

BOROUGH OF BARROW-IN-FURNESS

PLANNING COMMITTEE

Meeting, Tuesday 7th January, 2014
at 2.30 p.m. (Drawing Room)

A G E N D A

Site Visits

133 Rampside, Barrow-in-Furness
Land adjacent to 2 Wellington Place, Dalton in Furness

Depart Town Hall Courtyard at **12.30 p.m.**

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. **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.

5. **Apologies for Absence/Attendance of Substitute Members.**

6. To confirm the Minutes of the meeting held on 3rd December, 2013 (copy attached) (Pages 1-23).
7. Delegated Approvals – For Information (booklet attached).

FOR DECISION

- (D) 8. Planning Applications Book 1 (booklet attached).
- (D) 9. Planning Applications Book 2 (booklet attached).

**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

For queries regarding this agenda, please contact:

Keely Fisher
Democratic Services Officer
Tel: 01229 876313
Email: ksfisher@barrowbc.gov.uk

Published: 25th November, 2013

PLANNING COMMITTEE

Meeting: Tuesday 3rd December, 2013
at 2.30 p.m. (Drawing Room)

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

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

RESOLVED:- That by reason of the special circumstances outlined below the Chairman is of the opinion that the following item 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>
Making of Tree Preservation Order at the Abbey House Hotel (Minute No. 319)	To ensure that the Order is served within the statutory time frame.

317 – Apologies for Absence/Attendance of Substitute Members

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

Councillor Hamilton had replaced Councillor Preston for this meeting only.

318 – Minutes

The Minutes of the meeting held on 5th November, 2013 were taken as read and confirmed.

319 – Making of Tree Preservation Order at the Abbey House Hotel

The Assistant Director of Regeneration and Built Environment reported that the Authority has received two applications relating to trees within the grounds of Abbey House. These were:-

- 2013/0725 - Felling of 9 Norway Spruce (Area 1), crown raising of 2 Beech (Group 2) and the felling of 6 Sycamore (Woodland 9) subject to Tree Preservation Order 1977 No. 1
- 2013/0726 - Notice of intention to carry out works to trees in a conservation area; felling/crown raising/crown reduction and pruning of various species including, Spruce, Yew, Beech, Lawson Cypress, Hawthorn, Goat Willow, Alder, Apple, Sycamore and Ash.

There were still a number of issues outstanding with regard to 2013/0725, but the second application was subject to a strict statutory timetable which had necessitated the report.

Currently there was an Order on various trees within the confines of the hotel grounds, whilst most of the remaining trees were located within the Furness Abbey Conservation Area. This latter location affords them protection under Section 211 of the 1990 Act whereby the landowner had to give the Planning Authority six weeks prior notice of any intention to carry out works on the trees, including felling. The six weeks allows for the Authority to consider whether or not the trees were worthy of protection and that it was expedient to make a TPO. This topic item was considered to be the decision upon that application.

The relevant Order was TPO 1977 No. 1 (Abbey House). The Order was quite extensive and consisted of a mix of several Woodland, Group, and Area designations. Having had regard to the aerial photograph records and following a site visit by the case officer it had become apparent that there was an urgent need to review the Order. This would take account of those trees lost through natural causes, the maturity of others not within the existing Order but now potentially worthy of protection, and the removal of poor species no longer worthy of protection. Accordingly a survey was commissioned by a professional arboriculturist. This was an extremely thorough and comprehensive survey and report which had catalogued all of the relevant trees according to location, species, and condition. As anticipated, due to the age of the existing Order there were several anomalies which needed to be corrected through the serving of a fresh Order.

The procedures were updated in April 2012, under the Town and Country Planning (Tree Preservation) (England) Regulations 2012. The new Order would provide immediate provisional protection for 6 months within which the Authority would need to confirm the Order. It would be prudent to run it in tandem with the 1977 Order until confirmed and then once in force the older Order could be rescinded, so that the trees remained protected at all times. The Order was served on the owner and occupier of the land. There was a 28 day period for comments and objections after which the Authority may confirm the Order, with or without modification.

