

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

## **PLANNING COMMITTEE**

Meeting, Tuesday 29th April, 2014  
at 2.30 p.m. (Drawing Room)

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

#### **Site Visits**

2014/0058 – Furness Academy, Park Drive, Barrow-in-Furness

Depart Town Hall Courtyard at **1.00 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 11th March, 2014 (copy attached) (Pages 1-18).

7. Delegated Approvals – For Information (booklet attached).

**FOR DECISION**

- (D) 8. Planning Applications (booklet attached).
- (D) 9. Appeal by Mr T. McSorley against the refusal of Planning Consent, 23 Solway Drive, Barrow-in-Furness.

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

**Membership of Committee**

**Councillors**

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

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## **PLANNING COMMITTEE**

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

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

### **417 – Declarations of Interest**

Councillor Murray declared a Disclosable Pecuniary Interest in Planning Application No. 2014/0042 – Land at the Rear of 8-10 Nelson Street, Dalton-in-Furness (Minute No. 457) as he owned land adjacent to the application site. He left the meeting during consideration of this item.

Councillor Thurlow declared a Disclosable Pecuniary Interest in Planning Application No. 2014/0042 – Land at the Rear of 8-10 Nelson Street, Dalton-in-Furness (Minute No. 457) as she lived opposite the application site and was consulted on the application but hadn't responded. She left the meeting during consideration of this item.

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

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

Councillor Sweeney had replaced Councillor Preston for this meeting only.

### **419 – Minutes**

The Minutes of the meeting held on 4th February, 2014 were taken as read and confirmed.

### **420 – Confirmation of Tree Preservation Order 2013 No.1 Abbey House Hotel, Barrow-in-Furness**

The Planning Manager reported that at the Committee in December, Members had 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 were 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 was also considered expedient to revoke TPO 1977 No.1.

RESOLVED:- That this item be noted and TPO 1977 No.1 be revoked.

## **421 – Tree Preservation Order 2014 No. 1 at 46 North Scale, Barrow-in-Furness**

The Planning Manager reported that the above 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 lapsed after 6 months unless it was confirmed. Any person served with the Order may object and it was a requirement of the Regulations that the Council must consider any objection when considering whether or not to confirm the Order. The Planning Manager provided Members with guidance which was contained in the DCLG publication 'Tree preservation Orders – A Guide to the Law and Good Practice' which was regarding considering objections and representations.

The basis of the objection was that the tree did not warrant protection. In support of this the owner had submitted a 'Tree Evaluation Method for Preservation Orders' (TEMPO). This was a recognised system/tool for assisting the decision making process. The applicant's TEMPO assessment forms were attached as an appendix to his report.

TEMPO used a points system taking account of such factors as the condition of the tree, its life expectancy and prominence. Using this, the applicant's arboricultural consultant concluded that the points fall well short of the target to justify a TPO (5 points whereas 11 points and above were required). The assessment had under scored, for example no account was taken of the Conservation Area designation. However the limited life expectancy was a factor weighing against confirmation of the Order.

The advice quoted from DCLG advised that where an objection was made on technical grounds that these should be considered by an arboriculturist. The tree had 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 were contained under the planning history section of the report on application 2014/0082.

DCLG advice also suggested 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 were given a final opportunity to state their case. While Committee had visited the site on two occasions the Planning Manager had arranged a further visit as part of today's Committee site visits and invited the applicant and agent to address the Committee.

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

Following consideration of the objection and a site visit by the Committee it was

