

BOROUGH OF BARROW-IN-FURNESS

PLANNING COMMITTEE

Meeting, Tuesday 11th March, 2014
at 2.30 p.m. (Drawing Room)

A G E N D A

Site Visits

2013/0705 - John Street, Askam in Furness
2014/0042 - Land at the rear of 8-10 Nelson Street, Dalton-in- Furness
2013/0802 - Land to the rear of 10 Anticross, Dalton-in-Furness
2013/0752 - Land at Parkhouse Farm, Parkhouse Road, Barrow-in-Furness
2013/0798 - 12 Inglewood, Barrow-in-Furness
2014/0082 - 46 North Scale, Barrow-in- Furness

Depart Town Hall Courtyard at **12.00 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 4th February, 2014 (copy attached) (Pages 1-4).
7. Delegated Approvals – For Information (booklet attached).

FOR DECISION

- (D) 8. Planning Applications (booklet(s) attached).
- (D) 9. Confirmation of Tree Preservation Order 2013 No.1 Abbey House Hotel (Page 5).
- (D) 10. Decision on whether to confirm Tree Preservation Order 2014 No. 1 (Pages 6-7).

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

2013/0705 - John Street, Askam-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

For queries regarding this agenda, please contact:

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Published: 27th January, 2014

PLANNING COMMITTEE

Meeting: Tuesday 4th February, 2014
at 2.30 p.m. (Drawing Room)

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

395 – Apologies for Absence/Attendance of Substitute Members

An apology for absence was received from Councillor Preston.

Councillor Sweeney had replaced Councillor Derbyshire for this meeting only.

396 – Minutes

The Minutes of the meeting held on 7th January, 2014 were taken as read and confirmed.

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:-

- 397 2013/0810** Conversion of redundant commercial property to one two storey house and three flats for residential purposes at 52 School Street Barrow-in-Furness.
- 398 2013/0758** Rear first floor bedroom extension and ground floor kitchen extension at 23 London Road Lindal-in-Furness.
- 399 2013/0783** Prior Notification to extend the length of an existing four bay agricultural storage building by the addition of two bays to the south and one to the north at Billincote Farm Newton-in-Furness.
- 400 2013/0734** Side kitchen extension at 2 Undergreens Road Barrow-in-Furness.

- 401 2013/0761** Two single storey extensions forming a lounge and a sluice room at Ostley House Abbey Road Barrow-in-Furness.
- 402 2013/0771** Rear ground floor kitchen/utility room extension at 11 Rydal Avenue Barrow-in-Furness.
- 403 2013/0768** Demolition of existing extension to the rear of the property and replacement with a new single storey extension at 16 Bath Street Barrow-in-Furness.
- 404 2013/0717** Erection of a detached stable building and a retaining wall at Abbey Manor Abbey Approach Barrow-in-Furness.
- 405 2013/0781** Single and two storey extension to rear elevation forming extended kitchen and dining room and an extension to third bedroom at 14 Highlands Avenue Barrow-in-Furness.
- 406 2013/0764** Change of use from a Doctor's Surgery to a dwelling at 243 Abbey Barrow-in-Furness.
- 407 2013/0753** Demolish garage/store and build a new garage and store at 36 Durham Street Barrow-in-Furness.
- 408 2013/0766** Application for a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) for the erection of a garage attached to existing garage at 2 Princewood Drive Barrow-in-Furness.
- 409 2013/0685** Erection of ten semi-detached (three bedroomed houses), two semi-detached (two bedroomed bungalows) and one detached (two bedroomed house) at Wensum Lea Hostel Wensum Lea Barrow-in-Furness.
- 410 2013/0746** Replacement of existing walls to both side boundaries and rear boundary with walls up to 1.1m and 1.5m high at 20 Long Bank Barrow-in-Furness.

The following County Matters were considered:-

- 411 2013/9014** Project to provide self-contained accommodation in the existing annex building for two care leavers. Works to include; removal of defective low pitched lean to roof and replacement with pitched roof with ridge to joint existing roof configuration. Internal space altered to provide additional bedroom accommodation (County Matter) at Hawthwaite House Hawthwaite Lane Barrow-in-Furness.
- 412 2013/9012** Prior Notification of demolition of Social and Education Offices (County Matter) at Priory Grove Friars Lane Barrow-in-Furness.

The following application was refused:-

413 2013/0796 Notice of intention to fell Lime Tree situated within a Conservation Area and identified as T2 on plan accompanying application at 46 North Scale Barrow-in-Furness.

