

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

## **PLANNING COMMITTEE**

Meeting, Tuesday 1st December, 2015  
at 2.30 p.m. (Drawing Room)

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

#### Site Visits

2015/0679, 2015/0680 - Victoria Park Hotel, Victoria Road, Barrow

Depart Town Hall Courtyard at **1.15 p.m.**

#### **PART ONE**

1. To note any items which the Chairman considers to be of an urgent nature.
2. To receive notice from Members who may wish to move any delegated matter non-delegated and which will be decided by a majority of Members present and voting at the meeting.

3. Admission of Public and Press

To consider whether the public and press should be excluded from the meeting during consideration of any of the items on the agenda.

4. Declarations of Interest

To receive declarations by Members and/or co-optees of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the revised Code of Conduct, they are required to declare any disclosable pecuniary interests or other registrable interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Members may however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared in the Register, as well as any other registrable or other interests.

5. Apologies for Absence/Attendance of Substitute Members.
6. To confirm the Minutes of the meeting held on 3rd November, 2015 (copies attached).

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

**FOR DECISION**

- (D) 8. Planning Applications (Booklets 1-3 attached).
- (D) 9. Appeal; New dwelling on land at Pit Lane, application reference 2015/0033.
- (D) 10. Unauthorised works to listed buildings consisting of the installation of upvc windows into the front elevation of numbers 22, 20, 6 and 8 School Street, Barrow-in-Furness.

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

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

2015/0602 - South Lakes Safari Zoo, Broughton Road, Dalton-in-Furness

**Membership of Committee**

**Councillors**

M. A. Thomson (Chair)  
C. Thomson (Vice-Chair)  
Bleasdale  
Derbyshire  
Gawne  
Husband  
Johnston  
McEwan  
McLeavy  
Murphy  
Murray  
Thurlow

**For queries regarding this agenda, please contact:**

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Published: 23rd November, 2015

## **PLANNING COMMITTEE**

Meeting: Tuesday 3rd November, 2015  
at 2.30 p.m. (Drawing Room)

**PRESENT:-** Councillors M. A. Thomson (Chair), C. Thomson (Vice-Chair), Bleasdale, Derbyshire, Gawne, Husband, McEwan, McLeavy, Murphy, Murray, Sweeney and Thurlow.

**Officers Present:-** Jason Hipkiss (Development Services Manager), Charles Wilton (Principal Planning Officer) and Sharron Rushton (Democratic Services Officer).

### **246 – Declarations of Interest**

Councillors Bleasdale, Derbyshire, Gawne, Husband, Murray, Sweeney, C. Thomson, M. A. Thomson and Thurlow declared personal interests in Planning Application No. 2015/0050 – Proposed Car Park, Cornmill Crossing, Barrow-in-Furness (Minute No. 275) as they had a family member who worked at BAE Systems. They remained in the meeting and informed the Committee that they were not biased or pre-determined and had entered the meeting with an open mind.

Councillors McEwan and Murphy declared other registrable interests in Planning Application No. 2015/0516 – Proposed Housing Development, Newton Road, Dalton-in-Furness (Minute No. 277), Planning Application No. 2015/0050 – Proposed Car Park, Cornmill Crossing, Barrow-in-Furness (Minute No. 275) and Planning Application No. 2015/0642 – Thornccliffe School (South), Thornccliffe Road, Barrow-in-Furness (Minute No. 270) as they were Members of Cumbria County Council.

Councillor McLeavy declared a disclosable pecuniary interest in Planning Application No. 2015/0050 – Proposed Car Park, Cornmill Crossing, Barrow-in-Furness (Minute No. 275) as he was an employee of BAE Systems. He left the meeting during consideration of the item.

Councillor Thurlow declared an other registrable interest in Planning Application No. 2015/0516 – Proposed Housing Development, Newton Road, Dalton-in-Furness (Minute No. 277) as she was a Member of Dalton with Newton Town Council.

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

An apology for absence was received from Councillor Johnston.

