

BOROUGH OF BARROW-IN-FURNESS

PLANNING COMMITTEE

Meeting, Tuesday 16th August, 2016
at 2.30 p.m. (Drawing Room)

A G E N D A

Site Visits

2016/0242 -19 Ramsden Dock Road, Barrow-in-Furness

2016/0372 - Former Roosecote Power Station, Rampside Road, Barrow-in-Furness

2016/0353 - Roanhead Car Park, Hawthwaite Lane, Barrow-in-Furness

Depart Town Hall Courtyard at **1.00 p.m.**

PART ONE

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

3. Admission of Public and Press

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

4. Declarations of Interest

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

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

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

5. Apologies for Absence/Attendance of Substitute Members.

6. To confirm the Minutes of the meeting held on 12th July, 2016 (copy attached).
7. Delegated Approvals – For Information (Booklet attached).

FOR DECISION

- (D) 8. Planning Applications (booklet(s) attached).
- (D) 9. Deferred Planning Application (booklet attached).

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

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

2016/0026 - Cavendish Villas, Barrow-in-Furness

Membership of Committee

Councillors

M. A. Thomson (Chairman)
C. Thomson (Vice-Chairman)
Blezard
Derbyshire
Gawne
Husband
McEwan
McLeavy
Murphy
Murray
Seward
Thurlow

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Published: 8th August, 2016

PLANNING COMMITTEE

Meeting: Tuesday 12th July 2016
at 2.30 p.m. (Drawing Room)

PRESENT:- Councillors M. A. Thomson (Chair), Blezard, Gawne, McLeavy, Murphy, Pidduck, Seward, Sweeney and Thurlow.

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

125 – The Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985 and Access to Information (Variation) Order 2006 – Urgent Items

RESOLVED:- That by reason of the special circumstances outlined below the Chairman is of the opinion that the following items of business not specified on the agenda should be considered at the meeting as a matter of urgency in accordance with Section 100(B)(4)(b) of the Local Government Act 1972.

<u>Item</u>	<u>Reason</u>
Approval of details reserved by Condition No. 4 (Details of all offsite highway works) relating to planning application 2016/0013 (Central Yard Complex) at various highway locations associated with CYC Site, Bridge Road, Barrow-in-Furness (Minute No. 164)	The legal opinion was received post deadline and in recognition of the national significance of the project it was important for the Authority to deliver a decision on the application.
Notice of intention to fell sycamore trees numbered T1,T2,T3,T4 and T5 located within a Conservation Area at 6A Market Place, Dalton-in-Furness (Minute No. 131)	That the matter was subject to a 6 week notice which expired on 14th July, 2016. It was expedient for this matter to be considered at this meeting as otherwise the Committee would necessarily have the option of considering the notice in the light of the Consultant's report. The Consultant's report was received after the publication of the Committee Agenda.

126 – Declarations of Interest

Councillor Gawne declared a disclosable pecuniary interest in Planning Application No. 2016/0061 – Calibration Lab, Buccleuch Dock, Barrow-in-Furness (Minute No. 163) as he owned a property adjacent to the application site. He left the meeting during consideration of this item. He also declared an other registrable interest in Planning Application No. 2016/0242 – 19 Ramsden Dock Road, Barrow-in-Furness (Minute No. 165) as one of the objectors was known to him.

Councillor McLeavy declared a disclosable pecuniary interest in Planning Application Nos. 2016/0061 – Calibration Lab, Buccleuch Dock, Barrow-in-Furness (Minute No. 163) and 2016/0013 – Various highway locations associated with CYC site, Bridge Road, Barrow-in-Furness (Minute No. 164) as he was an employee of BAE Systems. He left the meeting during consideration of these items.

Councillors Murphy declared a disclosable pecuniary interest in Planning Application Nos. 2016/0061 – Calibration Lab, Buccleuch Dock, Barrow-in-Furness (Minute No. 163) and 2016/0013 – Various highway locations associated with CYC site, Bridge Road, Barrow-in-Furness (Minute No. 164) as he was a member on the BAE Liaison Committee. He left the meeting during consideration of these items.

127 – Apologies for Absence/Attendance of Substitute Members

Apologies for absence were received from Councillors C. Thomson (Vice-Chair), Derbyshire, Husband, McEwan and Murray.

Councillors Pidduck and Sweeney had replaced Councillors C. Thomson and Husband respectively for this meeting only.

