

PLANNING COMMITTEE

22nd December 2009

PLAN NUMBER:	APPLICANT:	AGENT:
2009/1748	Mr J Morgan	M. E. Jones
WARD/PARISH:	CASE OFFICER:	DATE RECEIVED:
Ormsgill	Ian Sim 01229 876384	02/10/2009
		STATUTORY DATE: 26/11/2009
LOCATION:	Microplan International Ltd, Titchfield Street, Barrow-in-Furness	
PROPOSAL:	Conversion of office to residential and raising of eaves/ridge by 300mm.	
SAVED POLICIES OF THE FORMER LOCAL PLAN:	POLICY B3	

POLICY B3

Applications for residential development on unallocated sites will be permitted where they accord with the sequential approach of the Structure Plan and also satisfy the following criteria:

- i) The site is located within the built up area of existing settlements or the development cordons identified in Policy B13; and
- ii) The siting, scale, layout and design (in the materials and form of the buildings) of the development is sensitive to the local environment, it promotes the principles of 'Secure by Design' and adequate parking provision is made; and
- iii) Adequate access arrangements can be provided, including servicing the site by the public transport and by cycle routes; and
- iv) The development is laid out in a way that maximises energy efficiency; and
- v) The development will not result in the loss of land which has a recognised or established nature conservation interest; and
- vi) The development must not cause an undue increase in traffic passing through existing residential areas such as to be detrimental to residential amenity or highway safety; and
- vii) Adequate water supplies, foul and surface water sewers and sewerage treatment facilities exist or can be provided; and

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- viii) 'A risk-based approach will be adopted for development in or affecting flood risk areas to minimise the risk of flooding associated with the site and the potential effect development of the site might have elsewhere through increased run off or a reduction in the capacity of flood plains. This shall be in accordance with the sequential characterisation of flood risk set out in Table 1 of Planning Policy Guidance Note 25 'Development and Flood Risk; and
- ix) Where contamination is suspected, a desk study is undertaken and if necessary a site investigation is undertaken and remediation strategy submitted.

POLICY D21

In determining all applications submitted to it the local planning authority will have regard to the General Design Code set out in paragraph 5.4.27 of this plan.

In towns and villages, proposals shall relate to the context provided by buildings, street and plot patterns, building frontages, topography, established public views, landmark buildings and other townscape elements. Proposals that do not respect the local context and street pattern or the scale, height, proportions and materials of surrounding buildings and development which constitutes over development of the site by virtue of scale, height or bulk will not be permitted, unless there is specific justification, such as interests of sustainability, energy efficiency or crime prevention.

Development proposals in the countryside shall respect the diversity and distinctiveness of local landscape character. New farm buildings will, in general, be required to be sited within or adjacent to an existing farm building complex or in other well screened locations and to be subject to a complementary design and use of materials, with, where necessary, a 'planting' scheme.

SUMMARY OF MAIN ISSUES:

The application site is within a residential are in close proximity to public transport routes. The siting, scale and design are compatible with the character of the area and the proposal would not impact unduly upon natural light, sunlight or privacy.

NON MATERIAL CONSIDERATIONS:

REPRESENTATIONS:

Development advertised on site

The Occupiers of 114, 116, 118, 120, 122, 124, 132, 134 Ainslie Street, 1a Titchfield Street, Celtic Football Club, Barrow in Furness all informed.

The Occupiers, 1a Titchfield Street, Barrow in Furness

"Following the application for planning permission detailed above we would like to formally lodge our objection to the proposed changes.

The conversion from office to residential dwelling and raising of the eaves/ridge will mean that our dwelling, 1A Titchfield Street, will lose the privacy of the garden and into the

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kitchen. Due to the positioning of the Microplan International Ltd building, the upstairs windows will directly overlook the garden of 1A Titchfield Street, therefore completely removing our privacy. While this has been a business premises this has not been constant. Yet, as a residential dwelling, and with the raising of the eaves/ridge, this will overlook the garden throughout the day and night. The kitchen door is also directly in view of the previously mentioned window and therefore, due to the nature of our dwelling, the privacy into the house will also be reduced significantly.

One of the original reasons for purchasing the house was the privacy the house and garden gives us.

While we are wanting to object the changes in principal we would be open to the application going ahead if we could still maintain our privacy and any suggestions or conversations on this would be welcomed”.

CONSULTATIONS:

United Utilities

‘No objection’.

Cumbria Highways

‘Taking into account the existing use of the property and the information submitted, it is considered that the proposal will be unlikely to have a material affect on existing highway conditions. I can therefore confirm that the Highway Authority has no objection to the proposal.’

OFFICERS REPORT:

The application site currently forms part of the rear garden area of 122 Ainslie Street and the two storey outbuilding is located in the north eastern corner of the property’s curtilage. The building has previously been used as an office and traded under the name of Microplan International Limited.

A site visit has been arranged.

The building will retain its existing footprint of approximately 7.5m x 5.7 m although the ridge of the eaves/roof will be raised by 0.3 m to 6.3 m. The ground floor will provide a lounge/diner and kitchen with two bedrooms and a bathroom at first floor. The external materials are currently red brick and dashing and this will be changed to dashing.

The building, due to the applicant’s ‘L’ shaped rear garden is directly to the rear (east) of 124 Ainslie Street. However, no openings are proposed to the elevation facing this property and this can be conditioned accordingly. Similarly, no openings are proposed to the south eastern elevation which forms the boundary with the applicant’s rear garden. In terms of impact upon privacy a new window is proposed to a landing/stairway at first floor level overlooking (north-westwards) Titchfield Street. Members will have noted a representation received from the occupiers of 1A Titchfield Street expressing concern.

In discussion with the applicant he has agreed to amend the scheme in light of the neighbours comments and will install obscure glazing to this window. A bathroom also

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exists at first floor level in this elevation, again obscure glazing is to be used. The windows referred to are not to habitable rooms and the relationship between the application site and the properties on Ainslie Street to the objectors property is not significantly different in terms of overlooking of garden area or window to window relationship. Two windows are proposed in the eastern facing elevation at first floor level to two bedrooms. This will look directly towards the embankment of the playing fields which form the backdrop to the properties on Titchfield Street. Two roof lights, to the front roof plane and three within the rear roof plane are incorporated, again these will not impact upon privacy of nearby properties.

As mentioned above the eaves and ridge will be raised by 0.3m to 6.3m in height and due to location and orientation there will be no undue impact upon natural light or sunlight.

With regard to highway issues, on-road parking to both Titchfield Street and Ainslie Street is common and the Highway Authority do not object to the proposal.

To summarise the application site is within a well established residential area, the siting, scale, layout and design is compatible for the immediate area. Public transport links are close by and the proposal would not impact unduly upon natural light, sunlight or privacy and warrants a favourable recommendation.

RECOMMENDATION:

I recommend that planning permission be GRANTED subject to the Standard Duration Limit and the following conditions:

Condition No. 2

The development must be carried out in accordance with the application dated 7th September 2009 (as amended on 16th October 2009) and the plans (Drawing Numbers MJ001/01, MJ001/02, MJ001/03, MJ001/04, MJ001/04 Rev. A, MJ001/06) hereby approved as amended on 7th December 2009 as varied by the attached conditions.

Reason

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

Condition No. 3

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any Order revoking or re-enacting that Order with or without modifications) no opening of any kind shall be made in the south western (facing 124 Ainslie Street), south eastern (facing 122 Ainslie Street) of the permitted development without the prior written consent of the Planning Authority.

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Reason

In order to protect the residential amenities of the occupier(s) of 1A Titchfield Street and 122 and 124 Ainslie Street from overlooking or perceived overlooking.

Condition No. 4

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

Reason

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

Condition No. 5

Prior to the beneficial occupation of the development the first floor landing and bathroom windows facing Titchfield Street must be permanently fitted with manufacturers obscure glazing of an obscurity rating of no less than level 4 from the Pilkington glass range (or an equivalent range and rating subject to prior agreement with the Planning Authority) and thereafter retained unless the Planning Authority gives prior written consent to any variation.

Reason

In order to protect the residential amenities of neighbouring properties from overlooking or perceived overlooking.

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PLAN NUMBER:	APPLICANT:	DATE RECEIVED:
2009/1820	Ms H Stiendl	14/10/2009
WARD/PARISH:	CASE OFFICER:	8 WEEK DATE:
Dalton South/ Dalton and Newton Parish Council	Ian Sim 01229 876384	08/12/2009
LOCATION:		
24 Johnson Street, Newton-in-Furness		
PROPOSAL:		
Erection of a replacement two storey rear extension on footprint of existing two storey extension.		
LOCAL PLAN:		

POLICY B14

Extensions to the rear of dwellings will not be permitted where they adversely affect the amenities of neighbouring properties by virtue of loss of sunlight or privacy or by the creation of an overbearing impact or excessive level of enclosure.

POLICY B15

Where privacy is to be protected through distance, a minimum of 21 metres will be required between the facing windows of habitable rooms of different homes. Exceptions to this policy may be made for the facing windows of ground floor habitable rooms, where adequate screening exists and also in cases where normal standards of separation cannot be achieved and existing standards will not be eroded by accepting distances of less than 21 metres.

The use of obscure glazing in habitable room windows will not be an acceptable measure to overcome the provisions of this policy if this is deemed to provide a sub-standard level of accommodation.

POLICY D21

In determining all applications submitted to it the local planning authority will have regard to the General Design Code set out in paragraph 5.4.27 of this plan.

In towns and villages, proposals shall relate to the context provided by buildings, street and plot patterns, building frontages, topography, established public views, landmark buildings and other townscape elements. Proposals that do not respect the local context and street pattern or the scale, height, proportions and materials of surrounding buildings and development which constitutes over development of the site by virtue of scale, height or bulk will not be permitted, unless there is specific justification, such as interests of sustainability, energy efficiency or crime prevention.

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Development proposals in the countryside shall respect the diversity and distinctiveness of local landscape character. New farm buildings will, in general, be required to be sited within or adjacent to an existing farm building complex or in other well screened locations and to be subject to a complementary design and use of materials, with, where necessary, a 'planting' scheme.

SUMMARY OF MAIN ISSUES:

The proposal has been submitted to prevent further deterioration of the structure and the replacement outrigger will be of the same size and design as that currently exists. Its relationship to nearby properties remains unchanged.

NON MATERIAL CONSIDERATIONS:

REPRESENTATIONS:

The occupiers of nos. 22, 23, 25, 26, 27 Johnson St, 2 The Villas, Newton Rd, 28 Newton Cross Rd, Newton in Furness all informed.

The Occupier, 25 Johnson Street, Newton in Furness

"I would like to register my objection to the aforementioned planning application on the following grounds:

The foundations of 24 Johnson Street are less than 3 metres from my own and I am concerned that any building work would damage my own foundations.

There is already a large crack in the boundary wall which may be made unsafe when the concrete is removed near it.

Will registered builders with public liability insurance be used to carry out the work and not family members who to date have not finished a previous building project that was started over two years ago further up the street.

Inconvenience of noise, dust and loss of privacy, my windows are 10 inches from the boundary wall.

My house has recently been valued by estate agents with a view to selling it in the spring, a large scale building project of this type will make it impossible for me to sell my property".

The Occupier, 23 Johnson Street, Newton in Furness

"I am writing to object to the planning application B21/200911820 24 Johnson Street Newton-in-Furness.

I have just recently finished renovating my own property and have very strong concerns over the structural movement to my property should planning permission be granted.

My dogs are housed outside where on the erection of the new 2 storey extension would be built, this would cause them unnecessary stress, noise and disruption.

I also have concerns due to this wall being of stone construction and it being an external party wall and only single brick internal wall between to 2 houses.

This would leave my property open to the elements for any period of time

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I think demolishing the original footprint seems excessive when it doesn't appear a full structural survey has been carried out to warrant this.

I also have concerns that a family member is to undertake the work on this property which was the case previously at another family member at 21 Johnson Street Newton-in-Furness and this resulted in a 21/2 year project. Another concern is that I am self employed and have to have public liability insurance, would this be the case if a family member was to undertake such a large structural reconstruction, where does liability lay should anything structural happen to my property."