Councillor Sweeney had replaced Councillor Johnston for this meeting only.

### **248 – Minutes**

The Minutes of the meeting held on 6th October, 2015 were taken as read and confirmed.

### **249 – Appeal Decision – 24 South Row, Barrow in Furness**

The Development Services Manager reported that the Planning Inspectorate had issued its decision on 8th October, 2015 to dismiss the appeal relating to application number 2015/0391 for a rear two storey extension forming dining room on ground floor with first floor bedroom extension over at 24 South Row, Barrow-in-Furness.

The Case Inspector concluded that the proposal would cause harm to the living conditions of the occupiers of the neighbouring property.

RESOLVED:- That the information be noted.

### **250 – Appeal Decision – 15 Amphitrite Street, Barrow in Furness**

The Development Services Manager reported that the Planning Inspectorate had issued its decision on 13th October, 2015 to dismiss the appeal relating to application number 2014/0708 for a A1 retail to be amended to A5, presently selling hot and cold takeaway goods. Change of use at 15 Amphitrite Street, Barrow-in-Furness.

The Case Inspector concluded that having regard to factors that weighed in favour of the development, the increased choice for customers and additional employment if the proposal proceeded, those benefits did not outweigh the harm found to the living conditions of the occupiers of adjacent properties.

RESOLVED:- That the information be noted.

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

The Assistant Director of Regeneration and Built Environment submitted for information details of planning applications in this report which he had determined under delegated authority (Minute No. 254, Planning Committee, 3rd September, 2002, confirmed by Council 24th September, 2002). The decisions are reported for your information. The plans recommended for approval under the Town and Country Planning Acts will be subject to the standard conditions referred to in Minute No. 208 (April 1971) of the Plans Sub-Committee, Barrow-in-Furness, County Borough Council, in addition to any conditions indicated hereunder. Applications with a (P) beside the applicant's name denotes those applications that were reported to the Planning Panel.

RESOLVED:- (i) To note the decisions made under the Town and Country Planning Act 1990 (as amended) as follows:-

- |            |                  |                                                                                                                                                                       |
|------------|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>251</b> | <b>2015/0422</b> | Extensions to the New Assembly Shop and associated site infrastructure and related works at BAE Systems, Bridge Road, Barrow-in-Furness.                              |
| <b>252</b> | <b>2015/0585</b> | Removal of existing ATM and reposition. Remove existing recessed main entrance doors and form a new entrance automatic sliding doors in line with existing column and |

window. New entrance doors to match existing finishes at 51-55 Duke Street, Barrow-in-Furness.

- 253 2015/0376** Erection of one detached dwelling at 1-3 Station Terrace, Dalton-in-Furness.
- 254 2015/0573** Erection of a stable block, with three stables and tack room at Paddock View, Woodbine Lane, Newton-in-Furness.
- 255 2015/0640** Application for a Non Material Amendment following the grant of planning permission 2008/0586 (Erection of a two storey side extension forming ground floor dining room with bedroom/bathroom over and erection of a rear conservatory) to change front ground floor front doors to a window and rear ground floor rear doors to a single window and door at 19 Buttermere Drive, Dalton-in-Furness.
- 256 2015/0021** Prior Approval (Larger Homes Extension) for a rear kitchen/diner and bedroom (Length from rear wall of the original house 3.5 metres, height to the eaves 2.2 metres and height to highest point of the extension 2.897 metres) at 41 Kentmere Crescent, Barrow-in-Furness.
- 257 2015/0554** Consent to display replacement signage with new illuminated logo fascia to front and rear elevations, 2 entrance boards and 9 non illuminated small signs to the front elevation at Furness Print Centre, Phoenix Road, Barrow-in-Furness.
- 258 2015/0022** Prior Approval (Larger Homes Extension) for rear conservatory (Length from rear wall of the original house 3.7 metres, height to the eaves 2.4 metres and height to highest point of the extension 3.5 metres) at 2 Cowper Close, Barrow-in-Furness.
- 259 2015/0549** Single storey rear ground floor kitchen and bathroom extension at 58 Sutherland Street, Barrow-in-Furness.
- 260 2015/0555** Application for a Certificate of Lawfulness for a proposed use or development (CLOPUD) for a proposed rear dormer bedroom extension at 3 Carlton Avenue, Barrow-in-Furness.
- 261 2015/0540** Application for a lawful development certificate for proposed use or development (CLOPUD) for the creation of a wet room and access lobby within garage area which will be designated as a store. Single storey flat roofed extension adjoining the existing extension at 17 Leece Lane, Barrow-in-Furness.
- 262 2015/0571** Erection of a rear extension forming new family room and replacing an existing conservatory at 101 Holbeck Park Avenue, Barrow-in-Furness.