128 – Minutes

The Minutes of the meeting held on 14th June, 2016 and the special meeting held on 28th June, 2016 were taken as read and confirmed.

129 – Recent Appeal Decisions – Use of Land for Recreational Purposes and Domestic Garden etc. on Land at Greenscoe, Opposite Park Knott Small Holdings, Askam-in-Furness

The Development Services Manager reported that appeals were lodged against the refusal of planning permission (2014/0645) and the provision of an enforcement notice. Both applications related to the use of land for recreational purposes and a domestic garden, which included the siting of a caravan, play equipment and other associated paraphernalia on land at Greenscoe, opposite Park Knott small-holdings, Askam-in-Furness.

The appeals were dealt with by written representation and the appeals were dismissed, the enforcement notice upheld and planning permission refused on 18th March, 2016.

The Inspector concluded that the use was detrimental to the character and appearance of the countryside, contrary to saved policies D3 and D13 of the Local Plan and allowing the appeals could set a precedent for similar developments.

It was understood that the caravan had now been removed and the site continued to be monitored.

The applicant also failed in his application for an award of costs.

The Inspector concluded that the Council did not act unreasonably and the appellant had not incurred any unnecessary or wasted expense. The claim for costs therefore failed.

RESOLVED:- That the information be noted.

130 – Appeal Decision - Erection of 38 houses on land at the junction of Manor Road and Rating Lane, Barrow-in-Furness (Ref 2014/0536)

The Development Services Manager reported that the planning application was refused planning permission at the Planning Committee meeting in December 2014 with the applicant choosing the local inquiry process for appealing the decision. The Inquiry sat for 4 days at the end of January 2016 and reconvened for an additional day on the 10th March, 2016. The Inquiry was a legal process rather than a planning one arranged around expert witnesses who presented evidence and were then subject to cross examination by the other sides legal representative. The appeal was dismissed and the Council's refusal upheld with the decision letter issued by the Planning Inspectorate on the 26th March, 2016.

The Inspector had outlined the main issues to be addressed by the inquiry as:

The effect of the proposal on:

- 1) The surrounding area in terms of landscape character and visual impact;
- 2) The setting of nearby heritage assets;
- 3) Whether the proposal would preserve or enhance the character or appearance of the Furness Abbey Conservation Area, and
- 4) Whether this would be a sustainable form of development having regard to national and development plan policies in respect of the delivery of new housing and whether or not the Council could demonstrate a deliverable 5 year supply of housing land.

Taking these in turn:

Landscape character and visual impact

The Council's position was that the site formed part of the countryside. The appellant contended that the site was heavily influenced by the urban area and referred to documents published by the Council which they considered supported their case.

The Inspector rejected this argument commenting that:

'in my judgement, given its pastoral appearance, the appeal site shares its affinity with the open landscape character of the Furness Abbey precinct and the countryside beyond to the north and east. Moreover, in the vicinity of the appeal site Rating Lane has a more verdant character than its more urban appearance further to the south. Although an undesignated landscape, I observed that the appeal site possesses an attractive and tranquil quality'.

The Council's position was that the development would have an unacceptable adverse effect on this character and upon views from Abbey Road, Manor Road and Rating Lane with the impact increased by the houses occupying the more elevated parts of the site.

The Inspector noted that:

the development would have a pronounced presence. It would increase the quantity of development in the area, introducing built form to pastoral fields that are currently seen as part of the edge of the countryside as it sweeps up to the urban fringe;

and

Building 38 new houses with associated infrastructure on the appeal site would lead to an erosion of that natural quality, and as a result, the proposal would cause landscape harm.

The setting of nearby heritage assets

The Council's case was that the development would harm the setting of several listed buildings and scheduled monuments including the western approach of Furness Abbey. The case had not been assisted as the statutory consultee on heritage matters considered the harm to be minor and on that basis had not objected.

The Inspector agreed with the Council that the appeal site formed part of their setting and that the development would have a harmful impact on the significance of these heritage assets. Also that the proposal would fail to preserve or enhance the Conservation Area.

Housing land Supply

The Council and the appellant came up with very different figures on the amount of housing land available. The Inspector did not express an opinion as to the merits of the respective arguments in this regard commenting that it was not a determinative factor in this appeal.