RESOLVED:- (i) That in response to 2013/0726 a new Tree Preservation Order be made for the grounds of Abbey House and once the 2013 Order was confirmed that the 1977 Order be rescinded; and

(ii) That in response to application 2013/0725, in the interests of expediency, Members confirm agreement that the application can be dealt with under Delegated powers.

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:-

- 320 2013/0676** Kitchen extension with out-house attached at 11 Dundee Street Barrow-in-Furness.
- 321 2013/0690** Submission of Verification Report (Gas Membrane Validation Report) as required by Condition No. 2 of planning permission B28/2013/0351 (Installation of an Electrostatic Precipitator Extraction System) at Proposed Premier Inn Development North Road Barrow-in-Furness.
- 322 2013/0653** Advertisement consent to display 4 fascia signs, 1 menu unit, 2 pole mounted brand signs and 1 pole mounted entrance sign (all illuminated) at Proposed Premier Inn Development North Road Barrow-in-Furness.
- 323 2013/0638** Replacement and construction of a new boundary wall and fence to match existing at the southern boundary of the school at Sacred Heart Roman Catholic Primary School Foundry Street Barrow-in-Furness.
- 324 2013/0611** Loft conversion and internal alterations including dormer window to front and rear with increased ridge height (resubmission of 2013/0471 to a revised format) at Glengarth Ireleth Road Askam-in-Furness.
- 325 2013/0640** Rear ground floor Sun Lounge extension with a pitch roof (Resubmission of planning permission 2013/0409 in a revised form) at 8 Church Close Lindal-in-Furness.
- 326 2013/0569** Erection of an agricultural building for the purpose of over wintering cattle on land at Eure Pits Ulverston Road Dalton-in-Furness.
- 327 2013/0616** The provision of an access track, crane hardstanding area and electrical works to facilitate the construction, maintenance and decommissioning of a previously approved planning permission for a single wind turbine 2011/0429 on land at Askam Road Dalton-in-Furness.
- 328 2013/0615** Application for variation of condition No. 2 following grant of planning permission B21/2013/0058 (Erection of two storey extensions to rear and side elevations forming kitchen with

bedroom over and a garage with store over respectively) to allow a change of scheme for a ground floor rear extension, retain the garage and modify kitchen, utility and storeroom to revised plans at 6 Parkside Close Lindal-in-Furness.

- 329 2013/0664** Erect a bedroom extension at first floor level (resubmission of planning permission 2013/0468) at 41 Dalton Road Askam-in-Furness.
- 330 2013/0635** Application for a Non Material Amendment following grant of planning permission B18/2011/0429 for a 225kW wind turbine (42 metres high to blade tip) to allow change of turbine manufacturer and model on land adjacent to Askam Road Dalton-in-Furness.
- 331 2013/0668** Advertisement consent to display new fascia sign to front elevation and the siting of a two sided free standing sign within forecourt at 48 Ulverston Road Dalton-in-Furness.
- 332 2013/0597** Application for a Non Material Amendment following grant of planning permission B13/2013/0175 (Erection of three detached, two bedroom bungalows) to allow change of gable to a hip roof and the use of a different brick type at Crompton Drive Dalton-in-Furness.
- 333 2013/0704** Application to vary Condition No. 2 and No.3 of planning application B18/2013/0262 (Internal alteration to incorporate part of No. 2 Station Approach within No.1 Station Approach and extension of No. 2 into an attached outbuilding including formation of dormer windows to front elevation) to allow all windows to be replaced with brown upvc at 1-2 Station House Station Approach Dalton-in-Furness.
- 334 2013/0637** Development of 2 pairs of semi-detached dwellings at former Furness Tavern Site Duke Street Askam-in-Furness.
- 335 2013/0679** Ground floor side utility room extension at 7 Abbotsfield Gardens Barrow-in-Furness.
- 336 2013/0558** Change of use of vacant land to a car sales area, incorporating the siting of a 32ft porta cabin office on land at James Milners Ironworks Road Barrow-in-Furness.
- 337 2013/0596** Replacement of grassed area with bitumen macadam hardstanding to service yard at Retail Park Walney Road Barrow-in-Furness.
- 338 2013/0663** Ground floor rear utility room and bathroom at 24 Drake Street Barrow-in-Furness.