- 263 2015/0457** Conversion of barn into 11 letting bedrooms at Holbeck Community Centre, Holbeck Park Avenue, Barrow-in-Furness.
- 264 2015/0458** Listed Building Consent for the conversion of the former community centre into 11 letting bedrooms associated with 'The Crofters' at Holbeck Community Centre, Holbeck Park Avenue, Barrow-in-Furness.
- 265 2015/0024** Prior Approval (Larger Homes Extension) for rear living area extension (Length from rear wall of the original house 3.60 metres, height to the eaves 2.65 metres and height to highest point of the extension 3.80 metres) at 41 Tyne Road, Barrow-in-Furness.
- 266 2015/0075** Small field of ground mounted solar panels to provide electricity for use on site on land at South End Caravan Park, South End, Barrow-in-Furness.

The following applications were withdrawn:-

- 267 2015/0645** Installation of ATM in secure bastion unit at 56-58 Market Street, Dalton-in-Furness.
- 268 2015/0646** Advertisement Consent to display an illuminated ATM surround to existing shop front at 56-58 Market Street, Dalton-in-Furness.

(ii) To note the decisions made under the Building Act 1984/The Building Regulations 2010 as submitted by the Principal Building Control Surveyor.

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

The Assistant Director of Regeneration and Built Environment reported on the following planning applications:-

#### **269 – Linmoor, Ireleth Brow, Ireleth, Askam-in-Furness**

From Mr D. Lindow in respect of the retention of an agricultural workers dwelling as approved under planning permission 1991/0893 without complying with Condition No. 2 (agricultural occupancy limitation) for an additional period of 5 years to that allowed under planning permission 2009/1123 and which itself was an extension of 2004/0321 granted on appeal at Linmoor, Ireleth Brow, Ireleth, Askam-in-Furness as shown on plan number 2015/0298.

Representations received and the results of consultations were reported.

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

1. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person, and to any resident dependants, except for the period up to 3rd November 2020 during which time the dwelling may be used on the basis of short term lets not necessarily related to agriculture.

Reason

The dwelling may be needed to accommodate an agricultural worker in the longer term.

2. The maximum period of short term lets shall not exceed 6 months unless otherwise agreed in writing by the local planning authority.

Reason

To address issues of potential noise nuisance.

3. At the end of each calendar year the applicant shall provide basic factual details of rental periods during that year to the local planning authority.

Reason

To facilitate compliance with Condition No. 3 above.

**270 – Thorncliffe School (South Site), Thorncliffe Road, Barrow-in-Furness**

From Mulberry Homes Ltd in respect of the erection of 29 detached houses and garages, including associated site works at Thorncliffe School (south site), Thorncliffe Road, Barrow-in-Furness as shown on plan number 2015/0642.

Representations received and the results of consultations were reported.

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

2. The development hereby permitted shall be carried out in all respects in accordance with the application dated as valid on 28th April 2015 and the hereby approved documents defined by this permission as listed below, except where varied by a condition attached to this consent;

House Type HD 381 rev C, House Type ST, House type EE3S, House type OU, House type NEW, House type JJ3S, House type W, House type JEN, House type CC4 3S, House type 3K, House type M, Proposed Site Layout Plan Reference TR/10 Rev AH, landscaping plan TR50 Rev B, Flood Risk Assessment ref NGR SD211 700 dated October 2014,

### Reason

In order to ensure that the development is only carried out as approved.