The Inspector conclusions

The Inspector's conclusions paid particular attention to the identified harm to the Conservation Area and the setting of the various listed buildings including Furness Abbey. He commented that:

Giving considerable weight to the special regard to the desirability of preserving the settings of these heritage assets and giving considerable weight to paying special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area means that despite finding the harm in each case to be less than substantial, the presumption against granting planning permission remains strong. It can be

outweighed by material considerations if powerful enough to do so and while I give significant weight to the public benefits identified in this instance, I do not consider them to be sufficiently powerful to outweigh the aggregated less than substantial harm that I have identified. Accordingly, the proposal would conflict with NPPF Paragraph 134 and saved LP Policy D15 which reflects the approach of Section 72 of the Act. Having applied the balance under NPPF Paragraph 134 in respect of the setting of the heritage assets and the Conservation Area, I have found that the public benefits would not outweigh the less than substantial harm arising. This means that under limb 2 of the 2nd bullet of NPPF Paragraph 14, NPPF Paragraph 134 is a specific policy in the Framework that indicates that development should be restricted. Therefore, whether or not a 5 year housing land supply can be demonstrated is not determinative in this appeal.

General points

There was little reference to the development plan with the Inspector's decision generally following the National Planning Policy Framework, also legislation and case law figured prominently in the inquiry/decision. This was illustrated by his comments of saved policy B3 (seeks to limit housing outside the built up area):

The Council argued that in this regard the proposal would be contrary to saved Policy B3 (i) of the Barrow Borough Local Plan Review 1996-2006 (LP). However, B3 relates to a sequential test set out in the now revoked Cumbria and Lake District Joint Structure Plan 2001-2016 and is not fully consistent with the policies in the National Planning Policy Framework (NPPF). As a more recent expression of national policy on the countryside, the NPPF is a material consideration that outweighs Policy B3.

The Inquiry was rather well attended by members of the public who showed remarkable tenacity to sit through and contribute to the inquiry process.

The Committee thanked the Principal Planning Officer, Charles Wilton, for all the work he had done to enable a good case being put forward by the Council.

RESOLVED:- That the information be noted.

131 – Notice of intention to fell sycamore trees numbered T1,T2,T3,T4 and T5 located within a Conservation Area at 6A Market Street, Dalton-in-Furness

The Planning Manager reported that a Section 211 Notice was reported to the special meeting of Planning Committee held on 28th June, 2016. The recommendation was that a Tree Preservation Order not be served. This was based upon an assessment that the trees had poor anchorage due to their roots growing partly on a rock face. The trees position along a cliff edge above a hotel and car park increased the safety arguments behind the application.

It was resolved that due to the prominent nature of the trees that a second opinion be sought.

Also to prevent the loss of trees before this could be completed it was resolved that a Preservation Order be served. Felling could commence on 17th July, 2016.

The arborical consultant's report was attached as an appendix to the report.

However the conclusion is reproduced below:-

I consider the trees detailed in the S211 Notification do not merit protection with a TPO mainly due their multi-stemmed form and their short life expectancy because of their location. I recommend asking the agent if they would like to include the ash tree adjacent to tree T5, which I assume is an oversight. Felling the sycamore trees and leaving the ash will leave it exposed and susceptible to wind-throw failure.

Barrow Borough Council can either inform the agent/applicant the work can go ahead. Alternatively, the Council can leave the notification to run its six-week determination period; at this point, the applicant can go ahead with the specified work.

Additional to the report the Planning Manager had asked the consultant to advice on the merits of a reduced amount of work to the trees as opposed to coppicing at just above ground level. He had advised against this and attached as an appendix to the report was further instruction and the consultant's response.

RESOLVED:- That a Tree Preservation Order was not served.

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:-

132 2016/0423 Application for Approval of details as reserved by Condition No. 3 (measures of protecting the listed building) of planning permission 2015/0840 (Demolition of extensions to former Alfred Barrow School with retention of existing Listed building. Construction of new two storey extension with rooftop plantroom to North of existing building and linked at both floor levels. Existing building refurbished and with new extension will provide

facilities for new Primary Care Centre including clinical, administration and support services. External areas to be reconfigured to provide staff and public car parking and parking for emergency vehicles with associated landscaping) at Former Alfred Barrow School and land to the SW of the school, Duke Street, Barrow-in-Furness.