**RESOLVED:-** That the Order be 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:-

- 422 2014/0015** Application for prior notification of proposed demolition at Buildings C24 and C25 BAE Systems Ivy Avenue (east of) Barrow-in-Furness.
- 423 2013/0760** Removal of existing defective curtain walling and replacement with aluminium framed curtain walling at BAE Systems Bridge Road Barrow-in-Furness.
- 424 2013/0759** Listed Building Consent for removal of existing defective curtain walling and replacement with aluminium framed curtain walling at BAE Systems Bridge Road Barrow-in-Furness.
- 425 2013/0820** Advertisement Consent for a 2 x gable end and 1 x front elevation top illuminated fascia signs and 2 x dibond signs to front elevation and 2 x vinyl signs to gable ends at Tesco Stores Corner House park Hindpool Road Barrow-in-Furness.
- 426 2013/0819** Installation of dry cleaning, key cutting, shoe and watch repairs pod within the current retail premises at Tesco Stores Corner House Park Hindpool Road Barrow-in-Furness.
- 427 2013/0818** Two storey rear extension and conversion of first floor to private residential accommodation at Railway Inn London Road Lindal-in-Furness.
- 428 2013/0805** Alterations to exterior of the property including replacement of large single pane window with multiple pane units, infill roller shutter door opening, convert existing window into an up and over type door and replacement of window with new personnel door at 131 Market Street Dalton-in-Furness.
- 429 2013/0357** Application for a Minor Material Amendment following granting of planning permission 2011/0674 to allow the conversion of the public house into 4 no. self-contained flats with parking provision in a revised form to that originally approved at Cavendish Arms Market Place Dalton-in-Furness.

- 430 2013/0355** Listed Building Consent for conversion of vacant public house into 4 flats including demolition of existing single storey W.C. block and replacement of slate roof in a revised form to that approved under ref. 2011/0721 at Cavendish Arms Market Place Dalton-in-Furness.
- 431 2014/0033** Extensions to side and rear elevations forming lounge, kitchen/diner and utility (Resubmission in a revised form of withdrawn application 2013/0669) at 37 Barnes Avenue Dalton-in-Furness.
- 432 2013/0740** Crown reduce one sycamore by shortening identified branches by 1-1.5m, felling of a horse chestnut, and the removal of dead wood and crossing branches of a second horse chestnut, all subject of Tree Preservation Order 1998 No. 4 at 7 Monks Croft Avenue Barrow-in-Furness.
- 433 2014/0041** Application for Non Material Amendment following grant of planning permission 2013/0135 (Installation of a 80kW wind turbine on a 24.8 metre monopole mast (33.8m to blade tip) to change model to a 75kW turbine on a 23.8m high monopole mast (34.2m to blade tip) (model no CF75-21) and creation of a temporary access road for the installation and commissioning phase on land at Sinkfall Farm Rakesmoor Lane Barrow-in-Furness.
- 434 2013/0772** Rear kitchen/dining room extension and garage plus internal alterations at 12 Beckermets Gardens Barrow-in-Furness.
- 435 2013/0821** Front and rear dormer bedrooms with internal alterations at 7 Helvellyn Walk Barrow-in-Furness.
- 436 2014/0043** Application for a Certificate of Lawfulness of Proposed Use or Development for a rear kitchen and sun lounge extension at 72 Cowlarns Road Barrow-in-Furness.
- 437 2013/0812** Demolition of single garage and replace with a double garage at 23 Bowfell Crescent Barrow-in-Furness.
- 438 2013/0817** Creation of a rear access onto Fell Street for deliveries at 164-166 Dalton Road Barrow-in-Furness.
- 439 2013/0822** Advertisement Consent for replacement fascia signs to the front elevation, with vinyl transfers to windows and door at 289 Rawlinson Street Barrow-in-Furness.
- 440 2013/0763** Change of use from hairdressers to a shop for the sale of ice-cream and hot food at 52 Cavendish Street Barrow-in-Furness.
- 441 2014/0016** Change of use from an off licence (A1) to a hot food take away (A5) at 43 Crellin Street Barrow-in-Furness.

