

# **BOROUGH OF BARROW-IN-FURNESS**

## **PLANNING COMMITTEE**

Meeting, Tuesday 17th March, 2009  
at 2.30 p.m.

### **A G E N D A**

#### **Site Visits**

2009/0172 – Land to the rear of 54-58 Broughton Road, Dalton-in-Furness  
2009/0073 – Land to the rear of 6-10 Nelson Street, Dalton-in-Furness  
2009/0109 – Farmers Arms, Newton Cross Road, Newton-in-Furness

Depart Town Hall, Market Street Entrance at 12.30 p.m.

#### **PART ONE**

- \* To note any items which the Chairman considers to be of an urgent nature.
- \* 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.

#### **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.

#### **Disclosure of Interests**

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

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

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

- \* Apologies for Absence/Attendance of Substitute Members.

- \* Confirmation of the Minutes of 24th February, 2009.
- \* To note the delegated approval of Building Control plans and those planning applications reproduced in the salmon booklet.

**FOR DECISION**

- (D) \* Planning Applications (blue booklet).
- (R) 1. Changes to the Appeal Process.
- (D) 2. Installation of UPVC Windows at 1-9 Egerton Court, Barrow Island.
- (D) 3. Highway Matters.

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

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

2009/0181 – Land to the rear of 54-58 Broughton Road, Dalton-in-Furness  
2009/0073 – Land to the rear of 6-10 Nelson Street, Dalton-in-Furness

**Membership of Committee**

Councillors McClure (Chairman)  
Wood (Vice-Chairman)  
Bleasdale  
Dawes  
Heath  
Husband  
Irwin  
Jefferson  
McEwan  
Maltman  
Murray  
Waiting

## PLANNING COMMITTEE

Meeting: 24th February, 2009  
at 2.30 p.m.

PRESENT:- Councillors McClure (Chairman), Wood (Vice-Chairman), Barlow, Bleasdale, Heath, Husband, James, Jefferson, Maltman, McEwan, Murray and Waiting.

### **661 – 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>
Planning Application No. 2008/1552 – Furness College, Channelside, Barrow-in-Furness (Minute No. 698)	To enable the application to be considered as there was a tight funding deadline for the scheme.

### **662 – Disclosures of Interest**

Councillor McClure declared a personal interest in Planning Application No. 2008/1656 – Land between Cornmill Crossing and North Road, West of Cornmill and Cornerhouse Retail Park, Barrow-in-Furness (Minute No. 701). He was a shareholder in BAE Systems of less than £25,000. He also declared a personal interest in Planning Application No. 2009/0033 – Barrow ARLFC, Ostley Bank, Barrow-in-Furness (Minute No. 699). He knew neighbours and the Rugby Coach.

Councillor McEwan declared a personal and prejudicial interest in Planning Application No. 2009/0033 – Barrow ARLFC, Ostley Bank, Barrow-in-Furness (Minute No. 699). His Brother-in-Law was on the Committee of Barrow ARLFC. He left the meeting during consideration of this item.

### **663 – Apologies for Absence/Attendance of Substitute Members**

Councillors James and Barlow had replaced Councillors Dawes and Irwin respectively for this meeting only.

### **664 – Minutes**

The Minutes of the meeting held on 3rd February, 2009 were taken as read and confirmed.

### **665 – Two Dangerous Trees in Rear Yard of 22 Mount Pleasant, Barrow-in-Furness**

The Director of Regeneration and Community Services reported that the two trees in question were an Elderberry and a Fruit tree which had been planted or grown near to a party wall. The roots were undermining the party wall and may be undermining the drains. Numerous requests had been made to the residents to remove the trees with no success. The Council's Arboriculturist had visited and confirmed that the trees needed to be removed to protect the party wall and drains.

RESOLVED:- That the Development Control and Enforcement Manager be authorised to issue a Dangerous Trees Notice under Section 23(3) of the Local Government (Miscellaneous Provisions) Act 1976 requiring the removal of an Elderberry and a Fruit tree within one month, and to take any action required to ensure compliance.

### **666 – Tree Preservation Order for Trees at United Reformed Church, Market Street, Dalton-in-Furness**

The Director of Regeneration and Community Services reported that the grounds of the Church were within the Conservation Area of Dalton-in-Furness which gave the trees some protection in that they could not be removed without the Authority being notified and given six weeks to decide whether to impose a TPO. However the trees in the garden (two Sycamores and a Lime) were fine samples which made an important contribution to the character of the Conservation Area and thus in themselves merited being given a long-term protection of a Tree Preservation Order.

RESOLVED:- That a Tree Preservation Order be made.

### **667 – Garage at 5 Bardsea Close, Dalton-in-Furness**

The Director of Regeneration and Community Services reported that the original overgrown condition of the front garden and the state of repair of the garage were a cause for concern. The front garden had been tidied to an acceptable standard however, the state of the garage which was visible from the road, raised concerns as the roof had collapsed.

He recommended that the remedial steps to be taken were to repair or demolish the garage within three months.

RESOLVED:- That the Development Control and Enforcement Manager be authorised to issue a Wasteland Notice under Section 215 of the Planning Act 1990 requiring the garage to be repaired or demolished and to take any action to ensure compliance.

### **Town and Country Planning Acts**

The Director of Regeneration and Community Services submitted for information details of planning applications in this report which he had determined under delegated authority (Minute No. 254, Planning Committee, 3<sup>rd</sup> September, 2002,

confirmed by Council 24<sup>th</sup> 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.

**668` Mrs D. Jones** Change of use from a dwelling to a guest house with owners' accommodation at 109 Abbey Road, Barrow-in-Furness as shown on plan number 2008/1557.

Reason for approval

That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act and all other material considerations, and subject to the proposed conditions, the development as proposed by reason of its location, design and orientation, will not have a detrimental impact upon the neighbouring properties or the visual amenities of the area. As such, the proposal complies with the Development Plan for the area, specifically policies G20 and D21.

**669 Mr M. Batty** Submission of landscaping details as required by Condition No. 2 of 2008/0748 at BSB, Bank Lane, Barrow-in-Furness as shown on plan number 2008/1583.

**670 Mr M. McCartan** Variation of Condition No. 2 of planning permission 1998/0423 to allow conversion of garage to workshop/hobby room and erection of a detached garage and driveway to rear at 38 Parklands Drive, Askam-in-Furness as shown on plan number 2008/1580.

2. The replacement garage and access must be constructed and brought into beneficial use before the conversion of the existing garage is undertaken and thereafter retained and maintained for such use.

Reason

To ensure that proper access and parking provision is made and retained for use associated with the development hereby permitted, thereby, complying with policies B19 and B20 of the Borough of Barrow-in-Furness Local Plan Review 1996-2006, Housing Chapter Alterations 2006.

3. The materials to be used in the construction of the external surfaces of the replacement garage and the infilled existing garage doorway on the front elevation, including walls, roof, doors and windows of the

development hereby permitted shall be of the same type, colour and texture as those used in the existing building.

Reason

To ensure a satisfactory appearance to the development, and to minimise its impact upon the surrounding area, thereby, complying with saved policy D21 of the former Barrow Borough Local Plan Review 1996-2006.

4. The garage must be used for purposes incidental to the enjoyment of the dwelling and no trade or business must be carried out in, or from the premises without the prior written express consent of the Planning Authority.

Reason

In order to protect the residential amenities of the area, thereby, complying with saved policy A14 of the former Barrow Borough Local Plan Review 1996-2006.

5. The garage 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 (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, thereby, complying with policy B20 of the Borough of Barrow-in-Furness Local Plan Review 1996-2006, Housing Chapter Alteration 2006.

