings.

Reason

To ensure a satisfactory standard of access to serve the development is provided.

5. The existing field hedgerows which form the site's north western and southern boundaries shall be retained in perpetuity.

Reason

The hedgerows assist with the integration of the development into its countryside setting.

6. Prior to the commencement of any development, a landscape scheme for the site, showing the retention of the hedgerows referred to under 5 above along with an assessment of their condition and measures for their management, together with details of new planting and details of any phasing of such a scheme must be submitted to and approved in writing by the Planning Authority. The scheme shall be submitted on a plan not greater than 1:500 in scale and shall contain details of numbers, locations and species of plants to be used. All planting and subsequent maintenance shall be to current British Standards. The

approved scheme must subsequently be implemented by the end of the first planting season following initial beneficial occupation of the development or by such a programme as may be agreed in writing. Any trees or shrubs removed, dying being severely damaged or becoming seriously diseased within five years of planting shall be replaced by the landowner with trees or shrubs of a similar size and species to those originally required to be planted.

Reason

In the interests of the visual amenities of the area.

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

Reason

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

8. Prior to the commencement of development a scheme for the laying of the section of overhead power line shown to be laid underground on drawing no 2013/04 shall have been submitted to and approved in writing with the planning authority. The cable shall then be laid underground in accordance with the approved details prior to the occupation of the bungalow situated on the most southern of the three plots.

Reason

The cable is proposed to be placed underground to address the close proximity issue.

9. Notwithstanding the provisions of Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modifications or not), no extensions shall be added to the front elevations of the bungalows hereby approved.

Reason

To ensure that adequate levels of privacy are maintained and to control the design of extensions that would be prominent in the street scene.

10. The bungalows shall be laid out to secure a distance of 21m between the facing elevations (front to front) which contain windows serving habitable rooms.

Reason

To reinforce the dimension scaled from drawing no 2013/04.

137 – Barrow Borough Cemetery, Devonshire Road, Barrow-in-Furness

From Mr S. Solsby, Barrow Borough Council in respect of Town and Country Planning General Regulations 1992 (Regulation 3) application for engineering works to alter levels, construct new access paths and install drainage including creation of a swale to facilitate additional burial plots at Barrow Borough Cemetery, Devonshire Road, Barrow-in-Furness as shown on plan number 2013/0281.

Representations received and the results of consultations were reported.

The Committee had undertaken a site visit prior to the meeting.

RESOLVED:- That consideration of the application be deferred to enable a more detailed report to be submitted to Committee Members with regards to which trees were proposed to be felled and kept and also to enable a full site visit to be carried out identifying such trees.

The meeting closed at 3.33 p.m.

PLANNING COMMITTEE	(D) Agenda Item 11
Date of Meeting: 6th August, 2012	
Reporting Officer: Planning Manager	
<p>Title: Legislative Changes</p> <p>Summary and Conclusions:</p> <p>There have recently been changes in legislation aimed at reducing the amount of information that the Authority has to provide as part of the decision making process.</p> <p>Recommendation:</p> <p>That the report be noted</p>	

Report

Earlier this year the government carried out a consultation exercise “Streamlining the planning application process”, the response to which has led to several legislative changes within the Development Management Procedure Order (DMPO).

Since 2003 local planning authorities have been required to provide a summary of reasons for approval (and a summary of relevant policies and proposals) on written decision notices when granting planning permission. There has been mounting pressure on central government that this is both burdensome and unnecessary because it duplicates material documented elsewhere.

The relevant officer reports (either for delegated decisions or for decisions to be taken by committee) typically provide far more detail on the logic and reasoning behind a particular decision than a decision notice. In order to understand the full rationale for the decision the officer report would need to be obtained. The requirement to provide this summary therefore adds little to the transparency or the quality of the decision-taking process, but it does add to the burdens on local planning authorities.

Since the requirement was introduced, ease of access to planning information has grown. Officer reports for both minor and major applications are now generally available online. In addition, the minutes and decisions of planning committee meetings are also published electronically. Furthermore, familiarity with the rights granted under the Freedom of Information Act 2000 has increased. As a result of these advances, there is now a greater level of transparency in the decision taking process.

By removing the current provisions in the DMPO, the Order seeks to reduce the regulatory burden and offer time-saving benefits to local authorities, without reducing the transparency or accountability of the decision-making process. Consequently future application reports and decision notices will no longer include reasons for granting consent. The requirement to give reasons for the imposition of a condition still remains however.

Background Papers

Nil