- 442 2013/0713** Continued use of Unit 1 for use class A1 (retail) purposes without compliance with Condition No. 10 of planning permission 1995/0153 in order to extend the range of goods permitted to be sold at Unit 1 Hindpool Retail Park Hindpool Road Barrow-in-Furness.
- 443 2013/0775** Listed Building Consent for the sub-division of the first floor dance floor, function room and bar to form eight en-suite bedrooms at Duke of Edinburgh Hotel Abbey Road Barrow-in-Furness.
- 444 2014/0017** Application for a non-material amendment following grant of planning permission 2013/0440 (Extension of outbuilding to form swimming pool and conservatory link) to omit the rear extension and retain rear and end walls at Abbey Manor Abbey Approach Barrow-in-Furness.
- 445 2013/0762** Application for a minor material amendment involving a variation of Conditions No. 2 and 6 of planning permission 2013/0333 (erection of 27 dwellings) to allow revisions to 25 Kempas Avenue including a wider conservatory, bay windows and living room in place of integral garage and revisions to 27 Kempas Avenue including the addition of bay window at 25 and 27 Kempas Avenue Barrow-in-Furness.
- 446 2014/0063** Application for a Minor Material Amendment to planning permission 2013/0333 (Erection of 27 dwellings) to allow a ground floor sun lounge extension to rear elevation at 14 Rosewood Grove Barrow-in-Furness.
- 447 2014/0054** Application for a minor material amendment to planning permission 2013/0333 (Erection of 27 dwellings) to allow changes to house types including revised roof pitch, increased ridge height, repositioning of front dormer, additional roof light and replacement of study/utility with an integral garage (plot 55 only) at 159 and 161 Holbeck Park Avenue, 1, 3, 5, 7, 9, 11 and 13 Rosewood Grove Barrow-in-Furness.
- 448 2014/0027** Rear ground floor sun lounge extension with adjacent area of decking at 1 Stone Dyke Leece Lane Barrow-in-Furness.
- 449 2013/0806** Application to vary Condition Nos. 1 and 2 of planning permission 2012/0781 (Application for variation of condition following grant of planning permission 2010/1314) (Temporary consent for a construction workers compound) to extend temporary period until 30th September 2015 because the duration of the development supported by the compound has been extended at North Terminal Barrow Onshore Terminals Rampside Road Barrow-in-Furness.

**450 2013/0797** Reduce crown by 15% on the east and north east side of the tree only and involving a maximum branch reduction of 0.75m-1m of Oak tree (T1) subject of Tree Preservation Order 2009 No. 6 at 46 North Scale Barrow-in-Furness.

**451 2013/0801** Side kitchen extension at 5 Water Garth Barrow-in-Furness.

The following EIA was not required:-

**(P) 452 2014/0034** Town and Country Planning under Regulation 5 (Environmental Impact Assessment) Regulations 2011 – Screening Opinion for residential development on land at the corner of Manor Road and Rating Lane Barrow-in-Furness.

The following County Matter was considered:-

**453 2014/9001** The area will be developed as a temporary contractor's compound, including welfare facilities, for the work being completed on Barrow Long Sea Outfall (County Matter) on land at Cavendish Dock Road Barrow-in-Furness.

The following applications were refused:-

**454 2013/0819** Installation of 1 no. Micro scale wind turbine (14.97m to hub, 5.6m diameter blades) to provide renewable energy for use on site on land at Park Farm Park Dalton-in-Furness.

**455 2014/0065** Hotel extension to provide 4 en-suite bedrooms and restaurant to north east elevation and re-arrangement of adjacent parking area at Chequers Abbey Road Dalton-in-Furness.

**456 2013/0809** Front porch and toilet at 23 Solway Drive 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:-

#### **457 – Land Adjacent to 2 Wellington Place, Dalton-in-Furness**

From Mr G. Halfpenny in respect of the erection of five lock-up storage units and provision of a vehicle turning area (resubmission of withdrawn application 2013/0682 in a revised form) on land adjacent to 2 Wellington Place, Dalton-in-Furness as shown on plan number 2014/0057.

Representations received and the results of consultations were reported.

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



2. The development shall be carried out and completed in all respects in accordance with the hereby approved plans and drawings shown as WAW 1657 1B, 2B, 3B, 4B, 5B, 6C, 7B and defined by this permission, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), there shall be no variation without the prior written consent of the Planning Authority.

Reason

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

3. Prior to the beneficial use of the storage units hereby approved the walls to the building shown as "wet dashed" on the approved plans referred to in Condition 2 above shall be completed in full.

Reason

In order to ensure the satisfactory completion of the development, in the interests of the visual amenity of the area.

4. Prior to the commencement of the development hereby approved, a full specification of the boundary treatments, including the entrance gate, shall be submitted to and approved in writing by the Planning Authority. The agreed boundary treatments shall be completed prior to the commencement of any beneficial use of the development and thereafter so maintained, unless prior written consent is given by the Planning Authority to any variation.