Reason for approval

That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act and all other material considerations, and subject to the proposed conditions, the development as proposed by reason of its location, design and orientation, will not have a detrimental impact upon the neighbouring properties or the visual amenities of the area. As such, the proposal complies with the Development Plan for the area, specifically policies B19, B20 and D21.

Road, Barrow-in-Furness as shown on plan number 2008/1582.

**672 B. J. R. Foods**

Advertisement Consent to display replacement fascia signs at KFC Hollywood Park, Hindpool Road, Barrow-in-Furness as shown on plan number 2008/1581.

6. Maximum brightness of the sign(s) indicated as 'internally illuminated' on the hereby approved plans shall not exceed 1000 candelas per square metre as per the Lit Zone (Zone E4) of the I.L.E. Recommendation, unless an alteration is agreed in writing with the Planning Authority.

Reason

To minimise light pollution in accordance with Policy D63 of the Barrow Local Plan Review 1996-2006, and in order to protect the residential amenities of the area.

Reason for approval

That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act and all other material considerations, the development as proposed by reason of its location, design and orientation, will not have a detrimental impact upon the neighbouring properties or the visual amenities of the area. As such, the proposal complies with the Development Plan for the area, specifically policies D43 and D63.

**673 Mr N. Lambert**

Article 4 application to paint the front elevation cream at 9 Tudor Square, Dalton-in-Furness as shown on plan number 2008/1640.

Reason for approval

That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act and all other material considerations, the development as proposed by reason of its location, design and orientation, will not have a detrimental impact upon the neighbouring properties or the visual amenities of the area. As such, the proposal complies with the Development Plan for the area, specifically policy D15.

**674 Mr and Mrs D. Legg**

Erection of a front porch at 48 Lord Street, Dalton-in-Furness as shown on plan number 2008/1610.

2. Notwithstanding the plans hereby approved the materials to be used in the construction of the external surfaces, including walls, roofs, doors

and windows, of the extension hereby permitted shall be of the same type, colour and texture as those used in the existing building.

Reason

To ensure a satisfactory appearance to the development, and to minimise its impact upon the surrounding area, thereby, complying with saved policy D21 of the former Barrow Borough Local Plan Review 1996-2006.

Reason for approval

That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act and all other material considerations, and subject to the proposed conditions, the development as proposed by reason of its location, design and orientation, will not have a detrimental impact upon the neighbouring properties or the visual amenities of the area, specifically policy D21.

**675 C2 Investments Ltd** Listed Building Consent to display 2 signs comprising individual lettering (one with backlighting) to Rawlinson Street elevation at Duke of Edinburgh Hotel, Abbey Road, Barrow-in-Furness as shown on plan number 2008/1628.

2. Within 21 days of the removal of the fixing bar (shown on drawing 1369-075B) any wall plugs shall be removed and holes filled with mortar to match the colour of the existing mortar or brickwork.

Reason

In order to ensure that the character and appearance of the Listed Building is preserved.

3. The fixing rails must be given a manufacturers applied powder coated finish in a colour to match existing brickwork, unless otherwise agreed in writing by the Planning Authority.

Reason

In order to ensure that the character and appearance of the Listed building is preserved.

**676 C2 Investments Ltd** Advertisement Consent to display 2 signs comprising individual lettering (one with backlighting) to Rawlinson Street elevation at Duke of Edinburgh Hotel, Abbey Road, Barrow-in-Furness as shown on plan number 2008/1566.

6. Maximum brightness of the signage must not exceed 1000 candelas per square metre as per the Lit Zone of the I.L.E. Recommendation.

Reason

To minimise light pollution in accordance with Policy D63 of the Barrow Local Plan Review 1996-2006, and in order to minimise potential hazards for users of adjacent highways.

Reason for approval

That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act and all other material considerations, and subject to the proposed conditions, the development as proposed by reason of its location, design and orientation, will not have a detrimental impact upon the neighbouring properties or the visual amenities of the area. As such, the proposal complies with the Development Plan for the area, specifically policies D38, D40, D42 and D43.

**677 Mr H. Groundwater** Refurbishment of retail premises including erection of a two storey extension providing enlarged retail area with storage over, and re-cladding works at former Hewdens Hire Shop, Abbey Road, Barrow-in-Furness as show on plan number 2008/1429.

2. The development hereby permitted by this consent shall not be beneficially occupied until it has been completed, in accordance with the approved plans as amended by Conditions 3, 4 and 5 below and which comprise the following:

Drawing No. 534/01 (existing plans and evaluations) dated 15/10/08;  
Drawing No. 534/02A (proposed plan) dated 15/10/08, Council received date 9/12/08;

Drawing No. 534/03B (proposed elevations) dated 15/10/08, Council received date 23/12/08.

Reason

In order to ensure that the character and appearance of the Conservation Area is preserved or enhanced.

3. No work permitted by this consent shall commence until details or samples of the brickwork, stone cladding (to recessed vertical bands), wall cladding, roof sheeting and window frames to be used in the development have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

In order to ensure that the character and appearance of the Conservation Area is preserved or enhanced.

4. Prior to the beneficial use of the development hereby approved provision for off-street loading must have been provided in accordance with a scheme which must have first been submitted to and approved in writing by the Planning Authority.

Reason

In the interests of the safety and free flow of traffic along the public highway.

5. Prior to the beneficial use of the development hereby approved and notwithstanding the plans forming part of this consent, the footway along the entire length of the building's frontage with Dalkeith Street shall have been made up with a full height kerb in accordance with details which must have first been submitted to and approved in writing with the Planning Authority.

Reason

To achieve an improvement in facilities for pedestrians and to discourage the loading and unloading on the highway which would be detrimental to the safety and free flow of traffic along the highway.

Reason for approval

That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act and all other material considerations, and subject to the proposed conditions, the development as proposed by reason of its location, design and orientation, will not have a detrimental impact upon the neighbouring properties or the visual amenities of the area. As such, the proposal complies with the Development Plan for the area, specifically policies C7, D15, D21 and E17.

**678 Miss A. Wojcik**

Advertisement Consent to display 1 No. internally illuminated fascia sign and 1 No. internally illuminated projecting sign to the ground floor front elevation at Top Shop, 28 Portland Walk, Barrow-in-Furness as shown on plan number 2008/1641.

6. Maximum brightness of the signage must not exceed 1000 candelas per square metre as per the E4 Zone of the I.L.E. Recommendation.

Reason

To minimise light pollution in accordance with saved policy D63 of the former Barrow Local Plan Review 1996-2006.

**679 Mr T. Bayliff**

Erection of one pair of semi detached, three bedroomed dwellings on land adjacent to 198 Salthouse Road, Barrow-in-Furness as shown on plan number 2008/1694.

2. The driveways 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 (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.

3. 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.

4. The beneficial use of the development shall not commence until the access and parking requirements have been constructed in accordance with the approved plan(s). Any such access or parking provision shall be retained and be capable of use when the development is initially occupied, or in accordance with the phasing of the scheme as agreed in writing with the Planning Authority and shall not be removed or altered without the prior written consent of the Planning Authority.

Reason

In order to provide a suitable level of parking associated with the development.

5. Prior to the commencement of the development, a desk top study/Phase 1 report, in accordance with a methodology statement subject to prior agreement with the Planning Authority, shall be carried out by the developer to establish if the site contains contaminants, and to assess the degree and nature of the contaminants present. The report shall be submitted to and approved in writing by the Planning Authority prior to the commencement of the development.

### Reason

To ensure that risk 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 former Local Plan Review 1996-2006.

6. If the study referred to under Condition No. 5 above identifies any potential for contamination, then a site investigation/Phase 2 report based upon the study shall be implemented. The site investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the written approval of the Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be submitted to and approved in writing by the Planning Authority. The report must include:
- i) A survey of the extent, scale and nature of contamination;
  - ii) An assessment of the potential risks to:
    - human health
    - property (existing or proposed)
    - adjoining land
    - groundwaters and surface waters
    - ecological systems
  - iii) An appraisal of remedial options and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR11".