- 339 2013/0674** Erection of a 2.4m high perimeter fence and 30m section of 6m high fencing at St. Bernard's Roman Catholic School Rating Lane Barrow-in-Furness.
- 340 2013/0604** Application for a variation of Condition nos. 4 and no. 6 planning permission B07/2012/0769 (Erection of 15 houses) to remove requirement for parking spaces to drain to soak aways at former Friars Hotel Friars Lane Barrow-in-Furness.
- 341 2013/0665** Application for a non-material amendment following grant of planning permission 2006/1259 (erection of a building containing 12 flats) to enclose the ground floor patios with balustrading to match the balconies above at Flats 1-6, 14 Sherborne Avenue and Flats 1-6, 16 Sherborne Avenue Barrow-in-Furness.
- 342 2013/0376** Crown thin by 30% a Sycamore Tree (T1) including crown lift to give clearance to neighbours property and target pruning of branches to improve balance of tree; subject of Tree Preservation Order 2008 No.4 at 29 Shelley Drive Barrow-in-Furness.
- 343 2013/0694** Application for a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) for a dormer bedroom at 36 Durham Street Barrow-in-Furness.
- 344 2013/0566** Application for a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) for a rear ground floor sun room at 26 Almond Walk Barrow-in-Furness.
- 345 2013/0646** Relocation of stable block to adjacent field on land at Red Ley Lane Barrow-in-Furness.
- 346 2013/0687** Construction of a single storey extension to the front elevation with mono pitched roof to allow for expansion of bathroom and new ramped access to dwelling entrance at 21 Anzac Avenue Barrow-in-Furness.
- 347 2013/0593** Erection of a two storey extension to front elevation comprising porch with bedroom extension over at 38 Strathnaver Avenue Barrow-in-Furness.

The following application was disposed:-

- 348 2013/0587** Town and Country Planning (Environmental Impact Assessment) Regulations 2011 – Screening Opinion for an Installation of 1 x 5kW small Wind Turbine on an 18 metre tower on land at Quarry Bank Farm Stewner Park Marton.

The following application did not require planning permission:-

- 349 2013/0113** Listed Building Consent for sign written lettering spelling 'SHIP INN' on 2 exterior walls of the Grade II listed building at Ship Inn Piel Island Barrow-in-Furness.

The following applications were refused:-

- 350 2013/0560** Installation of 1 5kW small Wind Turbine on an 18 metre tower on land at Quarry Bank Farm Stewner Park Marton.
- 351 2013/0656** Replacement of timber framed windows with upvc framed windows at 11 Market Street Dalton-in-Furness.
- 352 2013/0677** Application for a Certificate of Lawfulness of Proposed Use or Development for a rear ground floor kitchen/utility room extension at 11 Rydal Avenue 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:-

353 – Land at Church Farm, The Green, Lindal-in-Furness

From RB and LJ Satterthwaite in respect of the installation of a 50kw wind turbine mounted on a 24m high mast on land at Church Farm, The Green, Lindal-in-Furness as shown on plan number 2013/0450.

Representations received and the results of consultations were reported.

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

RESOLVED:- It was agreed that planning permission be granted subject to the Standard Duration Limit and the following conditions:-

2. The development shall be carried out in all respects in accordance with the hereby approved documents defined by this permission as listed below, except where varied by a condition;
Ecological Appraisal by Envirotech ref 1600
Noise Assessment ref 20130604 6688 Ulverston WT rep (24th May 2013)
Elevation drawings V1 May 2013
Location Plan 90422/01/A

Reason

To ensure that the development is carried out only as indicated on the drawings approved by the Planning Authority.

3. The external finish of the turbine shall be non-reflective and shall be permanently coloured Light Grey RAL 7035 unless details of an alternative colour are subject to prior written approval by the Planning Authority.