Reason

In the interests of the appearance of the development and the residential amenity of adjacent residents.

5. The storage units hereby permitted shall be used domestic storage only and not for any kind of commercial or business operation, commercial storage or warehousing.

Reason

In order to retain the development to that applied for and to ensure that inappropriate uses do not take place on the site in the interests of the residential amenity of adjacent residents.

6. There shall be no loading or unloading of any storage items from the buildings hereby approved outside the hours of 07.00-20.00 on any day.

Reason

In order to protect the residential amenity of adjacent residents from potential noise and disturbance.

7. 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 external lighting amenities of the area.

8. Access gates shall be hung to open inwards only away from the highway.

Reason

In the interests of highway and pedestrian safety and to minimise potential hazards.

9. Prior to the commencement of the development hereby approved details of the hard surface treatment shall be submitted to and approved in writing by the Local Planning Authority. This shall be completed in full and thereafter maintained clear of all obstructions, prior to the commencement of use of the storage units hereby approved and shall thereafter be so maintained unless the LPA gives written consent to any variation.

Reason

To ensure that it is available at all times for the parking and manoeuvring of vehicles using the storage units to prevent them parking on the public highway.

10. No storage shall take place outside the confines of the buildings hereby approved.

Reason

In the interests of the visual appearance of the area.

11. Before the commencement of use of the storage units, a turning area shall be provided within the site to enable vehicles to enter and leave the site in forward gear in accordance with the approved plans referred to in Condition 2 above. The approved turning area shall thereafter be permanently made available for the turning of vehicles at all times.

### Reason

In order to ensure that the proposal is carried out in accordance with the approved plans in the interests of highway and pedestrian safety.

#### **458 – John Street (adjacent to 52), Askam-in-Furness**

From Mrs M. Price in respect of the change of use of allotment to allow the siting of two residential caravans (twin axel) and a storage caravan (retrospective application) at John Street (adjacent to 52), Askam-in-Furness as shown on plan number 2013/0705.

Representations received and the results of consultations were reported.

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

An objector and the applicant had been invited to attend the Committee to speak but neither had taken the opportunity to do so.

It was moved by Councillor Sweeney and duly seconded that the permission should be for the applicant only and for a period of 10 years to enable the completion of schooling for the applicant's child.

RESOLVED:- That planning permission be granted subject to the following conditions:-

1. This permission is for a temporary period expiring on 14/03/2024 whereupon the caravans and all associated development shall have been removed from the application site and the land reinstated in accordance with a scheme which must have first been submitted to and approved in writing by the Local Planning Authority.

### Reason

The application site is not considered suitable for permanent residential development given the unmade nature of John Street and conflict with saved policy E3. However, having regard to national planning policy (Planning Policy for Traveller sites, DCLG March 2012) including the requirements imposed by Paragraph 25, and the educational needs of the applicant's son, justifies a grant of temporary planning permission.

2. This permission is personal to the applicant and their dependants and no persons other than the applicant and their dependants shall occupy or reside at the application site.

### Reason

A more intensive use of the application site which generated additional vehicle movements, particularly of caravans, is not considered sustainable having regard to the unmade character of John Street and

conflict with saved policy E3 and impact on residential amenity together with the reasons given for the justification for the temporary planning permission.

3. No more than three caravans, as defined in the Caravan Sites and Control of Development Act 1960 and Caravan Sites Act 1968 as amended shall be stationed on the site at any time.

Reason

To ensure sufficient amenity space is provided.

4. No commercial activities shall take place within the application site including the storage of materials, disused vehicles, scrap and building materials.

Reason

In the interests of residential safety and amenity.

5. Any external lighting shall be directed and or shielded to prevent any glare to adjacent residents or users of the adjacent streets including John Street.

Reason

In the interests of residential safety and amenity.

**459 – Land at the Rear of 8-10 Nelson Street, Dalton-in-Furness**

From Mrs S. Thwaites in respect of the conversion of former pottery workshop, including addition of a ground floor extension, to form a single dwellinghouse on land at the rear of 8-10 Nelson Street, Dalton-in-Furness as shown on plan number 2014/0042.