3. Foul and surface water shall be drained on separate systems.

### Reason

To secure proper drainage and to manage the risk of flooding and pollution.

4. Prior to the construction or laying out of any part of the foul or surface water drainage, details of the foul and surface water drainage schemes (inclusive of how the schemes shall be managed after completion) shall be submitted to and approved in writing by the local planning authority.

The drainage schemes shall include a quantitative and qualitative risk assessment and mitigation strategy with respect to groundwater protection details of any extra protection measures necessary to manage the risk of pollution to public water supply and the water environment. The risk assessment should be based on the source-pathway-receptor methodology. It shall identify all possible contaminant sources and pathways for the life of the development and provide details of measures required to mitigate any risks to groundwater and public water supply from the development. The mitigation measures shall include the highest specification design for the new foul and surface water sewerage system (pipework, trenches, manholes, pumping stations and attenuation features).

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing no surface water shall discharge to the public sewerage system. The peak surface water runoff rate from the development for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event must be as close as reasonably practicable to the greenfield run-off rate from the development for the same rainfall event, but in accordance with the submitted flood risk assessment should never exceed the rate of discharge (including 30% betterment) from the development prior to redevelopment for that event.

The drainage schemes shall demonstrate that any overland flows from the sewerage system for rainfall events greater than 1 in 30 are directed away from the public water supply borehole.

The development shall be completed, maintained and managed in accordance with the approved details.

### Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG and takes account of the location of the development within a Ground Water Source Protection Zone 1 (SPZ1).

5. No development shall take place until a Construction Environmental Management Plan (CEMP), for construction of the proposed development, is submitted to and approved by the Local Planning Authority. The statement shall outline the potential impacts from all construction activities on both groundwater, public water supply and surface water and identify mitigation measures to protect and prevent pollution of these waters. The development shall be undertaken in accordance with the approved CEMP.

### Reason

To promote sustainable development and to manage the risk of pollution.

6. The carriageway, footways and footpaths shall be designed, constructed, drained and lit to a standard suitable for adoption by the Highway Authority and in this respect further details, including longitudinal and cross sections, and a programme of phasing for future management and maintenance, shall have been submitted to and approved in writing by the Planning Authority prior to the base course of any part of the highway being laid. The works shall be constructed in accordance with the approved details and the scheme of phasing as agreed with the Planning Authority.

### Reason

To ensure that in the interests of the safety of highway users and pedestrians a suitable standard of access for the development exists at all times.

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

### Reason

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

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

### Reason

To ensure any unexpected contamination is appropriately addressed.

9. The approved Construction Method Statement Ref Mul.TSS-CEMP1 dated October 2015 shall be adhered to throughout the construction period.

### Reason

In the interests of minimising the impact upon local environmental amenity.

10. The external envelopes of the dwellings and garages shall not be erected until samples of the materials to be used in the construction of the external surfaces of the dwellings and garages 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 in order to minimise its impact upon the surrounding area.

11. Prior to the beneficial occupation of any part of the development, a landscape scheme for the site, showing the trees, shrubs and hedgerows, including verges and other open spaces, together with details of any phasing of such a scheme must be submitted to and approved in writing by the Planning Authority. The scheme shall be submitted on a plan not greater than 1:500 in scale and shall contain

details of numbers, locations and species of plants to be used. All planting and subsequent maintenance shall be to current British Standards. The approved scheme must subsequently be implemented by the end of the first planting season following initial beneficial occupation of the development or by such a programme as may be agreed in writing. Any trees or shrubs removed, dying being severely damaged or becoming seriously diseased within five years of planting shall be replaced by the landowner with trees or shrubs of a similar size and species to those originally required to be planted.

Reason

To assist in the assimilation and screening of the development with its context, to address the recommendations of the ecological scoping report which accompanied the application and to achieve a net gain in the bio diversity.