Unless otherwise agreed by the Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until the phase 2 report has been approved in writing by the Planning Authority and the following conditions (Nos. 7-8) have been complied with.

### 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 former Local Plan Review 1996-2006.

7. If the report detailed in Condition 5 above identifies a potential for contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be submitted to and approved in writing by the Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. 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 of the land after remediation.

#### 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 former Local Plan Review 1996-2006.

8. The remediation scheme referred to in Condition No. 7 must be carried out in accordance with the approved details prior to the commencement of any development, other than that required to carry out remediation, unless agreed in writing by the Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be 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 former Local Plan Review 1996-2006.

9. 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 in writing immediately to the Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition No. 6 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition No. 7 which is subject to the written approval of the Planning Authority. Following completion of measures

identified in the approved remediation scheme a verification report must be prepared, which must be submitted to and approved in writing by the Planning Authority in accordance with Condition No. 8.

#### 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 former Local Plan Review 1996-2006.

#### Reason for approval

That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act and all other material considerations, and subject to the proposed conditions, the development as proposed by reason of its location, design and orientation, will not have a detrimental impact upon the neighbouring properties or the visual amenities of the area. As such, the proposal complies with the Development Plan for the area, specifically policies B3, D21 and D56.

#### **680 Mr and Mrs Knagg**

Listed Building Consent for the demolition of a single storey toilet area and store. Construction of new indoor swimming pool and facilities, extended roof terrace, access deck and spiral staircase, insertion of roof window in north facing roof slope. Insertion of first floor window in existing recess in west elevation, alteration of first floor window on south elevation to form doorway and 'Juliette Balcony'. Insertion of new (replacement) staircase from ground floor to first floor. Alteration to staircase from first floor to second floor, removal and alteration of various partitions on all three floors at Roa Island Hotel, Piel Street, Barrow-in-Furness as shown on plan number 2008/1366.

2. The window and door frames must be made of timber and must not be changed to an alternative material without the prior express written consent of the Planning Authority.

#### Reason

In order to safeguard the special architectural or historic interest of the building.

3. The roof lights hereby permitted shall be flush fitting in a conservation area style.

Reason

In order to safeguard the special architectural or historic interest of the building.

4. The external balustrade shown on drawn no. 2786.sk07 forming part of this consent must be given a manufacturer applied black coating prior to its installation.

Reason

In order to safeguard the special architectural or historic interest of the building.

5. The windows must be permanently maintained in a white gloss finish.

Reason

In order to safeguard the special architectural or historic interest of the building.

6. No work permitted by this consent shall be carried out until a detailed specification including sample sections of joinery work (glazing bars, sills etc.) or working drawings (scale 1:20, 1:10, 1:5, half or full size etc.) fully detailing the new/or replacement windows (cross sections for full glazing bars, sills, heads etc.) have been submitted to and approved in writing by the Planning Authority. The development shall be carried out using the approved specification and retained thereafter.

Reason

To ensure that the proposed works can be effected without detriment to the special architectural and historic interest of the listed building.

**681 Mr C. Higham**

Felling of 3 Sycamore trees (T1, T2 and T4) and a 35% reduction of a further Sycamore tree (T3) subject of Tree Preservation Order 1993 No. 5 at Hagg Ghyll, Underwood Terrace, Dalton-in-Furness as shown on plan number 2008/1645.

1. This consent is valid for a period of 2 years expiring on 2<sup>nd</sup> February, 2009 after which no work permitted by this consent shall proceed unless a subsequent application has been submitted to and approved in writing by the Planning Authority.

Reason

In order to allow the situation to be reviewed if the approved works are not carried out within the agreed timescale.

2. Two replacement trees, the species and position of which must be agreed in writing with the Planning Authority, must be planted within an appropriate period to be agreed in writing with the Planning Authority prior to the commencement of the development.

Reason

In the interests of the visual amenities of the area due to the need to retain the character of the woodland.

**682 Food Programme Delivery** Advertisement Consent to display 2 No. fascia signs and 7 No. car park signs at Cumbria Co-operative Society, Market Street, Dalton-in-Furness as shown on plan number 2008/1655.

6. Maximum brightness of the signage must not exceed 800 candelas per square metre as per the Lit Zone of the I.L.E. Recommendation.

Reason

To minimise light pollution in accordance with Policy D63 of the Barrow Local Plan Review 1996-2006, and in order to protect the residential amenities of the area.

Reason for approval

That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act and all other material considerations, and subject to the proposed conditions, the development as proposed by reason of its location, design and orientation, will not have a detrimental impact upon the neighbouring properties or the visual amenities of the area. As such, the proposal complies with the Development Plan for the area, specifically policies D38, D42 and D43.

**683 Mr and Mrs I. Campbell** Submission of details for the external cladding of the dormer in compliance with Condition No. 3 of planning permission 2008/0083 at 35 Rampside, Barrow-in-Furness.

**684 F&C Reit Asset Management LLP c/o Savills (L&P) Ltd** Creation of 600 square metres of floor space at mezzanine level for retail storage purposes at Unit B, Walney Road, Barrow-in-Furness as shown on plan number 2008/1644.

2. The development hereby permitted shall be carried out only in accordance with the approved plan reference 648-001.

Reason

To ensure the development falls within the scope of the planning permission.

3. The 600 square metres of mezzanine floor space hereby permitted shall be used only for the purposes of storage ancillary to the primary use of Unit B and for no other purpose including any other use falling within Class A1 of the Town and Country Planning Use Classes Order 1987 as amended.

Reason

To retain the development within the use applied for taking account of policies which seek to control the growth of out of town centre retail floor space including saved policy C3 of the former Barrow Borough Local Plan Review 1996-2006 and policy W5 of the Regional Spatial Strategy (North West of England).

4. In the event that the primary use of Unit B shall cease, the use of the mezzanine floor space hereby permitted shall cease permanently.

Reason

The mezzanine is not considered appropriate for independent use.

5. Notwithstanding the provisions of Section 55(2A) of the Town and Country Planning Act 1990, there shall be no further creation of additional internal floor space within the Unit B.

Reason

In order to prevent an increase in retail floor space taking account of policies which seek to control the growth of out of town centre retail floor space including saved policy C3 of the Barrow Borough Local Plan Review Policy W5 of the Regional Spatial Strategy (North West of England).

Reason for approval

That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act and all other material considerations, and subject to the proposed conditions, the development as proposed by reason of its location, design and orientation, will not have a detrimental impact upon the neighbouring properties or the visual amenities of the area. As such, the proposal complies with the Development Plan for the area, specifically policies C3, C4 of the Barrow Borough Local Plan Review 1996-2006 and Policy W5 of the Regional Spatial Strategy (North West of England).

**685 Mr N. Chadwick**

Erection of a single storey extension to south elevation forming kitchen and dining room with third bedroom above and lantern dormer to existing roof over staircase at Croft House, Ireleth Road, Ireleth, Askam-in-Furness as shown on plan number 2008/1553.

2. The garage and access thereto (from Ireleth Road) 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 (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.

Reason for approval

That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act and all other material considerations, the development as proposed by reason of its location, design and orientation, will not have a detrimental impact upon the neighbouring properties or the visual amenities of the area. As such, the proposal complies with the Development Plan for the area, specifically policy D21.

**686 Mr and Mrs B. Hurley**

Replace door with window and create additional window opening on north elevation and enclose existing porch on the south elevation at 2 Chapel Field, Barrow-in-Furness as shown on plan number 2009/0066.