Reason

To minimise the potential of the turbine to adversely impact upon visual amenities within the landscape

4. At any noise sensitive location, noise from the wind turbine(s) shall be limited to 5dB(A) above the daytime background noise level, measured as the LA90,10mins, at wind speeds up to 10m/s at 10m reference height, subject to a lower limit of 35dB(A). Between the hours of 11:00pm and 7:00am noise from the wind turbine(s) shall not exceed 43dB LA90, 10 Minutes at all operating wind speeds. Assessment of Noise from the wind turbines shall be carried out in accordance with the ETSU-R-97 Guidance - The Assessment and Rating of Noise from Wind Farms [Note: the noise is measured 3.5m from any reflective surface, other than the ground, at a height of between 1.2 and 1.5m.]

Reason

In order to minimise the potential for noise nuisance and thus ensure compliance with Saved policy D47 of the Development Plan.

5. Within 21 days of a written notification by the Local Planning Authority that a complaint has been made to it about noise emissions from the wind turbines at any dwelling lawfully existing or with planning permission at the date of this permission and that the Local Planning Authority considers that Excess Amplitude Modulation (EAM) as defined in Guidance Note 5 is present in said noise emissions and a reason for the complaint, the wind farm operator shall appoint an independent consultant. The consultant shall implement the procedures outlined in Guidance Note 5.

If EAM is determined and notified to the wind farm operator by the Local Planning Authority to be present following the receipt by it of the opinion provided for in step (d) of Guidance Note 5 the wind farm operator shall within 21 days of said notification submit a scheme, for the written approval of the Local Planning Authority, providing for the investigation and control of EAM. The Scheme shall be implemented as approved.

Guidance Note 5

Excess Amplitude Modulation ("EAM") is the modulation of aerodynamic noise produced at the frequency at which a blade passes a fixed point and occurring in ways not anticipated by "The Assessment and Rating of Noise from Wind Farms" (ETSU-R-97 at page 12).

The investigation of the complaint shall be undertaken as set out in the steps below:

(a) A written noise log shall be requested to be kept by the complainant indicating those times at which EAM is deemed by them to be unreasonably intrusive. The noise log shall be maintained until a period of not less than 5 separate such occurrences of EAM have been recorded. Separate occurrences recorded in any one 24 hour period shall be counted as a single incidence. The noise log shall also set out the location(s) (internal or external to the property) where the EAM most affects the complainant(s).

If the complainant refuses to keep a written noise log then (unless the Local Planning Authority takes such action itself) no further action shall be required of the wind farm operator under conditions AM1 and AM2.

(b) Once the requirements of step (a) have been fulfilled and this has been notified by the Local Planning Authority to the wind farm operator the consultant shall, within 7 working days, provide the complainant(s) with a switchable audio recording system. The audio recording system shall comprise a measurement system of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality, or the equivalent UK adopted standard in force at the time of the measurements, with the audio recording facility having a minimum 16 bit resolution and 44kHz sample rate recording audio files in uncompressed format. The complainant shall initiate recordings of not less than 3 separate incidences of EAM. Such recordings shall be undertaken at the worst affected location(s) identified by the complainant in the noise log. Separate occurrences recorded in any one 24 hour period shall be counted as a single incidence.

(c) If:

i. the noise log provided for under step (a) fails to identify 5 occurrences of EAM; or

ii. the equipment provided under step (b) fails to record 3 occurrences of EAM within a single and contiguous period of 3 months within a total period of 6 months commencing with the date such equipment is provided;

then the existence of EAM as a material contributor to the noise complaint shall be

excluded and no further action is necessary.

(d) If:

i. The noise log provided for under step (a) identifies at least 5 occurrences of EAM; and

ii. the equipment provided under step (b) records at least 3 such occurrences of EAM in the period defined in step c(ii);

then the consultant shall give his written opinion to the Local Planning Authority as to whether or not the existence of EAM is a material contributor to the noise complaint.

(e) When providing his written opinion under step (c) or (d) the consultant shall also provide electronic copies of all recordings made and data obtained using the switchable recording device”.

Reason

In order to minimise the potential for noise nuisance and thus ensure compliance with Saved policy D47 of the Development Plan.