Representations received and the results of consultations were reported.

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

RESOLVED:- (A) That on completion of the revocation of outline planning permission B13/2012/0388 dated 21/08/2013 that planning permission be granted subject to the standard duration limit and the following conditions:-

2. The development shall be carried out in accordance with the application dated 11/01/2014 and the hereby approved plans referenced P1196 01, 02, 03, 04, 05, 06, 07 revision A.

Reason

To ensure the development is only carried out as approved.

3. The development shall be drained on the separate system utilising soakaways for surface water disposal unless ground conditions dictate otherwise when surface water shall be disposed of to the surface water in Nelson Street, Dalton.

Reason

To ensure that surface water is not sent for unnecessary treatment via the foul or combined sewer.

4. The development shall proceed in accordance with the recommendations of the Bat Survey dated 24.2.14 by Envirotech Ecological Consultants.

Reason

To ensure no harm occurs to any protected species.

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

Reason

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

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

Reason

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

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

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

#### Reason

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

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

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved policy D56 of the 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 immediately to the Local Planning Authority. Development on the part of the site affected must be halted and Field Investigations shall be carried out. Where required by the Local Planning Authority, remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to occupation of the development.

#### Reason

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

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

10. The parking spaces and access thereto must be reserved for the parking of private motor vehicles and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order, 1995 (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.

**460 – 10 Anticross, Dalton-in-Furness**

From Mrs N. Kirkwood in respect of the application for outline planning permission with all matters reserved for the erection of a four bedroomed detached house at 10 Anticross, Dalton-in-Furness as shown on plan number 2013/0802.

Representations received and the results of consultations were reported.

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

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

3. The development shall be provided with a minimum of two parking spaces situated within the application site.

Reason

To ensure adequate parking is provided to serve the development.

4. The development shall be drained on the separate system utilising soakaways for surface water disposal unless ground conditions dictate otherwise when surface water shall be disposed of to the surface water sewer in Cemetery Hill, Dalton.

Reason

To ensure that surface water is not sent for unnecessary treatment via the foul or combined sewer.

5. No development shall take place until a Preliminary Investigation (desk study, site reconnaissance and preliminary risk assessment), to investigate and assess the risk of potential contamination, is submitted to and approved in writing by the Local Planning Authority. This investigation must be undertaken by a suitably qualified contaminated land practitioner, in accordance with established procedures (BS10175

(2011) Code of Practice for the Investigation of Potentially Contaminated Sites and Model Procedures for the Management of Land Contamination (CLR11)).

Reason

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

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

Reason

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

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

Reason

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



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

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved policy D56 of the 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 immediately to the Local Planning Authority. Development on the part of the site affected must be halted and Field Investigations shall be carried out. Where required by the Local Planning Authority, remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to occupation of the development.

Reason

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

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

Reason

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

#### **461 – 12 Inglewood, Barrow-in-Furness**

From Mr Tickle in respect of the crown reduce by 25% involving the reduction in branch length of up to 3m of horse chestnut tree subject of Tree Preservation Order 1972 No. 1 at 12 Inglewood, Barrow-in-Furness as shown on plan number 2013/0798.

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 for a temporary period expiring on 11/03/2016 after which no work authorised by this consent shall be carried out unless a subsequent application for the work has been submitted to and approved in writing with the planning authority.

Reason

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

2. The works authorised by this permission shall be carried out once only.

Reason

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

3. The works authorised by this consent shall only be carried out in accordance with BS 3998:1010

Reason

In recognition of the protected status of the tree it is important to ensure that the work is carried out to an appropriate standard.

#### **462 – Lindal Moor Abattoir, Henning Wood, Lindal-in-Furness**

From Dawn Meats in respect of the siting of two chill units and acoustic screen (retrospective) at Lindal Moor Abattoir, Henning Wood, Lindal-in-Furness as shown on plan number 2014/0014.

Representations received and the results of consultations were reported.

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

It was moved by Councillor Husband and duly seconded that the application be deferred.

RESOLVED:- That consideration of this application be deferred to enable further readings to be taken including at night and also for further investigation into two the noise from the ventilation units.