12. The driveways, parking spaces, garages, and accesses thereto must be reserved for the parking of private motor vehicles and no permanent development, whether permitted by the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modifications) or not, shall be carried out on that area of land in such position as to preclude vehicular access to the development hereby permitted.

Reason

To ensure that proper access and parking provision is made and retained for the use associated with the development hereby permitted.

13. Prior to the occupation of any dwelling, the location, type and situation of any screen walls or fences not approved by this consent shall be submitted to and approved in writing by the Planning Authority. Before the development hereby approved (or each identifiable phase) is completed, such screen walls or fences shall be erected and thereafter retained unless the Planning Authority gives prior written consent to any variation.

Reason

To ensure screening fencing balances the need for privacy with the visual amenities of the area.

14. Prior to occupation of any dwelling on plots 6, 7, 8 and 9 a management plan for the permanent maintenance of the bin collection point shall have been submitted to and approved in writing by the Planning Authority.

### Reason

In order to ensure the proper upkeep of the facilities, in the interests of residential and visual amenities.

15. No dwellings shall be occupied until the measures referred to in the 106 Obligation between Barrow Borough Council and Cumbria County Council and Robinson New Homes Limited and Derek Hugh Barnes dated 18th December 2014 have been completed and signed off as complete by, or on behalf of, the Planning Authority.

### Reason

To ensure a satisfactory standard of access road is available to serve the development by the removal of damaged and surplus traffic calming features.

16. Prior to the commencement of any development the root protection areas shall have been defined by temporary tree protection barriers where shown on Plan 2 'Tree Protection Plan' of the 'Pre-development Arboricultural Report' (AR) which accompanied the application and as detailed in paragraph 6.9 and Schedule 2 of the AR insofar as land within the application site and with respect of trees numbered 1, 2, 3, 4, 5 and the group identified as 6 in the AR and all being subject of Tree Preservation Order 2015 no 1. Where use of adjacent land occurs then those areas falling within the Tree Protection Plan shall be protected as detailed under paragraph 6.10 of the AR. The temporary tree protection measures shall be retained for the duration of the construction phase and shall be removed thereafter. None of the works or activities listed under paragraph 6.1 of the AR shall be carried out within the Root Protection Areas.

### Reason

To give effect to the recommendations of the Pre commencement Arborical report which accompanied the application which seeks to protect retained trees in accordance with BS 5837. The condition must be pre commencement as it seeks to protect trees from damage during the construction phase.

17. The fence shown to define the rear gardens of plots 15 – 22 and to protect the new hedge planting all as shown on drawing no TR50 Rev B shall be erected in the position shown and in accordance with the details submitted to and approved under condition no 13 above and prior to the occupation of the dwelling within whose plot the section of fence is located.

### Reason

To protect the rural character of the adjacent lane by ensuring fences are set back from the hedge line.

### **271 – 82 Glenridding Drive, Barrow-in-Furness**

From Mr M. Bird in respect of a proposed rear ground floor family room, utility room and shower room at 82 Glenridding Drive, Barrow-in-Furness as shown on plan number 2015/0684.

Representations received were reported.

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

2. The development shall be carried out and completed in all respects in accordance with the hereby approved plans and drawings shown as WAW 1905 2A, 3B, 4B, 5A to 7A inclusive and defined by this permission, and notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), there shall be no variation without the prior written consent of the Planning Authority.

### Reason

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

3. The materials to be used in the construction of the external surfaces, including walls, roofs, doors, and windows, of the extension hereby permitted shall be of the same type, colour, and texture as those used in the existing building.

### Reason

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

4. Notwithstanding the provisions of the Town and Country Planning (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modifications) no additional openings, other than shown on the plans referred to in Condition No. 2 above, of any kind shall be made in the side elevations of the permitted extension without the prior written consent of the Planning Authority.

### Reason

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

### **272 – 11 Orontes Avenue, Barrow-in-Furness**

From Mr I. Law in respect of a proposed side and part rear two storey extension forming a store, kitchen/utility extension on ground floor with two bedrooms over at 11 Orontes Avenue, Barrow-in-Furness as shown on plan number 2015/0483.