Reason for approval

That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act and all other material considerations, the development as proposed by reason of its location, design and orientation, will not have a detrimental impact upon the neighbouring properties or the visual amenities of the area. As such, the proposal complies with the Development Plan for the area, specifically policy B15.

**687 Mr M. Buckley**

Submission of desk top study and phase II investigation at 24/26 Ulverston Road, Dalton-in-Furness as shown on plan number 2008/1558.

The following applications for Certificate of Lawful Use of Proposed Use or Development were approved:-

- 688** Application for Certificate of Lawfulness for proposed use for any purpose falling within the Class (A1) of the Town and Country Planning (Use Classes) Order 1987 as amended at Unit C, Walney Road, Barrow-in-Furness as shown on plan number 2008/0916 dated 17<sup>th</sup> July, 2008.
- 689** Application for Certificate of Lawfulness for proposed use for any purpose falling within the Class (A1) of the Town and Country Planning (Use Classes) Order 1987 as amended at Unit A, Walney Road, Barrow-in-Furness as shown on plan number 2008/0918 dated 17<sup>th</sup> July, 2008.

The following applications for Certificate of Lawful Use of Proposed Use or Development were refused:-

- 690** Application for Certificate of Lawfulness for proposed use of units for any purpose falling within the Class (A1) at Units A, B, C, Walney Road, Barrow-in-Furness as shown on plan number 2008/1491 dated 29<sup>th</sup> October, 2008.
- 691** Application for Certificate of Lawfulness for a proposed use for retail sales selling the range of goods included in the accompanying catalogue directly to the public at Unit B, Walney Road, Barrow-in-Furness as shown on plan number 2008/1563 dated 19<sup>th</sup> November 2008.
- 692** Application for Certificate of Lawfulness for proposed use of units for any purpose falling within the Class (A1) of the Town and Country Planning (Use Classes) Order 1987 as amended at Unit B, Walney Road, Barrow-in-Furness as shown on plan number 2008/0917 dated 17<sup>th</sup> July, 2008.

The following County Council applications were also considered:-

- 693 Cumbria Waste Management Limited** Variation of Condition No. 1 of Planning Permission 1990/0080 and Conditions 2 and 3 of 2008/9011 to allow storage of HGV's and trailers overnight and to allow these vehicles to leave the site between 0500 and 1900 hours at Barrow Civic Amenity Site, Walney Road, Barrow-in-Furness as shown on plan number 2008/9016 (County Matter).

The Council would not oppose the storage of HGV's and trailers on site overnight, dependant on the activity not affecting the existing operation

of the site and causing delays to members of the public wishing to use the facility.

- 694 Cumbria County Council** Construction of Boardwalk, Cavendish Dock, Salthouse Pool, Barrow-in-Furness as shown on plan number 2008/9017 (County Matter).

The Authority welcomes the construction of the boardwalk and feels it will have a positive impact on the wider regeneration of the area.

- 695 Cumbria County Council** Removal of existing boundary fence along Cecil Street to Greengate Infants School playing fields and install new 2.4 metre high 'Euroguard' wire mesh boundary fence at Greengate Infants School, Greengate Street, Barrow-in-Furness as shown on plan number 2008/9019 (County Matter).

I can confirm that this Authority has no objections to the proposal to erect a replacement fence enclosing the school playing fields.

- 696 Cumbria County Council** Variation of Condition No. 2 to allow alteration to the surfacing of the multi-use games area as approved under 2007/9003 at Playing Fields, Newby Terrace, Barrow-in-Furness as shown on plan number 2009/9001 (County Matter).

Cumbria County Council be informed that the Local Authority feels it is regrettable that the proposal will result in a reduction in sporting facilities for the town. In this respect the Council would strongly support the original scheme and urge the County Council to implement the approved scheme.

- 697 Sunrise Renewables Ltd** Erection of new industrial building and installation of Biomass Plant at Ramsden Dock Road, Barrow-in-Furness as shown on plan number 2008/9018 (County Matter).

The Authority objects to the proposal for the following reasons:-

1. The Strategic Vision of the Barrow Port Area Action Plan for the area is to;

*"a) Strengthen, revive and redevelop the Area as a high quality, sustainable new location for urban living, working and leisure, connecting local communities to the waterfront; and  
b) Enhance the natural and built environment, infrastructure and range and quality of attractions within the Area, making it an attractive place for residents and a destination of choice for visitors and tourists."*

Consequently, siting the development in this location is considered to threaten the future implementation of Barrow Waterfront, [a major public/private sector partnership which is the most important regeneration project within the Borough, including 650 dwellings, major new tourism & water based leisure facilities in the form of the Marina and watersports centre, informal leisure projects including a nature park and quality public realm works]. This is due to the significant HGV movements carrying waste through both Marina Village and the rest of Barrow adversely affecting existing and future residential amenities, and also having a negative impact upon the aspirations of the various stakeholders, which includes both Barrow Borough Council and Cumbria County Council, and the perceptions of developers in bringing the Waterfront scheme to a successful fruition.

2. Piecemeal development of this nature, which does not appear to exclusively require a waterside location, is considered to be contrary to Saved policies A1 and A15 of the Barrow local plan, and policy NW Plan policy RT6, in that it would prejudice the longer term economic vitality of Barrow Port by preventing the implementation of a more appropriate comprehensive redevelopment of the Port facility.
3. The high dependence upon road transport to provide fuel for the biomass plant is considered to be contrary to the following policies;  
Policy EM17 of the North West Plan RSS  
Saved policies R44 and R50 of the Cumbria Joint Structure Plan  
Saved policies A15 and D45 of the Barrow in Furness Local Plan Review.
4. There is no evidence that the development offers any significant economic benefits that outweigh the adverse impact upon the Waterfront regeneration project. Consequently the proposal is contrary to CSP2 of the Minerals & Waste LDF Core Strategy.

RESOLVED:- That the Authority's observations be noted.

### **Town and Country Planning Acts**

The Director of Regeneration and Community Services submitted the under-mentioned applications and recommended that they be approved under the Town and Country Planning Acts, subject in each case to any appropriate standard conditions and to such additional conditions as indicated below in respect of any particular application. (The conditions so indicated are identified by the number attached to the subsequent letter of planning consent and exclude the relevant standard conditions).

#### **698 Furness College**

Remodelling of college site, incorporating refurbishment of LRC building, retention of Skills Centre and demolition of all other buildings; creation of new educational building, sports hall, floodlit games area [MUGA], and secured site

compound; pedestrianisation of campus area with new paving scheme, associated lighting columns, landscaping, and disabled driver car parking; other external works to include new cycle path and footway to part Ironworks Road and Bessemer Way, and students parking compound with associated infrastructure [lighting, fencing and access road]. Phasing of programme to provide for temporary buildings on new car park to facilitate relocation of Construction Workshops at Furness College, Channelside, Barrow-in-Furness as shown on plan number 2008/1552.

2. The development shall be carried out and completed in all respects in accordance with the Extended Phase 1 Habitat Survey, dated August 2008, submitted as part of the applications, unless the Planning Authority gives prior written agreement to any variation.

Reason

In order to protect any ecological interests on the site and within the surrounding area, particularly Walney Channel, which has been designated with SPA, SAC, Ramsar, and SSSI status.

3. The external treatment of the main college building shall be in strict accordance with the hereby approved palette of materials submitted as part of the planning application.

Reason

In order to secure the strict implementation of the design philosophy put forward as part of the application.

4. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority. If remediation measures are necessary they shall be fully implemented in accordance with the agreed details and to the written satisfaction of the Planning Authority.

Reason

To ensure that any archaeological interest of the site is protected.