CONSULTATIONS:

OFFICERS REPORT:

The proposal was placed before Planning Panel for their consideration and after due deliberation a member has requested that the matter be dealt with at committee together with a site visit. This has been arranged and my report is reproduced below:

The proposal is for the erection of a replacement two storey rear extension on the same footprint and same design to that currently exists.

The application site occupies an almost central location on the southern side of Johnson Street within a terrace of eight properties. To the rear are two semi-detached properties with their main elevations facing east and west with either a blank wall or secondary windows facing the applicants property.

The two storey outrigger, which is a feature of the terrace, is to be demolished and re-built on the same footprint and of the same height and design. The footprint as exists is approximately 3.6 metres x 2.9 metres with mono-pitched roof design height of 7.5 metres which combines with the attached neighbour to form a ridged roofed designed outrigger which is a feature of this terrace. At ground floor will be a kitchen and the bathroom at first floor with the window and door positions replicated. External materials to match the property.

The rear elevation of the terrace are south facing, however, the scheme reproduces the existing and would not alter the current relationship to nearby properties with regard to privacy, sunlight or natural light.

Two letters have been received from the occupier(s) either side of the application site, however, the issues raised relate mainly to civil matters. One of the representations queries the need for the demolition of the outrigger and in this instance you will note the comments of the District Building Control Officer copied below. Even so, the demolition of the outrigger could be undertaken without the need for planning permission as allowed for under current legislation. The application is for the re-building of the existing outrigger.

However, I requested that the Council's District Building Control Officer visit the site and his comments are re-produced below:

'There does appear to be some serious movement of the outrigger at the back of 24 Johnson Street, Newton. It will probably require a substantial area of the building to be demolished to be repaired.'

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To summarise, the proposal has been submitted to prevent further deterioration of the structure, and the replacement outrigger will be of the same size and design as that currently exists. Its relationship to nearby properties remains the same. The representations have been considered; however a favourable recommendation is warranted.

RECOMMENDATION:

I recommend that planning permission be GRANTED subject to the standard duration limit and following conditions:

Condition No. 2

The development must be carried out in accordance with the application dated 7 October 2009 and the plans (WAW 1234 2A to WAW 1234 10A inclusive) hereby approved as varied by the attached conditions.

Reason

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

Condition No. 3

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 modifications) no opening of any kind shall be made in the first floor eastern facing wall (facing no.25 Johnson Street) of the permitted extension without the written consent of the Planning Authority.

Reason

In order to protect the residential amenities of the area and the loss of, or perceived loss of privacy to the occupier(s) of nos. 24 & 25 Johnson Street, thereby, complying with Barrow Borough Council Local Plan Review 1996-2006, policy B15.

Condition No. 4

The window to the bathroom at first floor level (looking southwards) shall be fitted with and thereafter permanently maintained and retained with obscure glazing of an obscurity rating of a minimum of 4 of the 'Pilkington Glass' range or an equivalent range or obscurity level, unless otherwise agreed by the Planning Authority prior to any change.

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Reason

In order to ensure there is no loss of privacy to the occupier(s) of 24 Johnson Street and to the occupier(s) of nearby properties, thereby, complying with Barrow Borough Council Local Plan Review 1996-2006, saved policy B15.

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PLAN NUMBER:	APPLICANT:	AGENT:
2009/1942	Mr N Shepherd Shepherd Myers LLP	Mr N Shepherd Shepherd Myers LLP
WARD/PARISH:	CASE OFFICER:	DATE RECEIVED:
Walney South	Ian Sim 01229 876384	13/11/2009
		STATUTORY DATE:
07/01/2010		
LOCATION:		
54-56A Dominion Street, Barrow-in-Furness		
PROPOSAL:		
Erection of a 2.5 metre high timber fence incorporating four roller shutter garage doors (Retrospective).		
SAVED POLICIES OF THE FORMER LOCAL PLAN:		

POLICY D21

In determining all applications submitted to it the local planning authority will have regard to the General Design Code set out in paragraph 5.4.27 of this plan.

In towns and villages, proposals shall relate to the context provided by buildings, street and plot patterns, building frontages, topography, established public views, landmark buildings and other townscape elements. Proposals that do not respect the local context and street pattern or the scale, height, proportions and materials of surrounding buildings and development which constitutes over development of the site by virtue of scale, height or bulk will not be permitted, unless there is specific justification, such as interests of sustainability, energy efficiency or crime prevention.

Development proposals in the countryside shall respect the diversity and distinctiveness of local landscape character. New farm buildings will, in general, be required to be sited within or adjacent to an existing farm building complex or in other well screened locations and to be subject to a complementary design and use of materials, with, where necessary, a 'planting' scheme.

SUMMARY OF MAIN ISSUES:

The retrospective application does not raise issue(s) with regard to visual impact and the Highway Authority have not objected. A representation has been received relating to loss of access, however, this in itself is a civil issue.

NON MATERIAL CONSIDERATIONS:

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REPRESENTATIONS:

The Occupiers of 24-36 Folkestone Avenue inclusive (evens), 52, 54, 54A,56, 56A, 58-60 Dominion Street, Barrow-in-Furness all informed.

The Occupier, 52 Dominion Street, Barrow in Furness

"I wish to exercise the option for someone to address the meeting on my behalf regarding the above application.

Fencing incorporating roller shutter garage doors has already been erected and without permission attached to the side of my property, access around my detached house is now not accessible. I have complained to the builder and explained that I no longer have access to maintain part of my property and was informed that I could always knock on the door and ask for permission.

I have also informed your department and I believe someone from the planning department has visited the site. I am surprised that the proposal is not for retrospective planning.

I viewed the original planning application which did not incorporate the above and had no objections, however I strongly object to the above proposal".

Applicant's Supporting Statement

"The property/applicant has requested our submission of this full planning application in respect of the above mentioned already completed works. The completed works have raised the height of the rear boundary wall/fence, contravening Condition No. 5 of the previously approved planning application for the erection of the 4 No. dwelling houses (application ref 142/2005).

Condition No. 5 stated that the rear boundary wall/fence should not exceed 1m in height. The property owner acknowledges the receipt of two letters from your Development Control and Enforcement Officer Roger Parkinson as a consequence.

Our client wishes to highlight that the rear boundary wall/fence was increased in height following continuing trespass and vandalism onto the property (please see enclosed police report relating to a vandalism incident).

We would advise that the raised boundary wall/fence has now provided a secure enclosure ensuring the occupants safe enjoyment of the property/rear gardens. Subsequently it is felt that the appearance of the fence has also improved the back street view from the previous open aspect which exposed the view of the properties rear elevation/gardens to passers by and the opposite neighbours.

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The height of the wall reflects the lean-to roof structure of the adjoining property No. 52 and the overall height does not appear out of scale or oversized between the adjacent/adjoining properties either side of the applicants properties (please see enclosed photograph and elevation drawings)."

CONSULTATIONS:

Building Control – no response received.

Cumbria Constabulary – S Livesey – no response received.

Cumbria Highways

"I can confirm that the Highway Authority would have no objection to this proposal."

OFFICERS REPORT:

The proposal is for the retention of a 2.5 metre high timber fence incorporating four roller shutter garage doors.

A site visit has been arranged.

The history of the site reveals that a conditional planning consent (2005/0053) for the erection of four terraced houses was granted on 2 March 2005. The approved scheme indicated off-street parking being provided at the rear of the properties and these spaces were conditioned. In addition a condition (No. 5) was included limiting the height of the rear wall/fence so as not to exceed 1 metre in height. The reason for this was highway safety. However, white powder coated roller shutter garage doors and a boundary dark stained timber fencing to a height of 2.5 metres was constructed. This was brought to the attention of the Local Authority, hence, the application before you today.

Off-road parking provision is maintained to the rear of the properties and allows access onto the rear highway. The back street is relatively wide at approximately 6 metres and traffic speeds are generally low along back streets. It is not unusual for properties to have garages or vehicular access to the rear and whilst the 'garage' doors do not actually serve a garage the former local plan holds within saved policy B20 which relates to positioning of garages that 'exceptions to this policy will be allowed only where the safety of people using the highway will not be unduly diminished such as along back streets.'

The principle of allowing direct access onto a back street would appear to be relevant in this instance and to further reinforce that the Highway Authority do not object to the proposal.

In terms of visual impact the boundary treatment would not seem to be out of place as varying styles and types of external materials to rear highways are not uncommon and the proposal has a uniformity and not a disruptive feature.

A representation has been received relating to loss of access, however, this in itself is a civil issue and not a material planning consideration and the proposal warrants a favourable recommendation.

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RECOMMENDATION:

I recommend that planning permission be GRANTED:

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.

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PLAN NUMBER:	APPLICANT:	AGENT:
2009/1833	Mrs E Ellershaw	Mr M Gadsden M & P Gadsden Ltd
WARD/PARISH:	CASE OFFICER:	DATE RECEIVED:
Dalton North Askam and Ireleth Parish Council	Leanne Parr 01229 876438	19/10/2009
		STATUTORY DATE:
		13/12/2009
LOCATION:		
Moor Side Farm, Paradise, Ireleth, Askam-in-Furness		
PROPOSAL:		
Siting of a single storey, two bedroomed timber lodge for holiday accommodation in place of two redundant out buildings (resubmission of 2009/1035)		
SAVED POLICIES OF THE FORMER LOCAL PLAN:		

POLICY D2

Development harmful to the distinctive character of designated County Landscapes, as indicated in the Proposals Maps, will not be permitted. Development justified on grounds of need that cannot be located elsewhere will be permitted provided that it is sited to minimise environmental impacts and meets high standards of design.

POLICY G19

Proposals for self catering holiday accommodation will be approved within the urban area of Barrow and Dalton and within the village cordons provided the design, siting, layout and access are satisfactory.

In urban fringe and rural areas proposals for the conversion of existing rural buildings to self catering accommodation will be judged against the following criteria;

- a) The building is structurally sound and capable of conversion without major rebuilding, extensions or modifications to the existing structure;
- b) The building is served by a satisfactory access;
- c) Services are readily available on site; and
- d) The number of units proposed is appropriate to the surroundings.

New development in rural areas will be refused if it is unrelated to existing buildings or uses on the site.

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Applications for the change of use of properties providing self-catering accommodation must include evidence that that use is no longer viable. This would include the premises being advertised on the open market, at a realistic price, for a minimum of 12 months, that no reasonable offer has been refused and that evidence is provided to show the property has been advertised at least four times at roughly equal periods over the year in relevant media.

SUMMARY OF MAIN ISSUES:

The lodge is in a more suitable position to that refused on appeal and suitable conditions will ensure there is no harm to the visual amenities of the area.

NON MATERIAL CONSIDERATIONS:

REPRESENTATIONS:

The Occupiers of 1, 3, 5, 7, 9-11, 13, 15, 17, Furness Cars and Commercials, Paradise, Ireleth, Askam in Furness all informed.

CONSULTATIONS:

United Utilities

'I have no objection to the proposal.

A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999. Should this planning application be approved, the applicant should contact our Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers.

United Utilities offers a fully supported mapping service at a modest cost for our electricity, water mains and sewerage assets. This is a service, which is constantly updated by our Map Services Team (Tel No: 0870 7510101) and I recommend that the applicant give early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets that may cross the site and any proposed development'.

Environment Agency

'We note from the application form that it is now the intention to connect the foul drainage to the existing septic tank.

The proposed means of foul drainage should be in accordance with DETR Circular 03/99 Planning requirements in respect of the use of non-mains sewerage incorporating septic tanks in new development.

The applicant should ensure that the existing foul drainage system is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of this proposal.'

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Environmental Health

“There is no objection to the application in principle.

However, due to the potentially contaminating activities on the site (use of redundant outbuildings and possible association with miscellaneous machinery, oils, grease, fuel storage etc.), I would recommend that before development begins, a Phase 1 Desk Study, Site Walkover and Preliminary Risk Assessment be undertaken to establish the risk to human health from potential contamination.

If the Phase 1 Investigation identifies the likelihood of contamination, a detailed Phase 2 Intrusive Investigation and Detailed Risk Assessment should be carried out to establish the degree and nature of the contamination and its potential to pollute the environment or cause harm to human health.

If remediation measures are necessary, they will be implemented in accordance with the assessment and the satisfaction of the Local Planning Authority and will be followed by a verification report, which will be agreed upon before development commences.”