6. This consent is for a period not exceeding 20 years from the date that the development is first connected to the electricity grid. The dates of (a) first connection to the grid and (b) of the full operation of all the turbines shall be notified in writing to the Planning Authority within 28 days of each of these 2 events occurring.

Reason

In recognition of the expected operational life of the development

7. No later than 4 months from the date that the planning permission hereby granted expires, the turbine shall have been decommissioned and all related above ground structures shall be removed from the site. Twelve months before the decommissioning commences a scheme for the restoration of the site shall be submitted to the Planning Authority for written approval. The scheme shall make provision for the removal of the wind turbine and any associated ancillary equipment and foundations to a depth of at least 1m below ground. All decommissioning and restoration works shall be carried out in accordance with the approved scheme.

Reason

In order to ensure the satisfactory restoration of the site and of its immediate surrounding area.

8. All cabling associated with the development shall be permanently placed underground, unless prior written approval has been granted by the Planning Authority.

Reason

In order to minimise the visual impact of the proposal and thus ensure compliance with the Development Plan.

354 – George Hotel, Central Drive, Barrow-in-Furness

From Mullberry Homes Ltd in respect of the demolition of existing public house and erection of 3 detached houses and 4 semi-detached houses at George Hotel, Central Drive, Barrow-in-Furness as shown on plan number 2013/0680.

Representations received and the results of consultations were reported.

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

RESOLVED:- It was agreed 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 07/09/2013 as amended on the 19/11/2013 and 20/11/2013, and the hereby approved plans reference 200A (proposed site layout plan) and house type plans EE3S rev G, CC4 rev M and KK3S rev AP except where varied by the conditions below.

Reason

To ensure the development is only carried out as approved.

3. No demolition shall commence until a protected species survey in relation to the building has been carried out and submitted to and approved in writing by the Planning Authority. No demolition shall be carried out if protected species are found unless a scheme of mitigation has been submitted to and approved in writing by the Planning Authority in which case the demolition shall only be carried out in accordance with any approved scheme of mitigation, if no protected species are found the demolition shall only be carried out in accordance with any recommendations contained within the approved report.

Reason

The presence of protected species needs to be properly addressed particularly in relation to bats before demolition commences.

4. The distance between the side elevation of the house approved on plot 1 and the rear boundary of the adjacent house in Falmouth Street shall not be less than 2.6m.

Reason

This is the minimum acceptable width for a parking space enclosed by a wall and to ensure adequate separation between proposed development and existing houses.

5. Notwithstanding the plans hereby approved no roof covering shall be applied to the houses proposed to face onto Central Drive except in accordance with further details to be submitted to and approved in writing by the Planning Authority.

Reason

To ensure the proposed roofing material pays appropriate attention to achieving a suitable fit with the roofing materials found within the immediate area and therefore respect the established street scene.

6. The development shall be drained on the separate system with all foul waters directed to the foul sewer and all surface water drains connected to the surface water sewer.

Reason

To avoid surface water having to be sent for unnecessary treatment and to prevent pollution.

7. Notwithstanding the plans forming part of this permission all parking areas shall either be constructed from permeable block paving or if constructed of an impervious material, shall be permanently drained to a permeable area of the house curtilage, unless the developer submits appropriate evidence that the site ground conditions are unsuitable.

Reason

To reduce the volume of surface water draining from the site.

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

Reason

To ensure any potential contamination is appropriately dealt with.

9. If the Preliminary Investigation identifies potential unacceptable risks, a Field Investigation and Risk Assessment, conducted in accordance with established procedures (BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and Model Procedures for the Management of Land Contamination (CLR11)), shall be undertaken to determine the presence and degree of contamination and must be undertaken by a suitably qualified contaminated land practitioner. The results of the Field Investigation and Risk Assessment shall be submitted to and approved by the Local Planning Authority before any development begins.

Reason

To ensure any potential contamination is appropriately dealt with.

10. Where contamination is found which poses unacceptable risks, no development shall take place until a detailed Remediation Scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remedial options and proposal of the preferred option(s), all works to be undertaken, proposed remediation objectives, remediation criteria and a verification plan. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use.

Reason

To ensure any potential contamination is appropriately dealt with.