The following application was withdrawn:-

414 2013/0728 Application for a Non Material Amendment to planning application 2006/1259 (Erection of 12 No. 2 bedroomed flats) to allow the relocation of the bin store for highway safety reasons at Flats 1-6, 14 Sherborne Avenue and Flats 1-6, 16 Sherborne 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:-

415 – The Old Vicarage, Church Hill, Lindal-in-Furness

From Mr Brown in respect of works to Sycamore trees subject of Tree Preservation Order 1982 No. 4 and comprising:-

T1 – shorten 5 branches growing over garage towards house by 1.5-2m, to be balanced by a reduction by 1.5-2m of the two lowest branches growing east over the road;

T2 – reduce the four lateral branches growing north west in length by up to 3m;

T3 – crown raise to 5m above ground level; and

T4 – remove three lowest lateral branches, one growing south over shrub area, one growing west over shrubs and one growing south east over shrubs, laterally reduce the first limb growing west north west over the lawn by 3m at

The Old Vicarage, Church Hill, Lindal-in-Furness as shown on plan number 2013/0799.

The results of consultations were reported.

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

RESOLVED:- That consent be granted subject to the following conditions:-

1. This consent is valid for a period of 2 years which expires on 04/02/2016 after which no work permitted by this consent shall be

carried out unless a further application for the work has been submitted to and approved in writing by the planning authority.

Reason

Required to be imposed by the Town and Country (Tree Preservation) (England) Regulations 2012.

2. The works for which consent is granted may only be carried once.

Reason

Required to be imposed by the Town and Country (Tree Preservation) (England) Regulations 2012.

416 – 46 North Scale, Barrow-in-Furness

From Mr Hambling in respect of the application to reduce crown by 10% involving a maximum branch reduction of 750mm and a crown thin of between 10-15% of Oak tree (T1) subject of Tree Preservation Order 2009 No. 6 at 46 North Scale, Barrow-in-Furness as shown on plan number 2013/0797.

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

RESOLVED:- That consent be granted subject to:-

1. This consent is limited to a period of two years which expires on the 04/02/2016 after which no work authorised by this consent shall be carried out unless a further application has been submitted to and approved in writing by the planning authority.

Reason

Required to be imposed by the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

2. The works for which consent is granted may only be carried out once.

Reason

Required to be imposed by the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

3. The works hereby approved shall only be carried out in accordance with the application dated 4/12/2013 and BS 3998:2010.

Reason

To ensure the work is only carried out as approved and to an appropriate standard

The meeting closed at 2.36 p.m.

PLANNING COMMITTEE		Part One (D) Agenda Item 9
Date of Meeting:	11th March, 2014	
Reporting Officer:	Planning Manager	
<p>Title: Confirmation of Tree Preservation Order 2013 No.1 Abbey House Hotel</p> <p>Summary and Conclusions:</p> <p>Following the expiry of the statutory period no objections have been received so the Order has been confirmed.</p> <p>Recommendations:</p> <p>That this item be noted and TPO 1977 No.1 be revoked.</p>		

Report

At your December meeting Members agreed to the serving of TPO 2013 No.1. This arose through the receipt of an application, under Section 211 of the Act, to carry out works to trees within the grounds of Abbey House Hotel which are also within the Furness Abbey Conservation Area.

The new Order was duly served and the statutory period for objections expired on 31st January. As no representations were received the Order was confirmed through officers Delegated powers. It is also considered expedient to revoke TPO 1977 No.1.

Background Papers

Nil.

PLANNING COMMITTEE		Part One (D) Agenda Item 10
Date of Meeting:	11th March, 2014	
Reporting Officer:	Planning Manager	
<p>Title: Decision on whether to confirm Tree Preservation Order 2014 No. 1</p> <p>Summary and Conclusions:</p> <p>A Tree Preservation Order (TPO) lapses after 6 months unless it is confirmed. Any person served with the TPO may object and it is a requirement of the Regulations that any objection must be considered prior to confirmation of the Order. An application to fell the tree (2014/0082) also appears on today's agenda</p> <p>Recommendations:</p> <p>That the objection be considered prior to reaching the decision whether or not to confirm the Order, with particular attention given to the arborical reports which conclude that the tree has a limited life expectancy.</p>		

Report

The Order was served following Members consideration of a Section 211 notice to fell a tree in a conservation area earlier this year. Once served a preservation Order lapses after 6 months unless it is confirmed. Any person served with the Order may object and it is a requirement of the Regulations that the Council must consider any objection when considering whether or not to confirm the Order. The following guidance is contained in the DCLG publication 'Tree preservation Orders – A guide to the Law and Good Practice'. Paragraphs 3.36-3.38 advise as follows:

Considering Objections and Representations

3.36 If objections or representations are duly made, the LPA cannot confirm the TPO unless they have first considered them.³³ To consider objections and representations properly it may be necessary for the LPA to carry out a further site visit, which would in any case be appropriate if the LPA had not yet assessed fully the amenity value of the trees or woodlands concerned. Any objection or representation made on technical grounds (for example, that a tree is diseased or dangerous) should be considered by an arboriculturist, preferably with experience of the TPO system.