Natural England

“Thank you for consulting Natural England on the above proposal. Your consultation dated 21 October 2009 was received by this office on 22 October 2009. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. We are working towards the delivery of four strategic outcomes:

- A healthy natural environment;
- People are inspired to value and conserve the natural environment;
- Sustainable use of the natural environment;
- A secure environmental future

We have considered the proposal against the full range of Natural England’s interests in the natural environment but our comments are focussed on the following specific matters:

Designated sites

The application site lies close to:

- Kirkby Moor Site of Special Scientific Interest (SSSI)
- Duddon Estuary SSSI, Special Protection Area (SPA) and Ramsar site
- Morecambe Bay Special Area of Conservation (SAC)

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Based on the information provided, Natural England has no objection to the proposed development. It is our view that, either alone or in combination with other plans or projects, it would not be likely to have a significant effect on the interest features of the SAC, SPA and Ramsar sites, or any of the features of special scientific interest of the SSSIs. Our detailed reasoning behind this view is set out below:

Due to the size, location and type of development we would not anticipate any impacts on this designated sites.

Protected Species

Paragraph 98 of Circular 06/2005 accompanying PPS9 states that “the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.”

The protection afforded these species is explained in Part IV and Annex A of Circular 06/2005 „Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System.”

Given the further information regarding the buildings to be demolished provided by the planning officer, Natural England consider the proposal to pose a potential but low risk to bats. Bats are protected under Schedule 5 of the *Wildlife and Countryside Act 1981 (as amended)* and under the *Conservation (Natural Habitats, &c) Regulations 1994*. These statutory instruments protect both the species themselves and their associated habitats. Please note that places which bats utilise for shelter are protected regardless of whether they are present or not. Therefore, the enclosed informative should be attached to any planning permission. The following should be applied in suitably worded conditions:

All contractors must be made aware of the contents of the bat informative and of the possibility of encountering bats at this site.

The demolition of the outbuildings should be carried out with great care by hand because of the possibility of encountering bats.

Should bats, or signs of bats be discovered in the course of the development, all work should cease immediately and not recommence until advice has been sought and acted upon from a suitably experienced consultant or Natural England’s bat help line for Cumbria (017687 76911)

Please note that if planning permission is granted, the applicants should be informed that this does not absolve them from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licenses required, as described in Part IV B of *Circular 06/2005*”.

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OFFICERS REPORT:

The application site is Moorside Farm, a detached farmhouse with associated outbuildings which occupy an elevated position on a steep slope above the A595. The buildings are in a relatively isolated location within the open countryside, approximately 40 metres from nearby dwellings along Tippins Lane. A public footpath runs from the A595 directly through the site. The buildings are partially screened from the road by an area of vegetation. The site is located within a designated County Landscape.

The application is for the siting of a single storey timber lodge for use as holiday accommodation. The lodge will have a footprint of 7.8 metres x 6.2 metres which includes an external decking area.

As part of the proposal, two existing outbuildings, which are in a poor condition, will be demolished.

Policy

Planning Policy Guidance Note 7: The Countryside advises that it is usually preferable for diversification schemes to re-use good quality existing buildings rather than build new buildings within the countryside. This is supported by local plan policy G19.

Saved Structure Plan Policy 12 seeks to protect designated County Landscapes by resisting development and land use changes detrimental to their distinctive character. This reflects national policy, which states that the countryside should be safeguarded for its own sake and that any development should, among other things, maintain or enhance the environment.

Saved policy G9 relates to self catering holiday accommodation, stating that new development in rural areas will be refused if it's unrelated to existing buildings or uses on the site. In this case, existing barns within the site boundaries benefit from permission for conversion to holiday accommodation as does the farmhouse extension. The lodge will therefore contribute to this existing allocation of holiday lets.

Planning History

There are several previous applications relating to the site which are material planning considerations:

- 1992/0541: Conversion of barn, approved subject to conditions
- 1992/0089: Conversion of barns, approved subject to conditions
- 1993/0002: Application for removal of holiday let limitation condition (1992/0089), refused.

There are also additional applications which were determined on appeal. A summary of these follows:

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- 1987/0829: Siting of 2 residential caravans for holiday letting: Appeal allowed and planning permission granted subject to limited period condition and landscaping/painting condition.

The Inspector noted:

“The smaller one is well screened from the surrounding countryside, and does not in my view cause serious damage to the visual amenities of the area, being inconspicuously sited and coloured as to merge with the background. The larger one is more prominently sited and visually exposed. It is finished in bolder and more eye catching colours. I consider it damaging to the visual amenities of the area”

“There is a pressing need to generate more income from the farm in order to maintain it as a farming unit. This is a planning objective to which some weight should be attached, as the farmhouse, farmyard and surrounding farmland are part of and contribute towards the character of the countryside which policies are seeking to protect. Deterioration in the appearance of the holding through lack of resources would operate against the aims of these policies.”

“On careful balance, retention of the caravans in their present position will be more likely to enable the survival of an existing farming enterprise which contributes to the character and economy of the area than to cause unacceptable damage to the visual amenities.”

- 1996/0222: retention of four caravans for residential use: Appeal dismissed

The Inspector noted:

“In the absence of any evidence of agricultural or forestry related need, my view is that the provision of housing accommodation in this location would be contrary to the clear terms of development plan policy.”

“Even if the structures were less conspicuous, I do not consider that would, in itself, be a good reason to allow their retention because my view is that the caravans represent a consolidation and extension of development in the countryside, which undermines the undeveloped character and natural beauty of the rural landscape”

- 2002/0202: single storey log cabin used as holiday accommodation (in a location to the north-east of the farmhouse): Appeal dismissed

The Inspector noted:

“In my assessment due to its elevated position the proposed cabin would be visible through the fringe of trees, particularly in winter months, as well as from the adjoining public footpath. Its design and materials would not be in keeping with those of the traditional buildings of the nearby farm and hamlet. I judge therefore that it would appear as an unacceptably intrusive feature detracting from the attractive appearance of the surrounding area.”

“Moreover, the siting would be such as to be visually unrelated to the existing farm group, thus having the effect of noticeably extending built development and associated clutter into the open countryside.”

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Issues

Visual Impact

I believe the main issue is the impact of the lodge upon the visual amenities of the area. The location of the lodge is preferable to the location proposed under ref. 2002/0202. The lodge will be screened from the A595 by the farmhouse itself and the close proximity of the two buildings will ensure that the lodge does not appear as an isolated development when approaching the site from the access road.

As the lodge will be visible from the access road which runs up to the farmhouse, the main question is whether the lodge, will be harmful to the character of the area. The lodge will be constructed from traditional materials and a condition can be attached requiring it to have a dark finish rather than a stained finish as shown in the photographs submitted. A darker colour will help merge the development into the background. Given this I do not feel the lodge will cause significant harm to the character of the area.

Privacy

The lodge is to be imported to and built on site. Whilst its position is shown on the drawings, its orientation is not and depending on the way the lodge faces there may be an impact upon the privacy of the owners of the farmhouse (the applicant). Where a development impacts upon an applicants amenity, it is generally held to be acceptable as they will benefit from the development and have a choice as to which direction habitable rooms face.

If the development had been a residential building, a condition would have been appropriate to prevent overlooking between habitable room windows of both properties. However as the development will provide holiday accommodation, I do not feel such a condition is necessary.

Drainage

The intention is to connect the lodge to an existing septic tank. Foul sewage will be taken down the access track via a 100mm drain which will connect into an existing manhole. From here sewage will be directed into a recently installed Klargestep septic tank. The applicant advises that the capacity of the tank is 4600 litres which is able to serve 14 people.

Run-off surface water will be directed into a soakaway in the garden area at the rear of the lodge.

Other issues

Conditions will be required to ensure the lodge does not turn into a permanent residential dwelling which would be unacceptable in this location.

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Summary

The lodge is in a more suitable position to that refused on appeal and suitable conditions will ensure there is no harm to the visual amenities of the area.

RECOMMENDATION:

I recommend that planning permission be GRANTED subject to the Standard Duration Limit and the following conditions:

Condition no.2

Within 1 calendar month of being erected on site, the lodge shall be given a dark stain finish, details of which must 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 permanently retained in the approved finish unless the Planning Authority gives prior written consent to any variation.

Reason

A dark colour will make the development less prominent within the local landscape, which is one that the Planning Authority feels is worthy of protection from potentially intrusive development.

Condition no.3

The building shall be used solely as holiday accommodation; the maximum period of holiday let shall not exceed one month, unless otherwise agreed in writing by the local planning authority.

Reason

The site is within a location where permanent general residential development would not normally be permitted due to conflict with national guidance and local development plan policies.

Condition no.4

At the end of each calendar year the site owner shall supply the Planning Authority with written factual details of rental periods during that calendar year.

Reason

For the avoidance of doubt and in the interests of tourism and the economic vitality of the countryside.

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PLAN NUMBER:	APPLICANT:	AGENT:
2009/2007	Barrow Borough Council	Mr T Hargreaves Arcus Consulting
WARD/PARISH:	CASE OFFICER:	DATE RECEIVED:
Hindpool	Leanne Parr 01229 876438	20/11/2009
		STATUTORY DATE:
		14/01/2010
LOCATION:		
2-84 Sutherland Street and 96 Crellin Street, Barrow-in-Furness		
PROPOSAL:		
Application Under Regulation 3 of the Town and Country Planning General Regulations 1992 for the application of external insulation to front elevations, and rendering there of, like wise but to all elevations of No. 96 Crellin Street, installation of GRP canopies, and hard landscaping.		

SAVED POLICIES OF THE FORMER LOCAL PLAN:

POLICY D21

In determining all applications submitted to it the local planning authority will have regard to the General Design Code set out in paragraph 5.4.27 of this plan.

In towns and villages, proposals shall relate to the context provided by buildings, street and plot patterns, building frontages, topography, established public views, landmark buildings and other townscape elements. Proposals that do not respect the local context and street pattern or the scale, height, proportions and materials of surrounding buildings and development which constitutes over development of the site by virtue of scale, height or bulk will not be permitted, unless there is specific justification, such as interests of sustainability, energy efficiency or crime prevention.

Development proposals in the countryside shall respect the diversity and distinctiveness of local landscape character. New farm buildings will, in general, be required to be sited within or adjacent to an existing farm building complex or in other well screened locations and to be subject to a complementary design and use of materials, with, where necessary, a 'planting' scheme.

SUMMARY OF MAIN ISSUES:

Alterations to the terrace will improve the street-scene and make the dwellings more energy efficient.

NON MATERIAL CONSIDERATIONS:

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REPRESENTATIONS:

Development advertised on site

Occupiers of 94, 96A, 96B, Crellin Street, 23, 24, Arnside Street, 23, 24, Lindal Street, 66, 67, Lord Street, 107, 120, Harrison Street, 127-135 (odds), Greengate Street, 2, 6, 8, 14, 16, 18, 20, 23, 24, 30-60 (evens), 43, 64-72 (evens), 76, 77, 80, 83, 86, Sutherland Street, 53, Longreins Road, Cumbrian Properties 56, Helian Properties 271 Rawlinson Street, 5, Bowness Road, 44, Haverigg Gardens, Accent Foundation, Ambassador House, Dalton Road, Barrow-in-Furness, Ettie Baines Cottage, Elm Grove, Windermere, The Nook, Mount Pleasant, Greenodd, Ulverston, all informed. No representations received.

CONSULTATIONS:

Cumbria Highways – No response received.

OFFICERS REPORT:

The application has been reported to you today as the applicant is Barrow Borough Council.

The application site is a Victorian terrace located on the eastern side of Sutherland Street. The terrace is in mixed ownership, with some dwellings privately owned and some council owned. Several of the dwellings are vacant and all are in varying states of repair. The front elevations are currently a mixture of red brick, render and pebble dash. Roofing materials are either slate or tile.