5. Prior to the commencement of the development hereby approved by this consent, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the planning authority:

1. A site investigation scheme to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
2. The site investigation results and the detailed risk assessment set out in point 1 and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required, including when and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in point 2 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Following completion of the measures identified in the approved remediation scheme a verification report must be prepared, which must be submitted to and approved in writing by the Planning Authority prior to beneficial occupation of the site or in accordance with a programme of phasing to be agreed with the Planning Authority. Any changes to these components shall require the prior express consent of the Local Planning Authority, and the scheme shall be implemented as approved.

#### Reason

In order to protect the quality of Controlled Waters.

6. If, during the development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

#### Reason

In order to protect the quality of Controlled Waters.

7. 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.

8. No development shall take place until samples of the external landscaping materials 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

So as to ensure a satisfactory appearance to the development, and in order to assess its visual impact upon the surrounding area.

9. Prior to the beneficial occupation of any part of the development, a landscape scheme for the site, showing the trees, shrubs and hedgerows, including verges and other open spaces, together with details of 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 and ecological amenities of the area.

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

Reason

In the interests of the visual amenities of the area.

11. Prior to the beneficial occupation of the development, details of a CCTV system to be installed on the site shall be submitted to and approved in writing by the Planning Authority, including a proposed programme for phasing the installation of the approved scheme. The system shall be

installed in strict accordance with the agreed details and thereafter, permanently retained and maintained, unless the Planning Authority gives prior consent to any variation.

Reason

In the interests of crime prevention and public safety.

12. Any external lighting shall at all times be directed and shielded so as to minimise light spillage outside of the application site.

Reason

To minimise light pollution in accordance with Saved policy D63 of the former Barrow Local Plan Review 1996-2006, and in order to protect the ecological interests of the adjacent area.

13. The area shown as car parking on the hereby approved plans shall be suitably surfaced in accordance with details subject to prior written approval with the Planning Authority and thereafter permanently maintained clear of all obstructions, unless the Planning Authority gives prior written express consent for any variation.

Reason

To ensure that it is available at all times for the parking and manoeuvring of all vehicles associated with the use of the development.

14. Notwithstanding the details submitted to date, details of the realignment for Channelside, including lighting signage and surface water drainage details, shall be 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

For the avoidance of doubt, and in order to ensure a satisfactory form of development.

Reasons for Granting Consent

The development did not accord with the Development Plan for the area, specifically the policies listed below. However, there were material considerations that made the proposal acceptable, as listed below. The Planning Authority considered that these material considerations outweighed the policy (ies) and therefore the proposal was acceptable.

North West Plan 2008 Policy RT2  
Cumbria and Lake District Joint Structure Plan T32.

With regard to the number of car parking spaces, the Planning Authority considers that the isolated nature of the college and the large [rural] nature of its catchment are sufficiently material justification to override the policies. Due to the limitations of public transport in the surrounding region, it would be unrealistic to expect students to be wholly dependent upon alternative means of transport. A potential result could be a reduction upon attendance figures that would undermine the function of the college, as there is no correlation between transport and college timetables.

RESOLVED:- That the recommendations of the Director of Regeneration and Community Services be approved.

### **Town and Country Planning Acts**

The Director of Regeneration and Community Services further reported on the following applications:-

#### **699 – Barrow ARLFC, Ostley Bank, Barrow-in-Furness**

From Telefonica O2 UK Ltd in respect of the Prior Approval Under Part 24 of the General Permitted Development Order for the installation of a radio base station comprising of a 15m replica telegraph pole, 1 no. 300mm diameter transmission dish and ground based equipment cabinet and development ancillary thereto (resubmission of 2008/1523) at Barrow ARLFC, Ostley Bank, Barrow-in-Furness as shown on plan number 2009/0033.

Representations received were reported.

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

RESOLVED:- That Prior Approval be granted for the details of siting and appearance.

#### **700 – Ramsden Business Park, Ramsden Dock Road, Barrow-in-Furness**

From Mr D. Laird, West Lakes Renaissance in respect of the Outline Consent for the development of land comprising B1 (5,000m<sup>2</sup>), B2 (12,710m<sup>2</sup>) and B8 (2,050m<sup>2</sup>) uses (Phase 1, Waterfront Innovation Park) at Ramsden Business Park, Ramsden Dock Road, Barrow-in-Furness as shown on plan number 2006/1495.

Representations received and the results of consultations were reported.

RESOLVED:- A) That the previous Committee decision to grant consent subject to the completion of Section 106 Obligations, as described in Minute No. 79 of 18<sup>th</sup> May 2007, be rescinded, and;

B) Outline Planning Permission be granted subject to the Standard Outline Duration Limits and the following conditions:-

3. Notwithstanding the provision of the General Permitted Development (Amendment) Order 2005, (or any legislation revoking or re-enacting that Order with or without modification), there shall be no increase in the amount of gross floorspace used for those purposes defined as B1 Business by the Use Classes (Amendment) Order 2005, without the prior express consent of the Planning Authority.

Reason

In the interests of sustainable development, to enable the Planning Authority to assess the cumulative effect of further B1 uses on the site against potential sequentially preferable locations, particularly Barrow town centre.

4. Nothing within Section 55 of the Town and Country Planning Act 1990 (or any legislation revoking or re-enacting the Act with or without modification), shall operate so as to permit an increase in the gross floorspace levels without the prior express consent of the Planning Authority.

Reason

In order to allow the proper assessment of any potential increase in traffic generation upon the local highway network that may accrue from an increase in the amount of floorspace.

5. No development shall commence on site until the works associated with the remediation of site contamination, the measures to minimise flood risk, and the mitigation of the reptile habitat, in accordance with the details approved as part of planning consent reference 6/2006/9027, have been completed on the site to the written satisfaction of the Planning Authority, or in accordance with a prior scheme of phasing agreed in writing with the Planning Authority.

Reason

To ensure that the development is carried out to an approved and appropriate standard.

6. No part of the site shall be beneficially occupied until all the highway works, including the provision for cyclists and pedestrians, as specified in drawing CS019054/6000/004 Rev 2 of the Capita Symonds TA Addendum dated March 2007, [or any subsequent revision to the content or scheduling of the scheme that is subject to prior agreement with the Planning Authority] have been completed to the prior written satisfaction of the Planning Authority.

### Reason

In order to ensure that the development is suitably serviced by road and by other sustainable modes of transport.

7. A scheme of environmental improvement works to the public realm of Michaelson Road and Ramsden Dock Road, shall be submitted to, and approved in writing by, the Planning Authority. The subsequently approved scheme shall be implemented to the written satisfaction of the Planning Authority prior to the beneficial occupation of any part of the development, or in accordance with a phasing scheme to be subject to prior written agreement with the Planning Authority.

### Reason

To minimise the potential impact of traffic associated with the development upon the adjacent residential area, and to protect the character of Barrow Island conservation area.

8. Prior to their beneficial occupation of any part of the development hereby permitted, the occupiers shall submit a Green Travel Plan to the Planning Authority for its approval. The Plan shall identify the measures to be taken to encourage the achievement of a modal shift away from the use of private motor cars by employees to more sustainable transport modes. The site operator shall thereafter permanently implement the subsequently approved measures, and provide the Planning Authority with an annual report reviewing the effectiveness of the Travel Plan, including any revisions to its operation, unless the Planning Authority gives prior written agreement to any variation.

### Reason

In the interests of promoting sustainable transport associated with the development.

9. Each business unit shall incorporate covered and secure cycling facilities for its occupiers. The facilities shall include suitable changing rooms, showers, and lockers for employees, shall be installed prior to beneficial occupation of the building and thereafter permanently retained unless the Planning Authority gives prior written consent for any variation.

### Reason

In order to ensure accessibility of the site for cyclists and meet national guidance and local policies that encourage sustainable transport modes.