#### **463 – Lindal Moor Abattoir, Henning Wood, Lindal-in-Furness**

From Dawn Meats in respect of the erection of a security cabin/gatehouse to provide shelter and for the purpose of administrative duties relating to the business (retrospective) at Lindal Moor Abattoir, Henning Wood, Lindal-in-Furness as shown on plan number 2014/0013.

Representations received and the results of consultations were reported.

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

It was moved and duly seconded that consideration of the application be deferred.

RESOLVED:- That consideration of this application be deferred to enable further investigation on the security light.

#### **464 – Parkhouse Farm, Parkhouse Road, Barrow-in-Furness**

From R & E Beck in respect of the prior notification for the erection for a steel framed agricultural building for the storage of hay and straw, with tractor access at Parkhouse Farm, Parkhouse Road, Barrow-in-Furness as shown on plan number 2013/0752.

Representations received and the results of consultations were reported.

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

It was moved and duly seconded that the application be deferred.

RESOLVED:- That consideration of this application be deferred to enable further information on traffic movements.

#### **465 – 46 North Scale, Barrow-in-Furness**

From Mr Hambling in respect of the felling of a lime tree subject of Tree Preservation Order 2014 No. 1 at 46 North Scale, Barrow-in-Furness as shown on plan number 2014/0082.

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

RESOLVED:- That consent be refused for the following reasons:-

1. The loss of the tree would have a harmful effect on the visual amenities of the locality and would as a consequence neither preserve nor enhance the character of the Conservation Area within which it is located.
2. Issues raised by the applicant regarding dead wood within the crown can be addressed by other means rather than the felling of the tree.

3. Remaining longevity raised by the applicant is an issue which has been over stated by previous reports, the tree has not been suppressed by the adjacent horse chestnut as previously predicted and continues to bud. The absence of any clear justification for felling further ways against approval on a windswept island with limited tree cover.

#### **466 – 2 Lighthouse Cottages, South End, Barrow-in-Furness**

From Mr M. Oates in respect of the Listed Building Consent for the conversion of a detached outbuilding to provide independent living accommodation for a family member and the planning application for the same at 2 Lighthouse Cottages, South End, Barrow-in-Furness as shown number 2013/0788 and 2013/0789.

The results of consultations were reported.

The agent for the applicant attended the meeting and made representations to the Committee.

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

1. On the advice of Natural England, the Council as competent authority under 'The Habitats and Species Regulations 2010' is unable to comply with Regulations 61 and 62 of the Regulations in that the application does not contain sufficient information for an Appropriate Assessment under Regulation 61 to be carried out. The Council as competent authority is thereby prevented by the Regulations from granting planning permission.
2. The application does not contain sufficient information to enable the impact of the development on protected species to be properly assessed contrary to Part IV, paragraph 99 of Circular 06/2005; and

(B) That Listed Building Consent be granted subject to the Standard Duration Limit and the following condition:

2. The development shall be carried out in accordance with the application dated 28/11/2013 and the accompanying plans referenced 357/01 and 357/02.

The meeting closed at 4.25 p.m.

<b>PLANNING COMMITTEE</b>		<b>Part One (D) Agenda Item 9</b>
<b>Date of Meeting:</b>	<b>29th April, 2014</b>	
<b>Reporting Officer:</b>	<b>Planning Manager</b>	
<p><b>Title: Appeal by Mr T. McSorley against the refusal of Planning Consent, 23 Solway Drive, Barrow-in-Furness</b></p> <p><b>Summary and Conclusions:</b></p> <p>The Inspector dismissed the applicant's appeal against the refusal of planning permission for a front porch and toilet.</p> <p><b>Recommendations:</b></p> <p>That this information be noted.</p>		

### **Report**

The Planning Inspectorate issued its decision on 2nd April 2014 to dismiss the appeal relating to application 2013/0809 – erection of a front porch and toilet.

The case Inspector considered the main issue to be the effect of the proposal on the living conditions of the neighbouring occupiers of No. 21 Solway Drive, having regard to outlook. He concluded that the development did not safeguard the living conditions of the neighbouring occupiers as required by Policy 17 of the National Planning Policy Framework, and thereby agreeing with the original decision issued by the Council.

### **Background Papers**

Nil