Proposal

The proposal is part of a wider regeneration scheme which includes demolition of vacant properties (82 and 84 Sutherland Street) and improvements to public spaces in the area. This application deals with several alterations to the terrace:

- The replacement of existing roof coverings, front and rear, with natural slate;
- The application of insulated render to the front elevation of each property and the gable end of no.96 Sutherland Street. The bottom section of the front elevations will have a Hamson, Wonderwall, brick slip system applied. This is similar in appearance to the standard red brick which is typical of the area. The majority of the rest of this elevation will have a Weber insulated render applied. This will be coloured in either brick red or cream. The two central houses, nos. 60 and 58 will remain as red brick.
- The provision of new GRP canopies above existing front doors;
- The replacement of rear boundary brick walls and gates;
- Rebuilding of chimney stacks in Hanson, county smooth red brick;

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- New windows and doors proposed in several dwellings;
- New rainwater pipes to the front of 6 of the properties.

The intention of the scheme is to improve the thermal efficiency of the terrace and its visual appearance.

Policy

Saved Local Plan Policy D21 is the most relevant to the application, this is copied above for your reference. In terms of national guidance, Planning Policy Statement 1 gives general design advice and states that only high quality design which is in context with its surroundings should be accepted.

Representations

No comments have been received from residents or other interested parties at the time of writing the report.

Issues

The alterations to the front elevations and the roofs will give the terrace a uniform appearance and will be an improvement, rather than a detriment to the street-scene. Whilst finishes such as the Weber system and the Hanson brick slip system are new to the area, the finish will be similar to a standard render (examples of which can be seen in the street) and the colours will be in keeping with the terrace opposite.

The replacement of rear walls and gates will improve the security of the terrace as several rear walls are in a state of disrepair.

The proposal complies with saved policy D21 and guidance within PPs1.

RECOMMENDATION:

I recommend that planning permission be GRANTED subject to the Standard Duration Limit.

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PLAN NUMBER:	APPLICANT:	AGENT:
2009/1549	Mr Max Elliott	Mr Andy Ross
WARD/PARISH:	CASE OFFICER:	DATE RECEIVED:
Hindpool	Jason Hipkiss 01229 876485	21/09/2009
		STATUTORY DATE: 15/11/2009
LOCATION:	Former Elliots Restaurant, Howard Street, Barrow-in-Furness	
PROPOSAL:	Change of use from restaurant (Class A3) to childcare day nursery (Class D1), together with provision of 1 No. new window and emergency exit to the rear of the building	
SAVED POLICIES OF THE FORMER LOCAL PLAN:	Policy F3	

Policy F3

Childrens' nurseries catering for more than six children at a time will not be allowed if they are considered to bring undue harm to the residential amenity of an area by virtue of the amount of traffic generated or the amount of disturbance from play areas. Play areas must either not adjoin the curtilages of other dwellings or, where there is reasonable separation from other curtilages, must be provided with adequate screening either by acoustic fencing or as a result of the presence of substantial landscaping.

SUMMARY OF MAIN ISSUES:

The building occupies a sustainable location but its potential impact of the facility upon the immediate surrounding area, which is residential in nature, needs to be taken into account.

NON MATERIAL CONSIDERATIONS:

The potential for competition between rival establishments.

REPRESENTATIONS:

The Occupiers of 203, 215, 217, Duke Street, 1, 1A, 3, 5, 7, 11, 13, 15, Flat 1-3 9, Nelson Street, 14-22 (evens), Monk Street, 5, Howard Street, Bala Technology Ltd, Cumbria Partnership NHS Trust, Cumbria Primary Care NHS Trust, Impact Housing, Iomart Internet Ltd., JHP Training, Pearce Bentley Security Ltd., College House, Howard Street, Barrow-in-Furness. All informed.

The Old Vicarage Day Nursery, 112 Hartington Street, Barrow in Furness – (Dated 12/10/09)

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I understand the Borough Planning Committee will consider an application to open a children's day nursery at the former Elliot's Restaurant at College House (Howard Street, Barrow-in-Furness) at the November or December 2009 planning meeting.

During your consideration of the request, I would ask you to consider the possible impact on existing provision in the town, and the knock on effect of employment at existing nurseries, particularly in the Hindpool area

As you may be aware, there are already three children's day nurseries close to the proposed site, the "Old Vicarage day nursery Hartington Street), Hindpool nursery (Piggy Lane and Furness Childcare (High Street) as well as a number of registered childminders, and in the current economic climate a new nursery opening within a 1/4 mile of the other three may mean some of the existing provision becomes unsustainable.

Earlier this year I spoke to two Vice-Principals at Furness College, who, while stating the reason for closure of the College nursery was down to a need for the building for other college use, the reason they felt they didn't need to provide a nursery on the new site was that there was plenty of spare childcare capacity at existing nurseries (their figure was 200 places). At the Old Vicarage we currently have quite a lot of spare capacity!

In Addition, I recently spoke to a member of the Cumbria Early Years team (based at Jubilee House) who informed me some of the nurseries in the town are just managing to 'keep afloat', while this summer has seen the closure of the Busy Bees and Furness College nurseries in Barrow.

Thank you, in anticipation that you will read and consider our concerns".

From the Staff at Old Vicarage Nursery, Hindpool

"We know that the people who want to open a new children's day nursery at Elliot's Restaurant at the old Howard street college will be excited at the prospect, but we think there are already more nursery places in Hindpool then needed, and another nursery opening will make all the nurseries (including the new one), less sustainable.

At our nursery, the number of children on the role is less than this time last year, and last year was less than the year before. Because of this, the nursery is already laying off one person a day.

We have signed the petition because we concerned about our jobs.

Signed by 27 people

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CONSULTATIONS:

Cumbria Highways

'I refer to the above consultation received on 23/09/09 and would comment as follows.

It is noted from the details supplied that the proposal will not lead to an increase in vehicular traffic to and from the site. I can therefore confirm that the Highway Authority has no objection to the proposal.'

United Utilities, Asset Protection

'I have no objection to the proposal provided there is no increase in the footprint of the building.'

Environmental Health

"The development proposes an outdoor play area. A restriction should be placed on the times of use similar to those at other nurseries in the Borough. Therefore, the use of the play area shall be restricted to 07.00 – 18.00 hrs Monday to Saturday."

Cumbria Fire & Rescue – No response received.

Rebecca Jones – No response received.

OFFICERS REPORT:

Site

The former Elliot's restaurant is an annex to the college building, although it is of more recent construction, and was built as the college refectory. It eventually became a separate restaurant before closing several years ago. Facing onto Duke Street, from which it is separated by the Willie Horne Gardens, the property stands on the south side of College House. There is a back street along its southern elevation, whilst Howard Street is a short cul de sac to its front (western) elevation which provides access to 13 car parking spaces for permit holders and disabled drivers. Access to both is from Nelson Street, which, together with Monk Street is the nearest concentration of properties, consisting predominantly of terraced houses. The site is separated from Monk Street by a palisade fence, whilst there is a narrow footpath along the side of the end terraced house linking it with back Nelson Street.

The building is substantially glazed to the front and the north facing elevations, with higher level openings to the southern side facing the rears of the terraced properties along Nelson Street. At present there is internal access from the college from the north side, and a fire escape on the southern elevation. The building has a floor area just less than 300 square metres, with the curtilage taking the overall site area to an indicated 330 square metres. At the rear there is a small (7 m by 5 m) yard area.

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Proposal

Due to the nature of the proposal, the majority of the changes to the building will be internal, the building being sub divided into nursery areas based upon the age of the children under care, together with related ancillary accommodation. Other areas proposed include a kitchen and administrative spaces such as offices and a staff room. The internal access from the college will be closed, with the main entrance for the nursery being created on the front elevation from Howard Street. An additional fire escape and window is proposed on the eastern elevation facing into Monk Street. On this elevation the small yard area would be used as an outdoor play facility.

Policy

The overriding principle of planning policy, as described in PPS1, is that of sustainability, by prioritising the reuse of existing buildings and previously developed sites within recognised settlements at locations that are accessible by various means of transport, not just by the private car. This guidance is reproduced within policy DP4 in the North West Plan. The Barrow local plan specifically mentions children's nurseries in policy F3, giving criteria against which any proposal will be judged, with residential amenity being the main consideration.

Issues

The proposal involves the conversion of vacant premises and, as the application site is close to a significant number of houses, and is within walking distance of the town centre and a number of bus routes, I am satisfied that the proposal is in keeping with the principles of sustainability. However, it is likely that a significantly number of parents will travel to the nursery by car, possibly as part of a shared trip to work or for shopping. The application is supported by a traffic study which examines the potential level of traffic generated against that which could reasonably be expected from the authorised restaurant use. The study recognises that the opening hours of the two uses give traffic peaks at differing times, the restaurant generating greater evening traffic, whilst the nursery would have peaks coinciding with the normal weekday peaks, i.e. 0800-0900 hours and 17.00-1800 hours. The report concludes that the nursery would produce a slight reduction in overall traffic levels, and I am satisfied that traffic is not a significant matter in the determination of this application.

A potential problem associated with nurseries is that of noise, escaping from open windows and noise from outdoor play area. The comments received from the EHO are reproduced above, and he has recommended a limitation on the opening hours which is similar to that used on other nurseries in the area that sit close to residential properties. Members will note that there have been representations from other nurseries in the local area relating to the availability of spare capacity in those nurseries and the potential for subsequent job losses at those establishments. However, Members will be aware that the planning system deals with land use issues rather than competition between businesses.

"It is not the role of the planning system to restrict competition, preserving existing commercial interests or to prevent innovation" (PPS6).

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Conclusion

The proposal will bring an empty building back into beneficial occupation and create job opportunities. There are a number of nurseries within the central Barrow area which are located within, or close to, residential areas but subject to the adherence to suitable conditions regarding opening hours and procedures, have operated without undue conflict. The previous uses of the property, both as part of the college, and as a separate restaurant, will have generated some level of noise and traffic, and this needs to be taken into account in the context of the proposed use.

Whilst there have been concerns expressed by other businesses in the same sector on grounds of competition, this is not a matter in which the planning system can become involved. Overall, I am satisfied that the proposal is in keeping with policy and should be supported subject to suitable conditions.

RECOMMENDATION:

I recommend that Planning Permission be GRANTED, subject to the Standard Duration Limit and the following conditions;

Condition 2

The development shall be carried out in all respects in accordance with the hereby approved documents defined by this permission as listed below, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order, 2008 (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. The documents to which this consent refers are as follows;

The application form,

The Design & Access Statement dated August 2009.

Drawing Reference HH-CHB-02 Rev D dated 18/8/2009, drawing reference 20233/02 dated 27/08/2009.

Reason

To enable the Planning Authority to exercise sufficient control over the development in order to meet policy objectives, and for the avoidance of doubt.

Condition 3

The use approved must only take place within the hours of 07.00 - 18.00 Mondays to Saturdays and it must not take place at all on Sundays.

Reason

In order to protect the residential amenities of the area due to the proximity of the premises to housing.

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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 properties or the visual amenities of the area. As such, the proposal complies with the Development Plan for the area, specifically policies;

North West Plan; policy DP4.

Borough of Barrow in Furness Local Plan Review; Saved policy F3.

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PLAN NUMBER:	APPLICANT:	AGENT:
2009/1836	Hartleys (Ulverston) Limited	Mr J Riley Frederick Robinson Limited
WARD/PARISH:	CASE OFFICER:	DATE RECEIVED:
Dalton North Lindal and Marton Parish Council	Jason Hipkiss 01229 876485	19/10/2009
		STATUTORY DATE: 13/12/2009
LOCATION:		
New Inn, Silver Street, Marton		
PROPOSAL:		
Conversion of former public house to two, three bedroomed dwellings and addition of a front entrance porch.		
SAVED POLICIES OF THE FORMER LOCAL PLAN:		

POLICY B3

Applications for residential development on unallocated sites will be permitted where they accord with the sequential approach of the Structure Plan and also satisfy the following criteria:

- i) The site is located within the built up area of existing settlements or the development cordons identified in Policy B13; and
- ii) The siting, scale, layout and design (in the materials and form of the buildings) of the development is sensitive to the local environment, it promotes the principles of 'Secure by Design' and adequate parking provision is made; and
- iii) Adequate access arrangements can be provided, including servicing the site by the public transport and by cycle routes; and
- iv) The development is laid out in a way that maximises energy efficiency; and
- v) The development will not result in the loss of land which has a recognised or established nature conservation interest; and
- vi) The development must not cause an undue increase in traffic passing through existing residential areas such as to be detrimental to residential amenity or highway safety; and
- vii) Adequate water supplies, foul and surface water sewers and sewerage treatment facilities exist or can be provided; and

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- viii) 'A risk-based approach will be adopted for development in or affecting flood risk areas to minimise the risk of flooding associated with the site and the potential effect development of the site might have elsewhere through increased run off or a reduction in the capacity of flood plains. This shall be in accordance with the sequential characterisation of flood risk set out in Table 1 of Planning Policy Guidance Note 25 'Development and Flood Risk; and
- ix) Where contamination is suspected, a desk study is undertaken and if necessary a site investigation is undertaken and remediation strategy submitted.