10. The hard and soft landscaping scheme shall incorporate suitable measures, which shall thereafter be permanently maintained unless the Planning Authority gives prior written consent to any variation, for the protection and enhancement of the know biodiversity interests on the site, including the provision of suitable habitats for reptiles.

Reason

In the interests of nature conservation so as to safeguard recognised protected species of wildlife.

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

Reason

In the interests of the visual amenities of the area.

12. All parking, loading, unloading and manoeuvring areas shall be kept clear of any obstructions and made available for those purposes at all times and shall not be used for any other purpose, unless the Planning Authority gives prior written consent for any variation. The development shall not be brought into any beneficial use until such facilities have been constructed in accordance with a scheme of phasing to be agreed with the Planning Authority.

Reason

In the interests of highway safety, and to ensure that it is available at all times for the parking and manoeuvring of all service vehicles associated with the use of the development.

13. No building or structure on any part of the development hereby permitted shall exceed 12 metres in height.

Reason

To ensure compliance with Health and Safety legislation as the site is located within a Band 3 consultation zone of a licensed facility.

14. There shall be no external storage of refuse or other waste materials, except within purpose built containers and no external storage of any other materials except within appropriately screened areas, details of which shall be subject to prior written agreement with the Planning Authority. The development shall thereafter be permanently carried out in accordance with the approved details, unless the Planning Authority gives prior written consent to any variation.

Reason

In the interests of the visual amenities of the area, and to provide a high standard of development.

15. No floodlighting or other form of external lighting shall be installed unless it is in accordance with details that have previously been submitted to and approved in writing by the Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting, which is so installed, shall not thereafter be altered, other than for routine maintenance which does not change its details, without the prior consent in writing of the Planning Authority.

Reason

To minimise light pollution in accordance with policy D63 of the Barrow Local Plan Review 1996-2006, and in order to protect the visual amenities of the area.

16. The proposed development shall be in accordance with the details submitted in the Flood Risk Assessment prepared by Marine Environmental Research and John Young Associates dated August 2006.

Reason

To ensure that the development is subject to a minimum risk from flooding.

17. 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.

18. The drainage system installed by virtue of condition 17 shall permanently incorporate measures to ensure the protection of reptiles, full details of which shall be submitted to, and approved in writing by, the Planning Authority.

Reason

In the interests of nature conservation, by safeguarding the wildlife interests of the site.

19. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from external parking, storage, and loading/unloading areas, shall be passed through an appropriate interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason

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

20. No works shall be carried out, or fixed or mobile plant operated, outside the hours 0700 to 1900 hours Monday to Friday and 0700 to 1300 hours on Saturdays and there shall be no working on Sundays or Bank Holidays without the prior written approval of the Planning Authority.

Reason

To ensure that no construction activity, other than that which is unavoidable for Health and/or Safety reasons, takes place outside normal working hours which would have an unacceptable impact upon the amenity of local residents.

21. Any external plant must be designed and operated so as not to cause the background noise level (measured as the LA90 (10 minutes)) to be exceeded at any neighbouring noise sensitive development. [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 pollution and thereby conforming to Barrow Local Plan policy D58.

22. Any facilities for the storage of fuels, oil or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to

the capacity of the tank plus 10%. If there are multiple tankages, the compound should be at least equivalent to 110% of the capacity of the largest tank, or 25% of the total combined capacity of the interconnected tanks whichever is the greatest. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage

### Reason

In order to minimise the discharge of contaminated drainage or accidental spillages to underground strata or surface waters.

### The reason(s) for the grant of planning permission are as follows:

The development hereby approved has been assessed against the Development Plan for the area, specifically the policies listed below, and material considerations, including third party representations. The Planning Authority concluded that the development, subject to the conditions imposed, would accord with the Development Plan and there were no other material considerations to justify a refusal of permission.

North West Plan RSS policies; DP1, W1, W3, CNL2  
Cumbria & Lake District Joint Structure Plan; ST3, ST4, ST5, ST10, EM13, E35, T25, T30, T31  
Saved Policies Borough of Barrow in Furness Local Plan Review; A1, A4, A13, D12, D13, D33, D55, D58, E17, F4, F8, F11, F12, and F17.

## **701 – Land between Cornmill Crossing and North Road, West of Cornmill and Cornerhouse Retail Parks, Barrow-in-Furness**

From Mrs S. Hotchkiss, Capita Symonds in respect of the construction of new link road to adoptable standard between North Road and Cornmill Crossing, new roundabout to provide access to Tesco Store and light controlled junctions to BAE Systems and Brady's Yard. Works to incorporate new street lighting and security fencing to BAE land and Brady's Yard on land between Cornmill Crossing and North Road, West of Cornmill and Cornerhouse Retail Parks, Barrow-in-Furness as shown on plan number 2008/1656.

Representations received and the results of consultations were reported.

Consideration of this application had been deferred at the last meeting (Minute no. 658 refers) as late objections had been received on behalf of BAE Systems Limited and Tesco Stores Limited.

The Committee requested that a letter be written from the Committee to the Highways Department asking them to consider the need for an extra lane in the section of the road from BAE Systems traffic lights to the Walney Bridge roundabout. It was also requested that synchronisation of the traffic lights at Tesco and BAE

Systems be altered to ensure a better flow of traffic. The Planning Officer would bring a letter back to the next meeting for confirmation by Committee before being sent to Cumbria County Council.

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

2. The ground works for the development shall be carried out in accordance with the Capita Symonds Ground Investigation Report GC20474/04. If, during the remediation works any contamination is identified that has not been considered in the original submission, then additional remediation proposals for this material shall be submitted to the Planning Authority for written approval prior to those measures being implemented. Any further approved proposals shall thereafter form part of the remediation report.

The development shall not proceed further until the subsequently agreed works have been carried out by the developer to the written satisfaction of the Planning Authority, which shall also include submission of a remediation validation report and risk assessment strategy, with all appropriate certification that the proposed works have been completed.

#### Reason

To protect the environment and the health of the public from potential hazards that may arise as a direct result of the redevelopment of the land.

3. Prior to the construction of any boundary treatment, the details of the location, design and materials to be used shall be submitted to, and agreed in writing by, the Planning Authority. The development shall be carried out in accordance with the agreed details unless the Planning Authority gives prior written consent to any variation.

#### Reason

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

#### Reason for Granting Consent

That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act and all other material considerations, and subject to the proposed conditions, the development as proposed by reason of its location, design and orientation, will not have a detrimental impact upon the neighbouring uses or the visual amenities of the area. As such, the proposal complies with the Development Plan for the area, specifically policies;

North West Plan policies DP1, RT4.

Cumbria Joint Structure Plan policy T25.

Borough of Barrow in Furness Local Plan Review Saved Policy D21

### **702 – 103 Duddon Road, Askam-in-Furness**

From Mr D. Johnston in respect of the erection of a first floor side extension forming extended front bedroom and creation of a fourth bedroom at 103 Duddon Road, Askam-in-Furness as shown on plan number 2009/0045.

Representations received and the results of consultations were reported.

RESOLVED:- That planning permission be refused for the following reasons:-

1. The proposal would amount to over development of the site that would be harmful to the character of the area. The building over of off-street parking in this manner would be contrary to Policy B19 and saved policy D21.
2. The proposal would lead to the loss of off-street parking by removing practical access to the driveway and garage to the rear by virtue of the piers and gates thereby contrary to Policy B19.

### **703 – 32 Rawlinson Street, Barrow-in-Furness**

From Hometrader Ltd in respect of the conversion of former public house and living accommodation to 5 self-contained flats (retrospective) at 32 Rawlinson Street, Barrow-in-Furness as shown on plan number 2009/0089.

Representations received were reported.