3.37 Discussion between the LPA and any person who makes an objection is encouraged. Discussion can lead to a greater mutual understanding of each side's point of view. This in turn can help clarify the

main issues which will have to be considered by the LPA before they decide whether to confirm the TPO. Alternatively, discussions can lead to the withdrawal of objections.

3.38 Since LPAs are responsible for making and confirming TPOs, they should consider establishing non-statutory procedures to demonstrate that their decisions at the confirmation stage are taken in an even-handed and open manner. For example, the LPA officer could prepare a report for the committee or sub-committee that will decide whether to confirm the TPO. The report could include details of all objections or representations and the LPA officer's observations on these in the light of any site visit or discussions with people affected by the TPO. A copy of the report could be sent to those people who have made objections and representations, with an invitation to submit any further views before the committee meet to make their decision. The LPA could arrange for members of the committee to visit the site of the trees before making their decision. The visit could be followed by a hearing or inquiry back at the Council offices, where people affected by the TPO and the LPA officer are given a final opportunity to state their case.

The basis of the objection is that the tree does not warrant protection. In support of this the owner has submitted a 'Tree Evaluation Method for Preservation Orders' (TEMPO). This is a recognised system/tool for assisting the decision making process. The applicant's TEMPO assessment forms **Appendix 1** to this report.

TEMPO uses a points system taking account of such factors as the condition of the tree, its life expectancy and prominence. Using this, the applicant's arborical consultant concludes that the points fall well short of the target to justify a TPO (5 points whereas 11 points and above are required). The assessment has under scored, for example no account is taken of the conservation area designation. However the limited life expectancy is a factor weighing against confirmation of the Order.

The advice quoted above from DCLG advises that where an objection is made on technical grounds that these should be considered by an arboriculturist. The tree has been considered previously by arboriculturists during the consideration of a planning application which included a second opinion arranged by the Council. The conclusion of both assessments was that the tree should be felled. Further details of the assessments are contained under the planning history section of the report on application 2014/0082.

DCLG advice also suggests that as part of the process that the relevant committee should visit the site followed by a hearing at the Council offices where the people affected by the TPO are given a final opportunity to state their case. While committee have visited the site on two occasions I have arranged for a further visit as part of today's committee site visits and invited the applicant and agent to address committee.

The decision as to whether the Order is confirmed or not is influential on how the current application 2014/0082 is determined.

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):

SURVEY DATA SHEET & DECISION GUIDE

Date: 27 th January 2014	Surveyor: Bruce Hatton
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Tree details Species: Tilia x europeae (Common Lime)	Location: The Coach House, North Scale, LA14 3RW
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Part 1: Amenity assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Unsafe Unsuitable
- 0) Dead Unsuitable

<p>Score & Notes</p> <p>1. Poor. Crown 30% dead. Major decay on primary branch structure</p>

b) Remaining longevity (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10 Unsuitable

<p>Score & Notes</p> <p>0 <10 Long term decline evident.</p>
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c) Relative public visibility & suitability for TPO:

Consider realistic potential for future visibility with changed land use

- 5) Very large trees, or large trees that are prominent landscape features Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or larger trees with limited view only Just suitable
- 2) Small trees, or larger trees visible only with difficulty Unlikely to be suitable
- 1) Young, v. small, or trees not visible to the public, regardless of size Probably unsuitable

<p>Score & Notes</p> <p>3</p>
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d) Other factors

NB Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of arboricultural features, or veteran trees
- 4) Members of groups of trees important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

<p>Score & Notes</p> <p>1</p>
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Part 2: Expediency assessment

NB Trees must have accrued 9 or more points to qualify; refer to Guidance Note

- 5) Known threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only
- 0) Tree is an existing or near future nuisance, including trees clearly outgrowing context or negating potential of other trees of better quality

<p>Score & Notes</p> <p>Scores less than 9 therefore N/A</p>

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-10 Does not merit TPO
- 11-14 TPO defensible
- 15+ Definitely merits TPO

<p>Add Scores for Total:</p> <p>5</p>
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<p>Decision:</p> <p>TPO Indefensible</p>

2014/0082