POLICY B10

Outside the settlements of Barrow, Dalton and the development cordons of villages listed in Policy B13, new residential development will only be permitted where it can be justified in accordance with Annex A of Planning Policy Statement 7 or revisions thereof. In addition the conversion of agricultural and other rural buildings to residential accommodation will not be permitted, unless the accommodation is to be occupied by those whose primary employment is in agriculture or forestry where a dwelling is essential for the working of a farm or woodland and there is no other suitable accommodation already available at the holding: or

- a) The applicant has made every reasonable attempt to secure suitable business re-use and the applicant is supported by a statement of the efforts which have been made, the minimum of which must include the premises being advertised, at a realistic price, for a minimum of 12 months, that no reasonable offer has been refused and that evidence is provided to show the property has been advertised on the open market at four times in local media at roughly equal periods over the year; or
- b) Residential conversion is a subordinate part of a scheme for business re-use; and
- c) The building is served by satisfactory access; and
- d) The scale of the conversion is appropriate to the building, its character and location.

POLICY B13

In the following villages, residential development and the conversion of existing buildings for residential purposes will be allowable within the residential cordon, especially if it contributes to the maintenance of that community, subject to conformity with the criteria of policy B3 and the principles of Structure Plan Policy ST13:

Askam & Ireleth, Biggar Village, Lindal, Marton, Newton, North Scale, Rampside, Roa Island.

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POLICY C11

Applications for the change of use of retail outlets, post offices and public houses that serve a recognised local need in rural areas and suburban residential neighbourhoods must include evidence that the retail use is no longer viable. This would include the premises being advertised, at a realistic price, for a minimum of 12 months, that no reasonable offer has been refused and that evidence is provided to show the property has been advertised on the open market at least four times in local media at roughly equal periods over the year.

SUMMARY OF MAIN ISSUES:

Whether the conversion by virtue of its scale and appearance and its location outside of the village cordon undermines the policy stance that protects rural areas from unsuitable and sporadic development.

The proposal should be judged against policy criteria that assess whether the business has been suitably marketed to try and ensure its retention, and also against criteria to assess the details of the conversion.

NON MATERIAL CONSIDERATIONS:

REPRESENTATIONS:

Development advertised in the local press

The Occupiers of The Bungalow, 21-25 Fair View, Minstrel Hall, Caravan at the Paddock, 4-8 Silver Street, Marton all informed.

The Occupier, 21 Fair View, Marton

“Whilst we would have liked the New Inn to remain as a pub/local focal point of the village we realise that times have changed and this is not to be. The new houses must have off road parking as there is already insufficient parking places in the village, it is now cluttered with vehicles and it is a nightmare trying to get through the village at certain times, this needs to be improved and not worsened as there is potentially a further six cars or more seeking parking places from the new dwellings.”

The Occupier, 5 Silver Street, Marton

“I am writing to you to make objection to the proposed planning application to convert the former New Inn public house into two, three bedroom dwellings, application number B13/2009/1836.

I am objecting for several reasons. Firstly, the attached car park, we have always understood that if the building does not continue to be a public house then car park has to revert back to a field. This is not shown on the plans.

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The public house used to be the focal point of the village. The brewery however, I believe has placed unsuitable tenants in to drive down the beer sales making the pub no longer viable. The previous tenant tried to turn the pub into a restaurant alienating the rest of the villagers in the process.

Marton is known for its sporadic buildings and the conversion of the pub into two separate dwellings is going to increase the building volume and in turn the village population. I also believe this conversion is outside the building cordon and if this is allowed to proceed it will encourage further housing development within the village.”

CONSULTATIONS:

Lindal and Marton Parish Council

“Reference was made to the fact that the public house in Marton, the New Inn, had been empty for at least eighteen months and that attempts to retain it as a viable commercial concern had been unsuccessful. The Council deplored the loss of another village amenity but recognized that this was predominately due to wider changes in the social habits of the general population, with there being a much reduced demand for traditional village pubs. The Council was aware that the building was outside the formal residential cordon for Marton but, given that:

- it was in the middle of the village and within the general residential area;
- it would remain essentially the same in shape and overall size;
- its use as a pub went hand-in-hand with having at least one family in residence;

the Council’s view was that the proposed conversion into two houses, which would allow two families to be in residence, should be considered to be a sensible use of an abandoned building. It was, therefore, PROPOSED by Councillor Lord and SECONDED by Councillor Mrs Glover that the Council raise no objection to this application.”

OFFICERS REPORT:

Site

The New Inn is a detached public house located on the north side of Silver Street to the south east of the village of Marton from which it is separated by agricultural land. The nearest dwellings are a short terrace of houses on the opposing side of the road some 30 metres to the south east. It is a traditionally built property constructed with rendered walls and a slate roof, and three storeys in height with the second floor contained within the roof space. Internally, the accommodation is split with the landlords living quarters on the upper two floors above the public areas. A reference to historical mapping information shows that the building was built in the latter half of the nineteenth century.

There is a single storey annex on the eastern gable with mono pitched roof. Also on this side is a gated access into a yard area. On the opposite side is the customer car park, which is excluded from the application site, and at the rear a small garden which contained a number of timber outbuildings. At the front there is a shallow forecourt some 2.5 metres in depth extending to 4 metres in front of the annex.

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Proposal

The application is for the creation of two dwellings with fairly standard internal layouts of living space on the ground floor and bedrooms on the upper two floors. The rear garden will also be divided into two plots, and two parking spaces per plot created on each gable end. The forecourt area would also be divided and a low boundary wall erected along the frontage to delineate from the highway.

The front elevation of the public house has a simple appearance with a central door flanked by a window on each side, three windows above and three gablets set into the eaves. The submission shows the door and window interchanged to form one unit and a porch and front door added in the front of the existing annex for the second unit. The side of this annex will also receive a window and door to a kitchen area. At the rear the window layout is less regimented, and will be retained except for the change of a door and a window into a set of patio doors. There are no changes to the external materials proposed, and all joinery is shown as timber.

Policy

The overriding theme of current policy is one of sustainability which can be achieved by prioritising the reuse of existing buildings and brownfield land over green field locations. General policy guidance found in PPS7 (Sustainable Development in Rural Areas) encourages planning authorities to adopt policies in local plans that identify the criteria used when considering applications that would result in the loss of certain rural facilities and services. The examples given include facilities such as village shops, post offices, petrol stations, and public houses. At regional level, policy RDF2 contained within the North West Plan refers to the need to provide plans and strategies that promote development which fulfils the needs of local communities and enhance the quality of rural life.

In the Local plan Saved policy B13 seeks to prevent sporadic residential development by setting a residential cordon around villages including Marton. The application site is located outside of the main village core some 70 metres beyond the cordon, although it sits within a scattering of separate developments that stand either side of Silver Street. B10 also resists new development outside of the cordon, including the conversion of farm and other rural buildings to residential use, except where it would be occupied by an agricultural or forestry worker.

Policy C11 sets out the criteria for determining applications that would result in the loss of recognised community facilities. This includes evidence that the use is no longer viable, and the business has been advertised on the open market at a realistic price with no reasonable offer refused.

Issues

The application was accompanied by a supporting statement which gives the recent trading history of the business, with the annual barrellage sold dropping from 62 in 1998 to 41 in 2007. The property was then put to auction in February 2008 with no prior interest in the premises and no bids tendered. It then went on the open market with a local agent and advertised weekly in the local media. The only viewings were from potential buyers who

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wanted to convert it to residential use, the business use attracting no interest even after a price reduction. The property remains vacant.

Whilst policies seek to prevent the random loss of rural services, it is not within the remit of the planning system to perpetuate a failing or uneconomic business. Policies do exist to create a framework whereby proposals can be scrutinised against set policy based criteria and local circumstances. Based upon the submitted evidence I am satisfied that the criteria attached to policy C11 has been met.

The New Inn is outside of the cordon identified by policy B13, and for this reason any redevelopment of the car park for new housing would not be acceptable. However, I consider that there are a series of important material considerations as to why the application to convert the existing building should be supported. The building is already in substantial residential use by virtue of the landlord's accommodation on the upper two floors, and is of a scale and appearance commensurate with its surroundings. To convert the building requires very little physical alteration to its external appearance, it already has services, and no infrastructure works are required beyond its boundaries, unlike the residential conversion of a rural building such as a barn for example. Approving this conversion does not, in my opinion, undermine the overall integrity of those policies that seek to prevent less sympathetic and sporadic development outside of recognised settlements.

RECOMMENDATION:

I recommend that Planning Permission be GRANTED, subject to the Standard Duration Limit and the following conditions:

Condition 2

The development shall be carried out in all respects in accordance with the hereby approved documents defined by this permission as listed below, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order, 2008 (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. The documents to which this consent refers are as follows:

The application form,
The Design & Access Statement, issue date September 2009,
Drawings reference number T01143-001 Rev A and T01143-002 Rev A.

Reason

To enable the Planning Authority to exercise sufficient control over the development, in order to meet policy objectives and for the avoidance of doubt.

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Condition 3

The areas shown as parking spaces on the approved plans shall be kept clear of any development (whether Permitted or not by virtue of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order with or without modifications) or obstructions and shall not be used for any other purpose, unless the Planning Authority gives prior written consent for any variation.

Reason

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

Condition 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 and or parking provision shall be permanently 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.

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 enable the beneficial occupation of a previously vacant building which has been remarketed for business use without success. As such, the proposal complies with the Development Plan for the area, specifically policies;

North West Plan policy RDF2

Borough of Barrow in Furness Local Plan Review Saved Policy C11.

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 policies and therefore the proposal was acceptable.

The material considerations that outweigh the Borough of Barrow in Furness Local Plan Review Saved Policies B3, B10, B13, are that the building is already predominantly in residential use and requires little alteration to its external appearance for the conversion to take place. The proposal will also enable the beneficial occupation of a vacant building.

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PLAN NUMBER:	APPLICANT:	AGENT:
2009/1221	Natural England	Mr M Rhodes Natural England
WARD/PARISH:	CASE OFFICER:	DATE RECEIVED:
Walney North	Ian Sim 01229 876384	04/08/2009
		STATUTORY DATE:
28/09/2009		
LOCATION:		
Foreshore adjacent to North Walney National Nature Reserve, West Shore Road, Barrow-in-Furness		
PROPOSAL:		
Reworking of 20m section of sand-dune to create temporary embankment. Installation of approximately 40 limestone boulders, from edge of BAE Systems tip in 40m line across shingle beach, to prevent illegal vehicular access along the shingle beach (Retrospective).		
SAVED POLICIES OF THE FORMER LOCAL PLAN:		

POLICY D1

The Borough's countryside will be safeguarded for its own sake and non-renewable and natural resources afforded protection. Development will be permitted in the countryside only where there is a demonstrable need that cannot be met elsewhere. Where necessary development is permitted any adverse effect on the rural character of the surroundings should be minimised subject to the development's operational requirements.

POLICY D2

Development harmful to the distinctive character of designated County Landscapes, as indicated in the Proposals Maps, will not be permitted. Development justified on grounds of need that cannot be located elsewhere will be permitted provided that it is sited to minimise environmental impacts and meets high standards of design.

POLICY D9

Proposals for development or land use which may affect a European site, a proposed site or a Ramsar site will be subject to the most rigorous examination. Development or land use change not directly connected with or necessary to the management of the site, that is likely to have significant adverse effects on the site (either individually or in combination with other plans or projects), and which would affect the integrity of the site will not be permitted unless the authority is satisfied that:

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- There is no alternative solution; and
- There are imperative reasons of overriding public interest for the development or land use change.