11. The approved Remediation Scheme shall be implemented and a Verification Report submitted to and approved in writing by the Local Planning Authority, prior to occupation of the development.

Reason

To ensure any potential contamination is appropriately dealt with.

12. In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and Field Investigations shall be carried out. Where required by the Planning Authority, remediation and verification schemes shall be submitted to and approved in writing by the Planning Authority. These shall be implemented prior to occupation of the development.

Reason

To ensure any potential contamination is appropriately dealt with.

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

Reason

To ensure any potential contamination is appropriately dealt with.

14. No demolition shall begin until a Construction Management Method Statement has been submitted to and approved in writing by the local planning authority and which shall cover the following areas: Noise, dust and light management, traffic management, hours of working and deliveries and a written procedure for dealing with complaints regarding construction or demolition.

Reason

To ensure the development is carried out in such a way that any adverse impact on the amenities of the area are minimised.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order with or without modifications) no door or window openings other than the approved w.c. window shall be formed in the south facing side elevation of the semidetached house approved on plot 1.

Reason

To protect the adjacent houses situated in Falmouth Street from being over looked.

16. The garages, 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 amending 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.

17. The brick and render used on the development shall be of similar appearance to the materials found in the immediate vicinity.

Reason

To ensure that the development respects its context

355 – Plot 4 Andrews Way, Barrow-in-Furness

From Mr Richard Rhodes, Police and Crime Commissioner for Cumbria in respect of Approval of Reserved Matters (access, appearance, landscaping, layout and scale) following Outline Permission 2012/0547 for the construction of a new police station at Plot 4 Andrews Way, Barrow-in-Furness as shown on plan number 2013/0683.

The results of consultations were reported.

RESOLVED:- It was unanimously agreed that Reserved Matters approval be granted subject to the following conditions:-

- 1 The development shall be carried out in accordance with the conditions set out in the outline planning approval, reference B12/2012/0547.

Reason

To ensure that the development is carried out in accordance with the terms and conditions of the Outline permission.

2. The development shall be carried out and completed in all respects in accordance with the hereby approved plans and drawings shown as listed below and defined by this permission, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), there shall be no variation without the prior written consent of the Planning Authority.

2594/BPS/PA/01 to 03 inclusive

2594/BPS/PA/05 to 15 inclusive

2594/BPS/PA/22 to 25 inclusive

Planting Design plan and attached schedule (Westwood landscape)
dated 7/10/13

Paving Design Plan (Westwood landscape)

Reason

To ensure that the development is carried out only as indicated on the drawings approved by the Planning Authority.

356 – Land at the The Old Chapel, Tarn Flatt, Marton, Ulverston

From Mr Frank Watson in respect of the erection of a 5kw Wind Turbine on a 15 metre mast to generate electricity for use on site on land at The Old Chapel, Tarn Flatt, Marton, Ulverston as shown on plan number 2013/0506.

The results of consultations were reported.

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

RESOLVED:- It was unanimously agreed that planning permission be granted subject to the Standard Duration Limit and the following conditions:-

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in all respects in accordance with the hereby approved documents defined by this permission as listed below, except where varied by a condition;

Location plan 90515/02

Foundation plans EVNH-5Kw-F-001, EVNH-5Kw-F-401, EVNH-F-301, and ENVH-5Kw-A-

501Rev A

Elevation Drawing 0140-AD-00281

Reason

To ensure that the development is carried out only as indicated on the drawings approved by the Planning Authority.

3. This consent is for a period not exceeding 20 years from the date that the development is first connected to electricity grid. The dates of (a) first connection to the grid and (b) of the full operation of the turbine shall be notified in writing to the Planning Authority within 28 days of each of these 2 events occurring.

Reason

In recognition of the expected operational life of the development.

4. No later than 4 months from the date that the planning permission hereby granted expires, the turbine shall have been decommissioned and all related above ground structures shall be removed from the site. Twelve months before the decommissioning commences a scheme for the restoration of the site shall be submitted to the Planning Authority for written approval. The scheme shall make provision for the removal of the wind turbine and any associated ancillary equipment and foundations to a depth of at least 1m below ground. All decommissioning and restoration works shall be carried out in accordance with the approved scheme.