RESOLVED:- A) That planning permission be refused for the following reasons:-

1. The rear yard area located within the application site, by virtue of its small size and narrow, limited access, is considered inadequate for the storage of refuse bins and which could potentially cause an obstruction of a necessary escape route from flats 1 and 2 in the event of an emergency. It is therefore considered contrary to saved Policy B6 of the former Barrow Borough Council Local Plan Review 1996-2006.
2. The internal layout of the building creates a poor standard of amenity in the identified kitchen spaces in flats 2 and 5 contrary to Planning Policy Statements 1 & 3 and saved policy B6 of the former Barrow Borough Council Local Plan Review 1996-2006.

B) The Development Control and Enforcement Manager be authorised to take enforcement action to cease the use as five self-contained flats and to take any further action necessary to secure compliance.

#### **704 – Withdrawn Applications**

The following applications had been withdrawn from the Agenda:-

2009/0048 & Erection of a three bedroomed dwelling and Listed Building Consent  
2009/0049 – for works to Channelview associated with the erection of an attached house at Proposed House adjacent to Channelview Barn, 12 North Scale, Barrow-in-Furness.

2009/0041 – Replacement of existing concrete post panel fence to front boundary with red rustic brick wall, pillars, gates and Canterbury spar pebble dash finish at 2 Duddon Drive, Barrow-in-Furness.

2009/0065 – Erection of a two storey side extension forming ground floor kitchen/dining room, utility, pantry, study and bedroom with first floor sitting room, bathroom, master bedroom, dressing room and linen cupboard at 13 Paradise, Ireleth, Askam-in-Furness.

The meeting closed at 3.04 p.m.

<b>PLANNING COMMITTEE</b>		<b>Part One (R) Agenda Item 1</b>
<b>Date of Meeting:</b>	<b>17th March, 2009</b>	
<b>Reporting Officer:</b>	<b>Director of Regeneration and Community Services</b>	
<p><b>Title: Changes to the Appeal Process</b></p> <p><b>Summary and Conclusions:</b></p> <p>Changes are about to be made to the Planning Appeals system which will require the Authority to make a clear statement of its reasons for refusal with the provision of a sound justification based on material planning considerations.</p> <p><b>Recommendation:</b></p> <p>To recommend the Council that the first sentence of Paragraph 8.5 of the Authority's 'Code of Conduct for Elected Members and Officers Dealing with Planning Matters' be altered to state:  "Following deferral of an application which Planning Committee are minded to refuse against Officer advice, the reason for deferring the application must be clearly set out, and such reasons should relate to material planning considerations and be provided with a sound planning justification with the reasons and justification duly recorded in the Committee Minutes. If Committee do then refuse the application they must agree the exact wording of the reason for refusal and provide suitable justification, based on material planning considerations, which shall all be recorded in the Council Minutes".</p>		

**Report**

The Planning Inspectorate have advised us of a number of procedural changes with regard to appeal that are being introduced on 6<sup>th</sup> April, the following three of which are the most significant:

- The Inspectorate will be able to decide the appeal procedure in each case, i.e. whether it is dealt with by written representations or whether it demands the more complex processes of an informal hearing or a full Public Inquiry where there is normally legal representation and cross examination of witnesses. Up to now either the Planning Authority or the appellant had the right to request a hearing or Inquiry and the Inspectorate had to go along with this. I do not see that will have any great impact for the Borough as requests for Public Inquiries have been rare in recent times, at about one every five years, with an informal hearing rate of about one or two per year.

- The extension of the costs regime to written representations cases. At the moment the Inspectorate can award costs against the Authority or the appellant if either party can be demonstrated to have acted unreasonably, but this is only available in Public Inquiry or informal hearing cases. The classic case whereby Authorities can have to pay costs is where they have refused permission on grounds that are not considered material planning considerations, usually where this has been against Officer recommendation. As the vast majority of our appeals are dealt with by written representations this is a potential cost implication for the Authority that you will need to be wary of, particularly when being minded to refuse against Officer advice.
- A new, expedited process for householder appeals which are suitable for written representations, to be known as the 'Householder Appeals Service'. These form a substantial number of the appeals we deal with. The main change that will affect yourselves is that Authorities will no longer be able to submit statements of justification for their decisions over and above the Officer report to the Committee of, if it has been refused by Committee against Officer advice, the Committee Minutes.

In the light of the extension of costs awards to written representations cases and the format of the new Householder Appeals Service I consider that a change is needed to the Authority's 'Code of Conduct for Elected Members and Officers Dealing with Planning Matters' in order to strengthen the Authority's case and reduce the likelihood of costs claims.

At present Paragraph 8.5 states as follows:

8.5 Following deferral of an application which Planning Committee are minded to refuse against Officer advice, the reason for deferring the application must be clearly set out.

I consider that this sentence should be extended thus:

"... and such reasons should relate to material planning considerations and be provided with a sound planning justification with the reasons and justification duly recorded in the Council Minutes. If Committee do then refuse the application they must agree the exact wording of the reason for refusal and provide suitable justification, based on material planning considerations, which shall all be recorded in the Minutes".

#### Background Papers

Nil

<b>PLANNING COMMITTEE</b>		<u>Part One</u> <b>(D)</b> <b>Agenda</b> <b>Item</b> <b>2</b>
<b>Date of Meeting:</b>	<b>17th March, 2009</b>	
<b>Reporting Officer:</b>	<b>Director of Regeneration and Community Services</b>	
<p><b>Title: Installation of UPVC Windows at 1-9 Egerton Court, Barrow Island</b></p> <p><b>Summary and Conclusions:</b></p> <p>It has been brought to the Authority's attention that UPVC bottom opening casements have been installed in closes 1-9 Egerton Court. Permission is required for the development as flats do no benefit from Permitted Development Rights.</p> <p>The site is located within the Barrow Island Conservation Area. The use of UPVC windows in conservation areas is contrary to saved policy D15 of the former Local Plan Review and national guidance contained within Planning Policy Guidance Note 15.</p> <p>The owners of the site have been contacted to determine how the situation will be rectified however no response has been received.</p> <p><b>Recommendation:</b></p> <p>That the Development Control and Enforcement manager be authorised to issue an Enforcement Notice requiring the removal of the unauthorised UPVC windows and the reinstatement of timber casements to the original style and for him to take any necessary further action to ensure compliance.</p>		

## Report

### Background

The tenement buildings forming Egerton Court are located within the Barrow Island Conservation Area. Whilst not themselves listed, it could be argued that they affect the setting of the tenements opposite, which back onto Ramsden Dock Road, which are Grade II\* Listed.

It has been brought to the authority's attention that UPVC bottom opening casements have been installed in closes 1-9 Egerton Court. Permission is required for the development as flats do not benefit from Permitted Rights.

The owners of the site have been contacted twice in writing however no application has been submitted and the windows remain in-situ.

### Decision

Saved Policy D15 of the former Local Plan Review states the following:

“Development will only be permitted where it preserves or enhances the character of appearance of the area... In particular it should respect the character of existing architecture... detailing and use of traditional materials”.

The unauthorised UPVC windows and frames do not comply with this policy nor with guidance within PPG15 which states that the insertion of factory made windows is almost always damaging to the character and appearance of historic buildings. The frames vary in thickness between the opening and fixed lights, giving a bottom heavy effect which does not reflect the appearance of the top opening timber windows elsewhere within the building. The artificial plastic finish also sits uncomfortably alongside the more natural appearance of the building and thus the Conservation Area.

Whilst I accept that there are buildings within the Conservation Area which feature UPVC windows, this is not a reason to let standards erode even further. When dealing with an application for UPVC windows at 14 North Scale, the Inspector noted the harm the windows have on the character of the Conservation Area and dismissed the appeal. The presence of UPVC elsewhere in the area was noted but not considered to be a significant factor.