POLICY D10

Proposals for development or land use changes affecting nationally important nature conservation interests will be subject to special scrutiny. Where development may have a significant adverse effect on the nature conservation interest or integrity of an SSSI it will not be permitted unless the need for development outweighs both the value of the site itself and considerations of the national policy to safeguard the intrinsic nature conservation value of the national network of such sites. In the National Nature Reserve and Foulney Island Bird Sanctuary particular regard will be paid to the individual site's importance.

In exceptional circumstances where development is permitted the council will use planning conditions and obligations to ensure the protection and enhancement of the site's nature conservation interest.

SUMMARY OF MAIN ISSUES:

The proposal involves the retention of a bund and limestone bolders which have been located to prevent vehicular access to the nationally important nature site to the north. Public safety in the form of HM Coastguard has been considered and the access required by them, as have the requirements of preserving and protecting the natural environment.

NON MATERIAL CONSIDERATIONS:

REPRESENTATIONS:

Development advertised on site

Supporting Statement

"Section 3 – Description of Proposal

The site forms the south west boundary of the Duddon Estuary Site of Special Scientific Interest and lies approximately 300m south of the North Walney National Nature Reserve; managed by Natural England. The site consists of a 40m strip of sand-dune and shingle beach. To the east of this is a fenced boundary with the BAE Systems land (previously used by them as a waste disposal site). To the west, the shingle bank shelves steeply onto the sandy beach.

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For at least 10 years there have been issues with vehicles regularly driving northwards from Earnse Bay; along the upper part of the shingle beach and dunes and onto the SSSI/NNR. This has caused significant damage directly to the shingle and shingle vegetation; which are identified as interest features in the SSSI designation (*Photo 1*). It also causes disturbance to the birds which would normally nest and roost on the shingle habitat.



Photo 1: Damaged shingle beach and vegetation - North Walney

Previous attempts to address the issue by confronting the perpetrators directly or reporting them to the Police have proved ineffective in discouraging them and rely on an almost constant staff presence. Warning signs installed throughout 2007 and 2008 were repeatedly torn down or ignored. In the light of this, the installation of a physical barrier to prevent illegal vehicular access was deemed the only mechanism for addressing the issue.

The barrier consists of a line of quarried limestone blocks, the largest being approximately 2m by 1 m by 0.5m in size, covering a distance of 38m from the boundary of the BAE systems waste site to the point where the shingle beach shelves. Where the barrier crosses the 22m wide section of fore-dune this has been re-profiled to form a straight embankment of sand and shingle with a flat area to the southern side, along which the blocks have been laid. The embankment is 22m long, and 6m wide at the widest part of the base. The sides batter inwards to a width of 2m at the top. The height of the embankment is <2m. See *photo 1*. It is envisaged that the embankment will weather rapidly, given the prevalent conditions on the west shore, to form a more irregular and 'natural' profile. It will also become vegetated as plants colonise the bare sand (this is starting to occur already: *photo 2*).

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Photo 1: Showing re-profiled dune with marram covered dunes in foreground and BAE land to right.



Photo 2: Showing vegetation establishing on surface of re-profiled dune.

Where the blocks cross the shingle beach they are laid in a zig-zag formation on the shingle surface with an average spacing between them of 0.8m. This is to prevent vehicles (including motorbikes) from passing between them, without affecting natural coastal processes. The blocks lie above the mean-high- water mark. See *photo 3*.

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Photo 3: Showing rocks laid out across shingle beach (and vehicle tracks in foreground)

Section 8 - Neighbour and Community Consultation

Martin Rhodes (Natural England Reserve Manager) specifically raised the issue at the meeting of the Wildlife and Heritage Advisory Committee on 13th March 2009; when he explained the issue to members and said he was considering installation of a barrier in order to address it. This was noted and no comment made at time by members. BAE Systems consulted as neighbours and to ensure that their access would not be compromised. Discussed with Land Agent for Boughton Estates(landowner) during site visit in 2008, and approached him formally on 25th March 2009 seeking permission to carry out work, which was granted. Erected signs at site of works 21 days prior to commencement - explaining purpose of work and giving contact telephone number for enquiries.

Section 14 - Biodiversity and Geological Conservation

The blocking of vehicular access beyond this point will have a definite positive impact on the land north of here; which is designated as SSSI and is also an NNR. The SSSI unit condition is currently classified as 'unfavourable recovering' and specific reference is made to the damage being caused by vehicles to the shingle/strandline communities.

The Occupier, 259 West Shore Park, Barrow in Furness – (Dated 19.09.09)

"This objection includes 6 images which you should find attached.

The nature reserve this barrier supposedly protects from vehicular traffic is a public facility and is therefore subject to the Disability Discrimination Act 1995 as amended in 2005. As such there is a clear legal obligation on Natural England to not only refrain from imposing any impediment to free access which may be considered a common law nuisance or an obstruction (both of which are crimes) but to also consider Access Equality "in everything they do" to ensure that avoidable negative impacts on the disabled do not occur.

In the case of the barrier in question these legal obligations have been blatantly disregarded and as a result the nature reserve is no longer legally accessible by any form of invalid carriage whatsoever.

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Before the barrier was erected the natural grass verges and compacted shingle provided at least some semblance of a firm level surface over which robust class 3 invalid carriages could travel - but the recent re-profiling of the fore-dune has resulted in a 30m stretch of deep soft sand which descends down a dangerously steep 1:3 incline into what can only be described as a 2m deep sand pit on the northern side of the barrier which is totally impassable.

The entire barrier is nothing more than a "token gesture" at vehicular access control anyway since in spite of it being an effective barrier to the disabled it can far more readily be circumvented by any competent 4WD user or motor cyclist.

Natural England's prior notification signs gave no indication whatsoever that disabled access would be effected.

Image 1. Using boulders to block illegal access to motorbikes while still allowing access to far wider class 2 and 3 mobility scooters is a physical impossibility.

Images 2 & 3. While the south side of the re-profiled dune may well be in the region of 2m tall the extraction of sand from the north side of the dune has resulted in a 2m depression below the natural level of the area which is full of soft deep sand and from which no legal invalid carriage can extract itself.

Image 4. The fact that Natural England are already talking about plant life establishing itself on the earthworks belies the claim that their intention is to provide a mere "temporary" barrier. Even if the boulders were to be removed the new man-made sand dune that accompanies it would almost certainly be left intact and it is this new dune which is directly responsible for the dangerously steep incline and the sand trap which are currently denying disabled access.

Image 5. Other boulder barriers not mentioned on the planning application have also been established and present a common law nuisance and obstruction.

Image 6. Creating the sort of obstacle they have and pretending that it represents anything but reckless endangerment to any disabled person who tries to overcome it is irresponsible in the extreme.

I would therefore request that;

(a) planning consent be refused and an immediate ground restoration order be enforced

or

(b) planning consent be date-dependant on a strict order to provide some other alternative firm level and safe route through the site in question as a matter of urgency.

Please let me know when and where this application is going to be considered and whether objectors will be given the opportunity to speak. If any of the referenced images aren't attached correctly this complete document can be printed out from <http://www.walneyisle.co.uk/BoulderdashBarrier.shtml>

The Occupier, 259 West Shore Park, Barrow in Furness – (Dated 19.11.09)

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Please find attached three photographs which show new tyre tracks circumventing the earthworks and boulder barrier this planning application relates to and attach them to my planning application objection. I also have video footage of a 4WD well north of the barrier and would like to present it together with these photos during the hearing as conclusive proof that the barrier in question is not capable of doing what Mr. Rhodes says it can.

Could you also please get back to me and let me know the reason the hearing is taking so long to arrange?



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CONSULTATIONS:

Walney Aerodrome - No response received.

Boughton Estates

"I would like to confirm my support to the above application in so far as it helps to protect the wider amenity and ecology of land to the north of Walney Island by restricting unauthorised access. This is consistent with the terms and objectives of the long term occupation and management of the site by Natural England".

Mark Ellis – Capita Symonds

"As the Council's Coast Protection Engineer I am satisfied that the bund and rock barrier as constructed will not have a detrimental effect on coastal processes and therefore, have no objection to the development."

H M Coastguard – (Dated 23.11.09)

"I have spoken to our Sector Manager with regard to our site meeting held today, he is happy that the agreement reached to place an access gate/barrier to allow emergency services on to this beach area will remove our concerns as indicated in previous correspondence".

OFFICERS REPORT:

The proposal is for the retention of a sand embankment with approximately 40 limestone boulders which form a line of approximately 46 metres across the foreshore towards the high water mark. The boulders are of various sizes from 2 metres by 1 metre by 0.5 metres reducing in size. The embankment has a length of roughly 27 metres and a width of almost 6 metres and a height of roughly 2 metres.

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The proposal is retrospective and consequently has been subject to the prevailing conditions, thus weathering has and is reducing its manmade appearance and this is further reduced as it becomes colonised by vegetation.

The development forms a barrier to vehicular access to the land to the north, which is the intention.

The site forms part of the south-west boundary of the Duddon Estuary Site of Special Scientific Interest (SSSI) and lies approximately 300m south of the North Walney National Nature Reserve (NNR). To the east is the BAE airport, whilst to the west is the shingle beach. The northern boundary of the West Shore Caravan Park is roughly 1000 metres to the south with access to the application site being by via an unmade track from this point.

A site visit has been arranged.

The applicants (Natural England) have (as Members will have noted) in the supporting statement reproduced above, constructed the barrier to prevent vehicular access to the land to the north which forms part of the Duddon Estuary Site of Special Scientific Interest. Natural England have alleged that vehicles have ‘...caused significant damage directly to the shingle and shingle vegetation’ over many years. They go on to state that ‘Previous attempts to address the issue by confronting the perpetrators directly or reporting them to the Police have proved ineffective and in discouraging them rely on an almost staff presence. Warning signs installed throughout 2007 and 2008 were repeatedly torn down or ignored. In the light of this, the installation of a physical barrier to prevent illegal vehicular access was deemed the only mechanism for addressing the issue.’

They go on to consider that ‘The blocking of vehicular access beyond this point will have a definite positive impact on the land north of here; which is designated SSSI and is also a NNR. The SSSI unit condition is currently classified as ‘unfavourable recovering’ and specific reference is made to the damage being caused by vehicles to the shingle / strandline communities’.

An issue of access to the north of the site was raised by emergency services. Consequently correspondence was exchanged and a site meeting arranged in which H.M. Coastguard and the applicants attended. At this meeting the issues concerning both parties were discussed i.e. access by emergency services and the reason for the bunding / limestone boulders. It was agreed, subject to the scheme being found acceptable that a locked gate would be constructed at the eastern end of the sand dune with keys being given to the respective emergency services. The details and time period for the construction of such a barrier can be conditioned.

Members will also have noted the representation relating to access to the site by people with disabilities. The planning system helps to promote access whenever and wherever possible. However, in this instance the barrier is in an area of rough terrain such that disabled access would not in any event appear practicable / achievable.

The representations have been considered and the physical and visual impact the development has upon the immediate area, and the land’s status. However, a favourable recommendation is warranted.

RECOMMENDATION:

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I recommend that planning permission be GRANTED subject to the following conditions:

Condition No. 1

Within 28 days of the date of this consent details of the proposed access barrier/gateway shall have been submitted to and approved in writing by the Planning Authority unless the Planning Authority gives prior written consent to any variation.

Reason

In the interests of public safety.

Condition No. 2

Within 56 days of the date of the approval of the details referred to in Condition No.1 attached to this consent the access barrier/gateway shall be constructed and thereafter maintained and retained unless the Planning Authority gives prior written agreement to any variation.

Reason

In the interests of public safety.

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PLAN NUMBER:	APPLICANT:	AGENT:
2009/1804	Mr D Reynolds	Mr D Newby Datum Design Company
WARD/PARISH:	CASE OFFICER:	DATE RECEIVED:
Dalton South/Dalton and Newton Parish Council	Ian Sim 01229 876384	06/10/2009
		STATUTORY DATE: 30/11/2009
LOCATION:		
Land opposite Halfway House, Newton Road, Dalton-in-Furness		
PROPOSAL:		
Erection of a stable building		
SAVED POLICIES OF THE FORMER LOCAL PLAN:		

POLICY D1

The Borough's countryside will be safeguarded for its own sake and non-renewable and natural resources afforded protection. Development will be permitted in the countryside only where there is a demonstrable need that cannot be met elsewhere. Where necessary development is permitted any adverse effect on the rural character of the surroundings should be minimised subject to the development's operational requirements.