Reason

In order to ensure the satisfactory restoration of the site and its immediate surrounding area.

5. All cabling associated with the development shall be permanently placed underground.

Reason

In order to minimise the visual impact of the proposal and thus ensure compliance with the Development Plan.

6. All non-galvanised elements of the turbine shall be permanently maintained in the approved colour (dark squirrel grey) RAL 7000 and which shall have a non-reflective matt finish.

Reason

In order to minimise the visual impact of the proposal and thus ensure compliance with the Development Plan.

7. At any noise sensitive location, noise from the wind turbine(s) shall be limited to 5dB(A) above the daytime background noise level, measured as the LA90,10mins, at wind speeds up to 10m/s at 10m reference height, subject to a lower limit of 35dB(A). Between the hours of 11:00pm and 7:00am noise from the wind turbine(s) shall not exceed 43Db LA90, 10 Minutes at all operating wind speeds. Assessment of Noise from the wind turbines shall be carried out in accordance with the ETSU-R-97 Guidance - The Assessment and Rating of Noise from Wind Farms [Note: the noise is measured 3.5m from any reflective surface, other than the ground, at a height of between 1.2 and 1.5m.]

Reason

In order to minimise the potential for noise nuisance and thus ensure compliance with Saved policy D47 of the Development Plan.

8. Within 21 days of a written notification by the Planning Authority that a complaint has been made to it about noise emissions from the wind turbines at any dwelling lawfully existing or with planning permission at the date of this permission and that the Local Planning Authority considers that Excess Amplitude Modulation (EAM) as defined in Guidance Note 5 is present in said noise emissions and a reason for the complaint, the wind farm operator shall appoint an independent consultant. The consultant shall implement the procedures outlined in Guidance Note 5.

If EAM is determined and notified to the wind farm operator by the Planning Authority to be present following the receipt by it of the opinion provided for in step (d) of Guidance Note 5 the wind farm operator shall within 21 days of said notification submit a scheme, for the written approval of the Planning Authority, providing for the investigation and control of EAM. The Scheme shall be implemented as approved.

Guidance Note 5

Excess Amplitude Modulation ("EAM") is the modulation of aerodynamic noise produced at the frequency at which a blade passes a fixed point and occurring in ways not anticipated by "The Assessment and Rating of Noise from Wind Farms" (ETSU-R-97 at page 12).

The investigation of the complaint shall be undertaken as set out in the steps below:

(a) A written noise log shall be requested to be kept by the complainant indicating those times at which EAM is deemed by them to be unreasonably intrusive. The noise log shall be maintained until a period of not less than 5 separate such occurrences of EAM have been recorded. Separate occurrences recorded in any one 24 hour period shall be counted as a single incidence. The noise log shall also set out the location(s) (internal or external to the property) where the EAM most affects the complainant(s).

If the complainant refuses to keep a written noise log then (unless the Planning Authority takes such action itself) no further action shall be required of the wind farm operator under Conditions AM1 and AM2.

(b) Once the requirements of step (a) have been fulfilled and this has been notified by the Planning Authority to the wind farm operator the consultant shall, within 7 working days, provide the complainant(s) with a switchable audio recording system. The audio recording system shall comprise a measurement system of EN 60651/BS EN 60804 Type 1, or

BS EN 61672 Class 1 quality, or the equivalent UK adopted standard in force at the time of the measurements, with the audio recording facility having a minimum 16 bit resolution and 44kHz sample rate recording audio files in uncompressed format.

The complainant shall initiate recordings of not less than 3 separate incidences of EAM. Such recordings shall be undertaken at the worst affected location(s) identified by the complainant in the noise log. Separate occurrences recorded in any one 24 hour period shall be counted as a single incidence.

(c) If:

i. the noise log provided for under step (a) fails to identify 5 occurrences of EAM; or ii. the equipment provided under step (b) fails to record 3 occurrences of EAM within a single and contiguous period of 3 months within a total period of 6 months commencing with the date such equipment is provided; then the existence of EAM as a material contributor to the noise complaint shall be excluded and no further action is necessary.