Representations received were reported.

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

2. The development shall be carried out and completed in all respects in accordance with the hereby approved plans and drawings shown as WAW 2A - 13A inclusive and defined by this permission, and notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), there shall be no variation without the prior written consent of the Planning Authority.

### Reason

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

3. The materials to be used in the construction of the external surfaces, including walls, roofs, doors, and windows, of the extension hereby permitted shall be of the same type, colour, and texture as those used in the existing building.

### Reason

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

4. Notwithstanding the provisions of the Town and Country Planning (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modifications) no openings of any kind shall be made in the side elevations of the permitted extension without the prior written consent of the Planning Authority.

### Reason

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

### **273 – Hope Construction Materials Ltd, Concrete Batching Plant, Anchor Line Road, Barrow-in-Furness**

From Mr B. Mitchell, Hope Construction Materials in respect of the continuation of use without complying with Conditions No. 2 and 3 (Operations Times) following grant of planning permission 2012/0256 (to allow operations to take place on site outside the permitted hours of 0600-1800 hours Monday to Saturday on up to 100 days per year) for the removal of controlled operating hours to allow the site to operate 24 hours a day at Hope Construction Materials Ltd, Concrete Batching Plant, Anchor Line Road, Barrow-in-Furness as shown on plan number 2015/0604.

Representations received and the results of consultations were reported.

RESOLVED:- That planning permission be granted subject to the Standard Duration Limit.

### **274 – 23 Bowfell Crescent, Barrow-in-Furness**

From Mr A. Danson in respect of the erection of a double garage of a revised design to that approved under reference 2013/0812 (Demolition of single garage and replace with a double garage) at 23 Bowfell Crescent, Barrow-in-Furness as shown on plan number 2015/0643.

Representations received were reported.

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

2. The development must be carried out in accordance with the plans (drawing numbers WAW 1683 2A, 3B, 4B, 5B, 6B, 7C, 8A, 9B) hereby approved as submitted with the application form dated 02.09.15.

#### Reason

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

3. The garage and access thereto must be reserved for the parking of private motor vehicles and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order, 2008 (or any Order revoking and re-enacting that Order with or without modifications) or not, shall be carried out on that area of land in such position as to preclude vehicular access to the development hereby permitted.

Reason

To ensure that proper access and parking provision is made and retained for the use associated with the development hereby permitted.

4. The garage must be used for purposes incidental to the enjoyment of the dwelling and no trade or business must be carried out in, or from the premises.

Reason

In order to protect the residential amenities of the area.

5. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modifications) no opening of any kind shall be made in the south or west facing elevations of the permitted garage.

Reason

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

**275 – Proposed Car Park, Cornmill Crossing, Barrow-in-Furness**

From Mr S. Robson, BAE Systems Marine Ltd in respect of the creation of a 509 space private car park, new security fencing and pedestrian access gates, pedestrian access, vehicle shelter, hard and soft landscaping and security lighting with associated works at Proposed Car Park, Cornmill Crossing, Barrow-in-Furness as shown on plan number 2015/0050.

Representations received and the results of consultations were reported.

Representatives from BAE Systems Marine Ltd attended the meeting and made representations to the Committee.

It was moved by Councillor M. A. Thomson and seconded by Councillor C. Thomson that the application be referred to the next Planning Panel for their consideration of suggested conditions.

This was duly voted upon and agreed.

RESOLVED:- That the application be referred to the next Planning Panel.

## **276 – The Caravan, Henning Wood, Lindal-in-Furness**

From Mr G. Miles in respect of retrospective planning permission for an additional static caravan on site for residential use at The Caravan, Henning Wood, Lindal-in-Furness as shown on plan number 2015/0292.

The results of consultations were reported.