SUMMARY OF MAIN ISSUES:

The proposed stables would occupy a discrete location within an area of open countryside and in close proximity to other similar uses.

NON MATERIAL CONSIDERATIONS:

REPRESENTATIONS:

The Occupiers of Halfway House, High Barn, Monk House, Abbotsway, New Holme, Meadow View, Billingscote Farm, Newton Road, Barrow House Farm, Woodbine, Newton in Furness all informed.

The Occupier, Halfway House, Newton Road, Barrow in Furness

"As an immediate neighbour of this proposed development and also a horse owner I wish to object to the above planning application for the following reasons:

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1. The size of the proposed building is approximately twice the size of that which is required for 2 stables and a tack room.
2. The creation of a parking area within the field will result in urbanisation of the site and have a detrimental impact on the countryside. As the applicant lives approximately 2.5 miles from the site motorised vehicles will visit the field at least daily if not more often.
3. Paragraphs in the Design and Access statement state "there will be only a very occasional need to service it (the stable building) with a motorised vehicle" and "all feed material will be baled and stored on site". As the proposed development is approximately 200 meters from the road I believe that the temptation to drive across the field to the proposed development in a motorised vehicle will be considerable. There is no mention of how hard feed (20kg sacks) and bedding will be transported to the proposed development and, in my opinion, this will have to be on a regular basis via a motorised vehicle.
4. The design and access statement also states "the land is firm and suitable for vehicle travel without disturbance to the ground". As the owner of the field opposite I can state through personal experience that the land is NOT firm and NOT suitable for vehicle travel without disturbance to the ground during wet weather. A field which may seem firm and suitable for vehicle travel in the summer can very quickly become muddy, rutted and poached after just a few journeys in wet conditions. Potential introduction of mud onto the highway following egress from the field will also pose a hazard to other road users".

CONSULTATIONS:

Dalton with Newton Town Council

'The site plan provided with this application was not adequately clear for the exact location of the Development to be determined. The Town Council would suggest that a site visit is conducted to assess the visual impact on the open countryside and also safety of access to and from the highway. It would be helpful for the three Parish Councils within the Borough to be briefed on the current local policy relating to sporadic development outside the existing village cordons to prevent ribbon development. Newton village in particular has attracted numerous applications for stable blocks in recent years, the majority of which appear to have been approved. The encroachment into open countryside and subsequent reduction of the boundary of this rural community is of concern to the Town Council.'

Cumbria Highways

'No highway objection.'

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OFFICERS REPORT:

The proposed stable has an indicated footprint (inclusive of canopy) of approximately 6 m x 10 m with the ridged roof giving an overall height of roughly 3.8 metres. The external materials being dark stained timber cladding with the roof being dark green (BS4800: 12 B29) profile sheeting. It will be located in the north eastern corner of the field with the access being from Newton Road almost 275 metres away.

A site visit has been arranged as requested by the Town Council

The area is generally characterised by farmland set within a rolling lowland landscape. Agricultural buildings were traditionally grouped together around the farmhouse. However there has been increasing pressure for more isolated forms of development involving stables and the like. In this regard members will have noted the comments of Dalton with Newton Town Council.

The area is within open countryside and planning policy for the countryside can be summarised as promoting the rural economy while protecting the natural beauty and undeveloped character of the landscape. This approach results in the promotion of proposals which involve the re-use of existing buildings for appropriate commercial uses while avoiding the countryside being scarred by isolated development. However, material planning considerations include previous decisions and in this instance members will have noted the nearby stables which have recently received consent, for example the stables in the adjacent fields (2008/1520, 2009/1308).

In the current case, the development will not be open to public view from the highway network and will, to some extent, be relatively well screened by mature hedgerows and due to the rolling drumlin field character of the area views would be intermittent from the nearby public rights of way.

A representation has been received relating to the access via Newton Road which is to the west of the stables. Newton Road is governed by the national speed limit (60 mph) and the access proposed is existing. In addition the Highway Authority do not object to the proposal. Certainly scarring of the field could occur due to usage, however this could be resolved with the construction of an access track if found to be necessary.

In addition members will have noted the comments of the Town Council. I think it is fair to say that Committee has not been particularly supportive of recommendations to refuse stables in isolated locations. While any one proposal will have limited harm the repetition of such decisions can have a major impact on the landscape. I would appreciate any comments that you may have to assist me in replying to the Town Council.

To summarise the proposed stables would be in the near vicinity of other similar uses and they would not be readily visible from the public highway. An existing access is to be used for access and the Highway Authority do not object to this entrance.

An application for a stable at Halfway House was refused planning permission on 13th December 2003 with a subsequent appeal dismissed. This appeal decision forms appendix A.

RECOMMENDATION:

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I recommend that planning permission be GRANTED subject to the Standard Duration Limit and the following conditions:

Condition No. 2

The roof cladding must be dark green colour BS4800 12 B29, unless a variation of the colour is agreed in writing with the Planning Authority, the colour must be incorporated into the material during the manufacturing process and the cladding must thereafter be permanently retained.

Reason

To ensure a satisfactory appearance to the development, and to minimise its impact upon the surrounding area having regard to saved policy D1 of the former Barrow Borough Local Plan Review 1996-2006.

Condition No. 3

Prior to the beneficial use of the building the walls of the building shall be given a dark stained finish to external elevations and which must thereafter be permanently retained.

Reason

To ensure a satisfactory appearance to the development, and to minimise its impact upon the surrounding area having regard to saved policy D1 of the former Barrow Borough Local Plan Review 1996-2006.

Condition No. 4

Prior to the commencement of any development, a landscape scheme for the site, showing the trees, shrubs and hedgerows, 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 program 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

To ensure a satisfactory appearance to the development, and to minimise its impact upon the surrounding area having regard to saved policy D1 of the former Barrow Borough Local Plan Review 1996-2006.

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Condition No. 5

The buildings hereby approved shall only be used for agricultural purposes, or for the keeping of horses on a recreational / leisure basis but excluding use as a riding school or for any other purpose falling within Class D2 of the Town & Country Planning (Use Classes) Order 1987 or any Order revoking and re-enacting that Order with or without modifications.

Reason

In the interests of highway safety.

Condition no. 6

The application site shall not be used for the stationing of horse boxes, caravans or other vehicles or chattels associated with the use of the site for the keeping of horses.

Reason

To ensure a satisfactory appearance to the development and to minimise its impact upon the surrounding area having regard to saved policy D1 of the former Barrow-in-Furness Borough Council Local Plan Review 1996 - 2006.

Condition no. 7

No ranch style fencing shall be erected on the site except in accordance with a scheme which must have been first submitted to and approved in writing by the Planning Authority.

Reason

To ensure a satisfactory appearance to the development and to minimise its impact upon the surrounding area having regard to saved policy D1 of the former Barrow-in-Furness Borough Council Local Plan Review 1996 - 2006.

Condition No. 8

Details showing the provision of a vehicle turning space within the site, which allows vehicles visiting the site to enter and leave the site in a forward gear, shall be submitted to the Planning Authority for written approval. The development shall not be brought into use until any such details have been approved and the turning space constructed in accordance with the approved details. The turning space shall thereafter be maintained clear of all obstructions, and shall not be used for any other purpose, unless the Planning Authority gives prior consent to any variation.

Reason

To ensure that the proposed development does not prejudice the free flow of traffic along the neighbouring highway network.

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PLAN NUMBER:	APPLICANT:	AGENT:
2009/1988	Mr J Holmes	Mr G Thompson Quality Landscapes & Treecare
WARD/PARISH:	CASE OFFICER:	DATE RECEIVED:
Parkside	Charles Wilton 01229 876553	19/11/2009
		STATUTORY DATE:
		13/01/2010
LOCATION:	Spring Bank, Spring Grove, Barrow-in-Furness	
PROPOSAL:	Removal of sycamore tree subject of Tree Preservation Order 1973 No. 3 and identified as T1 in application ref 2009/1988 dated 15/11/2009	

SAVED POLICIES OF THE FORMER LOCAL PLAN:

No specific policies

SUMMARY OF MAIN ISSUES:

Loss of tree would be detrimental to the public amenities of the area.

NON MATERIAL CONSIDERATIONS:

REPRESENTATIONS:

The Occupiers of 46-54 inclusive (evens), Hollow Lane, 8, 13, 15, Orchard Avenue, 206, 208 Abbey Road, workshop at rear of 210 Abbey Road 3 Spring Grove, Spring Mount Church, Spring Grove, 2-6 inclusive St Pauls Mews, Barrow-in-Furness all informed.

The Occupiers, 54 Hollow Lane, Barrow.

'Myself and my wife do support the planning application and have no objections to the tree being felled. The tree in question is currently so high that it stops light getting into our back garden for most of the day. We would prefer not to have any replacement tree put in its place because of this fact. Three of the protected trees in Spring Grove which are near to the border with our property already put a lot of shade onto our back garden (the sun tends to disappear at noon and then our garden is shaded until around 7.30 at night when we eventually get a small amount of sun in one far corner of our garden. Any improvement to the light to our garden would be beneficial to our plants and shrubs and would make our garden more useable and pleasant to sit in during the afternoon and evening.'

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CONSULTATIONS:

None informed

OFFICERS REPORT:

Spring Bank comprises a substantial Victorian house set within its own grounds and accessed via Spring Grove off Abbey Road. The site includes several beech and sycamore trees. These trees represent a noticeable feature in local views due to their height and the elevated nature of the site. Given their contribution to the public amenities of the area they were made subject of a Preservation Order in 1973. Recently their status has been reviewed when it was resolved that a new order be issued (min 261 refers dated 14.08.07). This identifies the trees as individual specimens with the plan forming part of the new order attached at Appendix B. The tree in question is identified as T8. The new order is not yet in place.

The sycamore tree in question is located close to the front corner of the house being slightly off set in the direction of Hollow Lane. Changes to the Tree Preservation Regulations introduced in September 2008 require applicants to provide justification for their proposals for example a report from a structural engineer where structural damage to a building is claimed. It further requires Councils to have regard to each reason put forward by the applicant and where applications are refused a refusal notice must relate to each of the applicant's reasons.

The applicant's justification is as follows:

"The applicant would remove the tree due to its low amenity value. T1 sycamore's growth was suppressed by a neighbouring tree, now removed. The tree still has a severe lean and is not regaining natural tree shape. Adjacent trees would benefit from its removal."

The justification can be summarised as follows:

1. Tree has poor amenity value,
2. Adjacent trees would benefit from its removal.

Amenity Value

Taking these in turn the tree incorporates a lean in the direction away from the house. The crown is also better developed on one side rather than the other. These factors have been influenced by the tree's desire to grow away from the house/another tree in search of light.

The purpose of the Regulations is to protect trees which contribute positively to the public amenities of the area. This is as opposed to trees which can only be seen from purely private areas. The tree can be seen from some distance away being prominent in views not only from Spring Grove, but nearby streets including Hollow Lane and Abbey Road. In such public views this tree's characteristics are not apparent. I feel this considerably weakens the case for felling. Furthermore the defects in themselves are not so great that they could not be addressed by appropriate tree surgery.

Adjacent tree would benefit from its removal

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There would be some benefit to the adjacent tree but this is outweighed by the loss to public amenity which would arise from the felling of this tree.

Representations have been received which support the application based upon reduction in shading to their property. However at a distance of nearly 30m the neighbours bungalow is a good distance away. If this argument is accepted it could be used to justify the felling of the other trees on this site.

Furthermore when seen in the context of adjacent trees I feel the tree subject of this application has an outstanding or special amenity value.

RECOMMENDATION:

I recommend that (A) consent be REFUSED for the following reason:

Reason No. 1

A. The tree represents an important amenity feature being prominent in the public views of the area. The defects referred to by the applicant are not apparent in public views and in any event are capable of being resolved by this means.

And B

That a certificate be issued under Regulation 5 of the Order to the effect that the tree is of outstanding or special amenity value.