(d) If:

i. The noise log provided for under step (a) identifies at least 5 occurrences of EAM; and
ii. the equipment provided under step (b) records at least 3 such occurrences of EAM in the period defined in step c(ii);
then the consultant shall give his written opinion to the Planning Authority as to whether or not the existence of EAM is a material contributor to the noise complaint.

(e) When providing his written opinion under step (c) or (d) the consultant shall also provide electronic copies of all recordings made and data obtained using the switchable recording device”.

Reason

In order to minimise the potential for noise nuisance and thus ensure compliance with Saved policy D47 of the Development Plan.

357 – Land to the West of Holker Close, Rusland Drive, Dalton-in-Furness

From Moorsolve Self-Administered Pension Fund in respect of a Residential Development comprising of 3 bungalows with crib wall to rear on land to the west of Holker Close, Rusland Drive, Dalton-in-Furness as shown on plan number 2013/0203.

Representation received and the results of consultations were reported.

Consideration of this application had been deferred at the last meeting to enable more detailed information to be provided in relation to the proposed crib wall.

RESOLVED:- It was agreed that planning permission be granted subject to the Standard Duration Limit and the following conditions:-

2. The development must be carried out in accordance with the planning application dated 11/03/2013 as amended and the hereby approved plans reference EP1, PP1 rev G, M.R.D.P101 rev A, HT1 rev D, HT2, and the documents submitted by Bleasdale Wand Limited in relation to the construction of the crib wall namely letter dated 19/11/2013 ref 3911.02.A.PJM, calculations dated 20/11/2013, manufacturer information (Maccaferri) and drawing no. 3911.02.

Reason

To ensure that the development is carried out only as approved.

3. Prior to the commencement of any development, a landscape scheme for the site showing planting to be retained and 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 locality.

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

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to

workers, neighbours and other offsite receptors in accordance with Saved policy D56 of the Local Plan Review 1996-2006.

5. If the Preliminary Investigation identifies potential unacceptable risks, a Field Investigation and Risk Assessment, conducted in accordance with established procedures (BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and Model Procedures for the Management of Land Contamination (CLR11)), shall be undertaken to determine the presence and degree of contamination and must be undertaken by a suitably qualified contaminated land practitioner. The results of the Field Investigation and Risk Assessment shall be submitted to and approved by the Local Planning Authority before any development begins.

Reason

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

6. Where contamination is found which poses unacceptable risks, no development shall take place until a detailed Remediation Scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remedial options and proposal of the preferred option(s), all works to be undertaken, proposed remediation objectives, remediation criteria and a verification plan. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use.

Reason

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

7. The approved Remediation Scheme shall be implemented and a Verification Report submitted to and approved in writing by the Local Planning Authority, prior to occupation of the development.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to

controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved policy D56 of the Local Plan Review 1996-2006.

8. In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and Field Investigations shall be carried out. Where required by the Local Planning Authority, remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to occupation of the development.

Reason

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

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

Reason

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

10. 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.

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

Reason

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

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

Reason

To ensure a satisfactory appearance to the development, and in order to minimise its impact upon the surrounding area.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order amending, revoking and re-enacting that Order with or without modifications) no door or window openings of any kind other than those shown on the approved plans shall be made to the front (highway facing) elevations of the approved dwellings.

Reason

In order to protect the residential amenities of neighbouring properties from overlooking or perceived overlooking and to provide a satisfactory level of privacy for the approved dwellings.

14. Prior to the beneficial occupation of any of the dwellings hereby approved, the footway as shown on drawing number PP1 rev G must have been constructed to a standard to allow adoption by Cumbria County Council as highway authority in accordance with the approved plan (across the full site frontage) and in addition shall have also been extended across the frontage of the land edged blue on the submitted site location plan as far as the boundary with the fenced play area. The footway shall be permanently retained as a footway free of any obstructions for use by the general public.

Reason

The provision of a footway on a highway which currently has no footway is considered necessary in the interests of public safety given the additional traffic which can be expected to be generated by the approved development.

The meeting closed at 3.50 p.m.