RESOLVED:- (A) It was unanimously agreed that planning permission be refused for the following reasons:-

1. The application seeks permission for unrestricted residential use in the open countryside outside of the Residential Development Cordon for Lindal as defined in the adopted Barrow in Furness Local Plan. As such the development would be contrary to the provisions of Policy B3, B13 and B23 of the Barrow in Furness Local Plan Review. To allow such a development would set a dangerous precedent for similar proposals elsewhere within the Borough.
2. The proposal does not class as “sustainable development” and there is no presumption in its favour. As such the proposal would be contrary to the provisions of the National Planning Policy Framework, in particular paragraph 6 –10, 49 and 55.
3. The proposal does not contribute to enhancing the natural environment or achieve the high standard of design required by the Framework and as such would conflict with paragraph 56,57,61 and 64 of the Framework and Policy D13 and D21 of the Barrow in Furness Local Plan Review.
4. A demonstrable need and special circumstances have not been identified for the development to be sited in this location and as such the proposal would conflict with Policy D1 and Policy F16 of the Barrow Borough Local Plan Review; and

(B) Should agreement upon a date by which the caravan shall be permanently removed from the site, not be reached within one calendar month of the refusal of consent, then officers be authorised to take any necessary legal action to secure such removal of the caravan.

## **277 – Proposed Housing Development, Newton Road, Dalton-in-Furness**

From Mr D. Barnes in respect of the erection of a residential development for 79 units approximately – Outline (all matters reserved for subsequent approval) at Proposed Housing Development, Newton Road, Dalton-in-Furness as shown on plan number 2015/0516.

Representations received and the results of consultations were reported.

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

Two objectors attended the meeting and made representations to the Committee.

RESOLVED:- It was unanimously agreed that Outline planning permission be refused for the following reasons:-

1. The site is recognised as having an important open and rural character; factors which contributed to its formal designation as a Green Wedge in the Local Plan Review 1996 -2006. Developing the site for housing in the indicated form would inevitably impact upon its openness however the development as proposed would be particularly damaging given the scale and density involved which would result in a hard edge to the adjacent highways on a key approach to the settlement of Dalton. Approval of the proposal would thereby conflict with Saved Policy D4 which seeks to protect the visual relief and contrast which Green Wedges provide.
2. Approval of the proposal would be contrary to saved policy B3 as the site does not represent infill development within the built up area. Neither does it represent rounding off. Approval would as a consequence further conflict with the previous and consistent decisions of the Council which have been fully supported on appeal.
3. The development by extending westwards beyond the brow of the hill towards Abbey Road would harm the openness which contributes to the sense of separation between Barrow and Dalton by replacing open farmland with buildings which would form the skyline. Approval of the proposal would thereby conflict with Saved Policies D4 and D5.
4. Development may exacerbate flooding elsewhere as there has been no assessment carried out of the intended drainage system namely the private Billincoat Farm surface water system and which is based on old mine workings. The workings are located in close proximity to a principal aquifer. It is the Council's contention that further assessment is required to establish the acceptability of the proposed arrangement.
5. The development of the density proposed is unlikely to allow sufficient space for Sustainable Urban Drainage (SUDs), childrens' play space or bio diversity enhancements. Approval of the proposal would as a consequence be contrary to saved policy G9 in relation to play space, and the NPPF and NPPG in relation to bio diversity enhancements and SUDs.

The meeting closed at 3.30 p.m.

		<b>Part One</b>
<b>PLANNING COMMITTEE</b>		<b>(D) Agenda Item 9</b>
<b>Date of Meeting: 1st December, 2015</b>		
<b>Reporting Officer: Development Services Manager (Planning)</b>		
<p><b>Title: Appeal; New dwelling on land at Pit Lane, application reference 2015/0033</b></p> <p><b>Summary and Conclusions:</b></p> <p>The application was refused in April 2015 by Committee, and the subsequent appeal has been dismissed.</p> <p><b>Recommendations:</b></p> <p>That this information be noted.</p>		

### **Report**

This was an outline application for a single dwelling on a site within the Lindal conservation area, but outside of the development cordon as defined by Saved policy B13. The Inspector considered that the main issue was the impact upon the character and appearance of the conservation area.