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PLAN NUMBER:	APPLICANT:	AGENT:
2009/1910	Mrs K Cleasby	Mr J Dryden Dryden Goldsmith Architects
WARD/PARISH:	CASE OFFICER:	DATE RECEIVED:
Walney North	Leanne Parr 01229 876438	03/11/2009
		STATUTORY DATE:
		28/12/2009
LOCATION:		
11 Weaver Green, Barrow-in-Furness		
PROPOSAL:		
Installation of two balconies to front elevation.		
SAVED POLICIES OF THE FORMER LOCAL PLAN:		

POLICY D21

In determining all applications submitted to it the local planning authority will have regard to the General Design Code set out in paragraph 5.4.27 of this plan.

In towns and villages, proposals shall relate to the context provided by buildings, street and plot patterns, building frontages, topography, established public views, landmark buildings and other townscape elements. Proposals that do not respect the local context and street pattern or the scale, height, proportions and materials of surrounding buildings and development which constitutes over development of the site by virtue of scale, height or bulk will not be permitted, unless there is specific justification, such as interests of sustainability, energy efficiency or crime prevention.

Development proposals in the countryside shall respect the diversity and distinctiveness of local landscape character. New farm buildings will, in general, be required to be sited within or adjacent to an existing farm building complex or in other well screened locations and to be subject to a complementary design and use of materials, with, where necessary, a 'planting' scheme.

SUMMARY OF MAIN ISSUES:

The balconies will have a detrimental impact upon the street-scene and will result in a loss of privacy at adjoining properties.

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NON MATERIAL CONSIDERATIONS:

REPRESENTATIONS:

The Occupiers of 9-13 Weaver Green, Barrow in Furness all informed.

The Occupier, 10 Weaver Green, Barrow in Furness

'Whilst we remain good friends with our neighbours, I feel I must question two particular aspects of the plans. In particular, I'm conscious that prospective buyers of my property may take offence at the possibility of being viewed from the adjoining balcony.

1. Can the double balcony be adjusted to the same depth as the single balcony? The proposed depth would enable visibility into the bedroom of my address.
2. Can the side of the balcony adjoining my property be solid – rather than glass – again to restrict visibility into my property

I don't object in principal to the plans, I would like these alternative proposals considered'.

CONSULTATIONS:

Estates Department

'No comments'.

OFFICERS REPORT:

The application site is a mid-terrace, two storey property located at Weaver Green. The property overlooks an area of open space adjacent to West Shore Road.

The application is for the installation of two balconies to the front elevation. The first is the smaller of the two, projecting 0.7 metres and being hung on steel brackets fixed to the main wall. The second projects 1.7 metres and is supported on steel columns. Both balconies will be positioned 2.1 metres above the ground and be accessed from doors recently formed at first floor level. The front and sides of the balcony will comprise glazed panels 1.1m high.

Policy

The relevant saved policies of from the Local Plan Review are copied above for your reference. Consideration also needs to be given to guidance within Planning Policy Statement 1 which states that only high quality design should be accepted and that design which is inappropriate in its context should not be accepted.

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Representations

Comments have been received from the adjoining neighbour raising concerns about privacy and suggesting alternative designs.

Issues

Whilst I understand the applicant's reasons for the proposal, the development raises two main issues; visual impact upon the street-scene and impact upon the privacy of the adjoining properties.

Visual Impact:

I believe that the larger of the balconies will have a detrimental visual impact on the street-scene due to its projection compared with the smaller balcony, the thick, industrial style steel supports and its awkward relationship with the pitched roof porch. There are also no other examples of balconies within the terrace therefore the development will be an alien feature within the streetscene. Approval of the application would therefore be contrary to saved policy D21 of the former Local Plan Review.

Privacy:

Given the projection of the balcony and the proximity to the neighbour's dwelling, people standing on the end of either balcony will be able to look back into the neighbour's windows. The closer of the adjoining neighbour's windows both appear to serve bedrooms. Whilst people can look up at the neighbour's windows from the applicant's garden, this will be more of a direct view being at the same level which will cause an unacceptable loss of privacy.

I have considered whether a privacy screen will overcome this issue. In order to be most effective such a screen would need to be 1.6 metres high to prevent overlooking. A screen of this size would make the balcony more intrusive, increasing its visual impact on the street-scene.

Whilst the balcony will also overlook neighbouring front gardens, these are not enclosed and are already open to public view.

Other issues:

Inspector's decisions elsewhere are material planning considerations. In 2005, the Planning Inspector dealt with a retrospective application for a rear balcony at 3 Bermuda Crescent. There are obvious differences between the developments, as the appeal decision refers to a timber balcony within a rear garden, however I believe the issues raised are similar.

The main issues raised by this appeal related to privacy and the impact upon the street-scene. The Inspector noted in his report:

"If the curtains had not been drawn I would have been able to see into the rear bedroom of this dwelling from the east end of the balcony, which is only some 1.5 metres away from the window."

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Whilst the balcony in the appeal case projected by 2 metres as opposed to the 1.7 metre projection here, the distance between the neighbour's window and the balcony is approximately the same.

With regards to the impact of the balcony upon the street-scene, the Inspector stated:

“...it contrasts sharply with the rear elevational treatment of the dwelling and represents an alien and intrusive feature in the street-scene...in failing to harmonise with the street scene or to be well mannered in terms of scale and design, it conflicts with the objectives of the General Design Code that forms part of Policy D21.”

I believe the same arguments can be made in this case.

Summary

Given the above issues, I have no option but to recommend refusal of the application as I do not feel the use of conditions would overcome the problems discussed. I would suggest the applicant instead considers “Juliette” balconies which will allow the first floor doors to be used without harming the privacy of the neighbours nor the street-scene. Such balconies would require planning permission.

RECOMMENDATION:

I recommend that the application be REFUSED for the following reasons:

Reason 1

The balconies will result in an unacceptable loss of privacy to both adjoining neighbours given their projection and the proximity of neighbour's bedroom windows.

Reason 2

The larger of the balconies will have a detrimental visual impact on the street-scene due to its projection compared with the smaller balcony, the thick, industrial style steel supports and its awkward relationship with the pitched roof porch. Approval of the application would therefore be contrary to saved policy D21 of the former Local Plan Review and Planning Policy Statement 1.

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PLAN NUMBER:	APPLICANT:	AGENT:
2009/1885	Mr I Greer	Mr I Greer
WARD/PARISH:	CASE OFFICER:	DATE RECEIVED:
Walney North	Leanne Parr 01229 876438	29/10/2009
		STATUTORY DATE:
		23/12/2009
LOCATION:		
	36 North Scale, Barrow-in-Furness	
PROPOSAL:		
	Removal of weather damaged masonry and replace with Upvc shiplap cladding to front elevation (retrospective)	
SAVED POLICIES OF THE FORMER LOCAL PLAN:		

POLICY D15

Development within or affecting the setting of Conservation Areas will only be permitted where it preserves or enhances the character or appearance of the Area. In particular it should:

1. Respect the character of existing architecture and any historical associations by having due regard to positioning and grouping of buildings, form, scale, enclosure, detailing and use of traditional materials;
2. Respect existing hard and soft landscape features including open space, trees, walls and surfacing;
3. Respect traditional plot boundaries and frontage widths; and
4. Respect significant views into or out of the Areas.

Applications for:

- a) Listed Building Consent; or
- b) Planning consent for alterations to un-listed buildings within Conservation Areas or new buildings affecting the setting of a Listed Building

must show full details unless otherwise agreed with the Planning Authority.

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POLICY D21

In determining all applications submitted to it the local planning authority will have regard to the General Design Code set out in paragraph 5.4.27 of this plan.

In towns and villages, proposals shall relate to the context provided by buildings, street and plot patterns, building frontages, topography, established public views, landmark buildings and other townscape elements. Proposals that do not respect the local context and street pattern or the scale, height, proportions and materials of surrounding buildings and development which constitutes over development of the site by virtue of scale, height or bulk will not be permitted, unless there is specific justification, such as interests of sustainability, energy efficiency or crime prevention.

Development proposals in the countryside shall respect the diversity and distinctiveness of local landscape character. New farm buildings will, in general, be required to be sited within or adjacent to an existing farm building complex or in other well screened locations and to be subject to a complementary design and use of materials, with, where necessary, a 'planting' scheme.

SUMMARY OF MAIN ISSUES:

The use of UPVC cladding to cover such a large area will be harmful to the Conservation Area and approval would be contrary to both local and national policy guidance.

NON MATERIAL CONSIDERATIONS:

REPRESENTATIONS:

The Occupiers of 30, 32, 34, 36 North Scale, Barrow in Furness all informed. No response received.

CONSULTATIONS:

OFFICERS REPORT:

The application site is a detached two storey dwelling within the North Scale Conservation Area. The site lies at the end of a cul-de-sac leading from North Scale; Walney Channel lies directly to the east. The house is relatively modern in design in contrast to the more traditional stone buildings which lie to the south and west. Several of these buildings are listed.

The application is retrospective as the work has already been completed. The application form states that the gable peaks were originally clad in timber which was replaced with UPVC shiplap cladding in 2002. This replacement would not in itself require planning permission. The extent of the cladding has however recently increased so that the whole of the first floor section of the front elevation is now clad in UPVC. Such work automatically requires planning permission within a conservation area. The application relates to that section.

Policy

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The relevant saved local plan policies are copied above for your reference. In addition to this, guidance within Planning Policy Guidance Note 15 (Planning and the Historic Environment) also needs consideration. The following paragraphs are particularly relevant:

“4.14: Section 72 of the Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area.”

“4.18: Special regard should be had for such matters as scale, height, form, massing, respect for the traditional pattern of frontages, vertical or horizontal emphasis, and detailed design (e.g. the scale and spacing of window openings, and the nature and quality of materials). General planning standards should be applied sensitively in the interests of harmonising the new development with its neighbours in the conservation area.”

Issues

The main issue relates to the visual impact of the cladding and its effect upon the Conservation Area.

The cladding now covers a large proportion of the dwelling's frontage and its white colour stands out against the darker coloured render. The cladding projects 90mm from the main façade. The colour and its projection make it more prominent within the street-scene.

Whilst I appreciate that UPVC windows and rainwater goods can be introduced without consent in unlisted buildings (unless the area is covered by an Article 4 directive), the large mass of the cladding has a higher visual impact and is more prominent than a window would be. No doubt this sort of issue was a factor in such cladding being subject to planning control within Conservation areas. The Design Guide which forms part of Saved policy D21 of the former Local Plan Review states that:

“New buildings shall be constructed of materials typical of, and used in similar proportions to, those traditionally used in the immediate surroundings.”

Given that this particular part of North Scale is typified by stone and red brick buildings, a dwelling which features a large amount of UPVC cladding would be unlikely to be supported. Whilst this is not a new building the same principles should apply.

I believe the development is contrary to guidance within PPG15, saved policy D21 which states:

“Proposals that do not respect the local context...and materials of surrounding buildings...will not be permitted.”

and also saved policy D15 which states:

“Development within or affecting the setting of a Conservation Area will only be permitted where it preserves or enhances the character and appearance of the area. In particular it should: 1) Respect the character of existing architecture and any historical associations by having due regard to...use of traditional materials.”

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Further Issues

Members may recall the Inspector's decision at 14 North Scale which resulted in the removal of 7 UPVC windows from the rear elevation of the property. Whilst the material was found to be detrimental to the character and appearance of the building itself (which was listed), the Inspector also noted the harm that was caused to the Conservation Area as a whole. I feel that the cladding in question has a greater impact on the Conservation Area than the said windows.

The applicant states that there are two properties in the conservation area which feature timber cladding to the front elevation. As timber is a traditional material this type of cladding is acceptable.

Summary

Given the above I recommend that the application be refused and enforcement action be taken to ensure the UPVC is replaced with a finish suitable for the building's location within the Conservation Area.

RECOMMENDATION:

I recommend that the application be refused for the following reason and that the committee gives the Development Control and Enforcement Manager consent to take enforcement action to remove the UPVC cladding and replace it with a more traditional material, details of which must first be agreed in writing with the Planning Authority.

Reason 1

UPVC cladding is a non-traditional material, the use of which in such large proportions is contrary to saved policies D15 and D21 of the former Local Plan Review.

Reason 2

The development neither preserves nor enhances the character or appearance of the conservation area. Approval of the development would therefore be contrary to guidance within PPG15 and contrary to saved policy D15 of the former Local Plan Review.