### Remedial Steps to be Taken

Within 3 months, the unauthorised UPVC windows must be removed and replaced with timber casements to the same style as the originals.

### Reasons why it is Considered Expedient to Take Action

To preserve the character of the conservation area and to prevent the further erosion of appearance of Egerton Court.

### Human Rights Act

This action does not affect the owners of leaseholders rights under this Act.

### Background Papers

Nil

<b>PLANNING COMMITTEE</b>		<b>Part One (D) Agenda Item 3</b>
<b>Date of Meeting:</b>	<b>17<sup>th</sup> March, 2009</b>	
<b>Reporting Officer:</b>	<b>Director of Regeneration and Community Services</b>	
<p><b>Title: Highway Matters</b></p> <p><b>Summary and Conclusions:</b></p> <p>At the last meeting of this Committee, Members requested that a letter be written to Cumbria County Council Highways Department asking them to consider the need for an extra lane in the section of the road from BAE Systems traffic lights to the Walney Bridge roundabout (Minute No. 701 of the meeting held on 24<sup>th</sup> February, 2009 refers). It was also requested that synchronisation of the traffic lights at Tesco and BAE Systems be altered to ensure a better flow of traffic.</p> <p>The report sets out the proposed wording to be used in the letter.</p> <p><b>Recommendation:</b></p> <p>That Committee Members agree to the wording forming the basis of the letter sent to Cumbria County Highways.</p>		

### **Report**

During your determination of application 2008/1656 for the link road between Cornmill Crossing and North Road, Members expressed some concerns and dissatisfactions with the operation of the adjacent highway network. In particular, reference was made to the operation of the traffic lights along North Road which Members feel are not correctly synchronised for optimum vehicle flow. There was a suggestion that the traffic lights at BAE Systems North West gate were a particular problem, and at weekends were somewhat superfluous as emerging traffic was very light.

Also, the current road layout, which results in two lanes merging into one just west of the North West Gate, was considered to be causing unnecessary congestion and was a potential accident hazard.

Officers were therefore asked to draft a letter to be sent to the head of Cumbria County Highways. I suggest that the following wording is used;

“At their meeting of 17<sup>th</sup> March, following determination of the Barrow Link Road proposal, Members of the Borough Planning and Environment Committee expressed concerns regarding a number of local highway matters. These related to

the revised highway layout along North Road in Barrow, and the subsequent impact upon the flow of vehicles through the section between the Craven Park and Bridge Approach roundabouts. Members felt that, through their own experiences, and from comments that they have received, the current set up is inconveniencing road users and also creating a potential safety hazard.

The Committee have therefore asked me to write to you to request that Cumbria County Highways Officers actively investigate the following issues and provide a written response as to their intended actions.

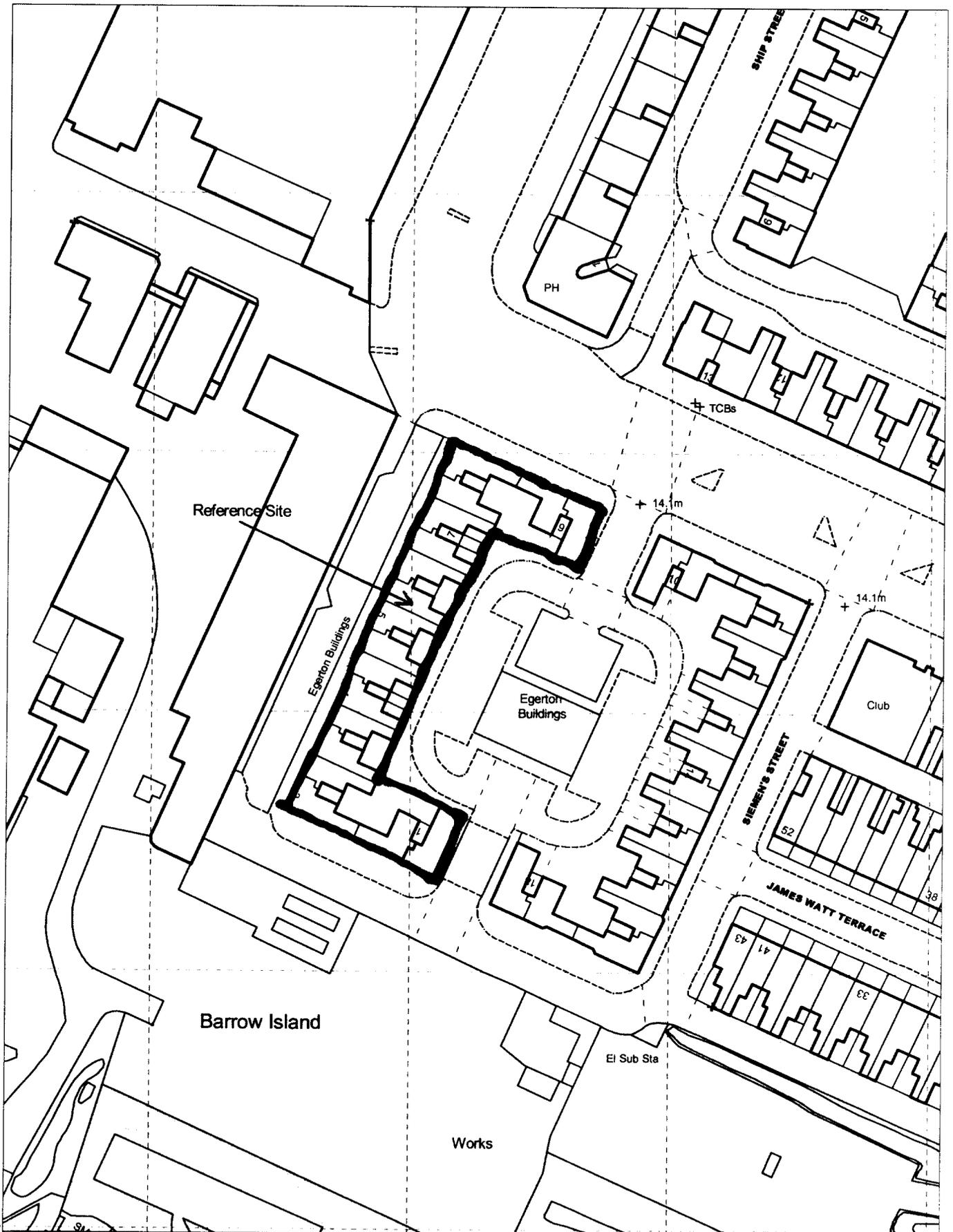
1. That a trial period be introduced whereby the signals controlling the North West Gate junction are switched off between 1900 hours Fridays and 0700 hours Mondays, and the impact upon traffic flows monitored. If there is a beneficial impact, then the exercise should be made permanent.
2. That the synchronisation between the traffic signals at the North West gate and Craven Park roundabout be reassessed to see if the through flow for vehicles along North Road can be improved.
3. That the two lane layout heading west on North Road is extended beyond the North West gate as far as the Bridge Approach roundabout.

I would be grateful if one of your Officers could contact my office with some indication of the likely timescale for the above exercise and when we could expect to have a formal response”.

Following your meeting I spoke to the Assistant Director, who is the former Area Highway Engineer, about the issues that Members raised. He has advised that there will be some minor changes to the North Road junction as part of the link road works, mainly relating to the expected increase in right turning traffic coming from the direction of Bridge Approach. In addition, some works to raise the capacity of the bridge junction will also take place as part of a future scheme at the Waterside House site. However he considers that the above points are valid, he is supportive of your concerns, and that they should be investigated by the County Council.

#### Background Papers

Nil



**BOROUGH OF  
BARROW IN  
FURNESS**

Barrow Borough Council  
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Cumbria LA14 2LD

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