The Inspector also acknowledged that as the Council has a 5 year housing land supply the Saved policies are considered valid, and that as they accorded with the National framework (NPPF) the Councils policy approach was consistent with the aims of the NPPF "**which recognises the importance of the intrinsic character and beauty of the countryside.**" (Para 9 of the decision letter).

In his concluding paragraph the Inspector considered that the pressure to prune and potentially remove trees from the site arising from the construction of the dwelling, would lead to an erosion of the countryside and be contrary to several Saved policies. A copy of the letter is attached as **Appendix 1**.

### **Background Papers**

Nil.

<b>PLANNING COMMITTEE</b>	<b>(D) Agenda Item 10</b>
<b>Date of Meeting: 1st December, 2015</b>	
<b>Reporting Officer: Development Services Manager (Planning)</b>	

**Title: Unauthorised works to listed buildings consisting of the installation of upvc windows into the front elevation of numbers 22, 20, 6 and 8 School Street, Barrow-in-Furness**

**Summary and Conclusions:**

This report seeks Members' authority to issue listed building enforcement notices in respect of the installation of unauthorised windows at the front ground floor of no's 6 and 8 School Street, Barrow-in-Furness.

**Recommendations:**

That the Committee considers it expedient, having regard to the provisions of the development plan and all other material considerations, to authorise any legal actions necessary to secure the removal of the upvc windows located at ground floor level in the front elevations of numbers 22, 20, 6 and 8 School Street, Barrow-in-Furness and the reinstatement of timber windows in a design to be agreed in writing with officers.

**Report**

The background to this report is set out in the Committee report for application 2015/0474 also before this Committee today.

**Decision**

Subject to Members approval it is recommended that legal action be commenced against numbers 22, 20, 6 and 8 School Street. There are no time-limits for issuing listed building enforcement notices.

**Remedial steps to be taken**

To seek the removal of the unauthorised ground floor front windows and the reinstatement of timber windows to match the original design of windows for these properties at both numbers 6 and 8 School Street.

**Reasons why it is considered expedient to take action.**

-The unauthorised windows conflict with the aims set out in national and local planning policy, the relevant Act and the guidance set out in various documents by Historic England.

-Their retention would also conflict with the Inspector's decision on the appeal at no 6 School Street.

-The unauthorised windows result in substantial harm to the listed building and detract from the character and appearance of the Conservation Area. Their retention sets a dangerous precedent for the introduction of unauthorised works to listed buildings and in conservation areas.

-Listed Building Consent is proposed to be refused for retention of ground floor windows on the front elevation of number 8 for the following reasons and so it is expedient that enforcement action is pursued:

*1) The application involves the loss of a window of evidential, historic and aesthetic value and as such this would be contrary to the provisions of the NPPF, in particular paragraphs 56 and 126-136. The proposal would also conflict with the requirements of Sections 16, 66 and 72 of the Act which require that in making decisions special regard is paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The proposal would also conflict with Policies D15, D18 and D21 of the Barrow Borough Local Plan Review.*

*2) Clear and convincing evidence, as required by paragraph 132 of the NPPF, has not been submitted to justify the proposals in terms of public benefit or in terms of normally accepted conservation ethics and principles. In this regard the proposal would also conflict with the guidance set out in the Historic England document: Traditional Windows, Their Care, Repair and Upgrading (April 2015).*

*3) The proposal would involve the introduction of an alien form of material into this property, detrimental to the character and appearance of the St Georges Conservation Area and the setting of the Grade 2 listed building resulting in significant harm. This arises from the use of inappropriate window design and detailing and the loss of historic fabric. Approval would also introduce a dangerous precedent for the loss of traditional features elsewhere within the conservation area.*

Enforcement action complies with the Council's general enforcement guidelines. It is expedient to issue an enforcement notice in the public interest having regard to the provisions of the development plan and all other material considerations. The Council considers that there are no steps short of those required by the Council which can be taken to remedy the breaches of planning control.

#### Background Papers

Nil.