- 133 2016/0337** Erection of a two storey extension to the north elevation to provide kitchen, master bedroom, shower and wc with dormer windows to west/east elevations and a detached double garage at South Lodge, Broughton Road, Dalton-in-Furness.
- 134 2016/0348** Application for prior notification of a proposed demolition of Rock Lea and ancillary buildings at Rock Lea, Abbey Road, Barrow-in-Furness.
- 135 2016/0284** Change of use to entire premises from financial and professional services (Use Class A2) to office (Use Class B1) and associated works at 196 Dalton Road, Barrow-in-Furness.
- 136 2016/0328** Proposed rear ground floor shower room and kitchen extension at 17 Granville Street, Barrow-in-Furness.
- 137 2016/0214** Advertisement Consent to display 1 no. fascia sign, 1 no. projecting sign and 1 no. hoarding sign at 73 Cavendish Street, Barrow-in-Furness.
- 138 2016/0210** Rear living room extension at 17 Tamworth Drive, Barrow-in-Furness.
- 139 2016/0860** Application for approval of details as reserved by condition No. 4 (foul and surface water drainage details) No. 5 (Construction Environmental Plan) and No. 6 (highway design details) of planning permission 2015/0642 (Erection of 29 detached houses) at Thorncliffe School (south site), Thorncliffe Road, Barrow-in-Furness.
- 140 2016/0312** Removal of existing 14.8 metre streetworks pole supporting 3no. shrouded antennas. The installation of a replacement 17.5m streetworks pole supporting 6no. shrouded antennas, 1no. 0.3m transmission dish, 1no. additional equipment cabinet and ancillary thereto at Communications Mast, Sowerby Hall, Bank Lane, Barrow-in-Furness.
- 141 2016/0364** Remove existing garage and car port and replace with a larger domestic garage (resubmission of 2016/0052 to a revised scheme) at 5 Prospect Road, Barrow-in-Furness.

- 142 2016/0382** Rear and side ground floor extension forming kitchen/dining room and store room at 40 Hornedale Avenue, Barrow-in-Furness.
- 143 2016/0040** Change of use of part domestic dwelling to part guest house accommodation, removal of existing private quarters out building, utility room and kitchen and re-build (amended plans received) at 241 Abbey Road, Barrow-in-Furness.
- 144 2016/0311** Proposed rear ground floor lounge extension at 116 Derby Street, Barrow-in-Furness.
- 145 2016/0286** Two storey side extension forming gym and games room in basement, ground floor kitchen/porch and first floor en-suite bedroom at 1 Rosse Field, Barrow-in-Furness.
- 146 2016/0386** Rear ground floor family room at 22 Rosewood Grove, Barrow-in-Furness.
- 147 2016/0203** Dormer extension to existing bungalow with garden room to rear and two storey extension to front forming lobby and study at 5 Rampside, Barrow-in-Furness.
- 148 2016/0320** Rear detached garage and side attached store extension at 14 Muncaster Road, Barrow-in-Furness.
- 149 2016/0289** Removal of existing wall (870mm high) and construct (1800mm high) concrete block wall at 50 Douglas Street, Barrow-in-Furness.
- 150 2016/0321** Rear living area extension at 28 Tyne Road, Barrow-in-Furness.
- 151 2016/0322** Proposed rear ground floor kitchen/bedroom extension and internal toilet at 20 Kitchener Street, Barrow-in-Furness.
- 152 2016/0210** Approval of details reserved by conditions 10 (roofing materials relating to plots 1-6 only) and 11 (external materials) for planning application B07/2015/0293 - Construction of 10 dwellings comprising of 6 houses and 4 bungalows at Proposed Housing Development, Park Lane, Barrow-in-Furness.
- 153 2016/0281** Single storey garage detached garage at Mill Barn, Biggar Village, Barrow-in-Furness.
- 154 2016/0329** Conservatory to front elevation at 17 Park Lane, Barrow-in-Furness.
- 155 2016/0331** Proposed kitchen extension at 41 Church Lane, Barrow-in-Furness.

The following application was stopped:-

- 156 2016/0415** Change of use from 'Pet Shop' (A1 retail) to 'Burger Bar' (A5 hot food takeaway) including alterations to front elevation and provision of extraction equipment to rear elevation at 25B Anchor Road, Barrow-in-Furness.

The following application was refused:-

- 157 2016/0228** Variation of Condition No. 6 of planning permission 2015/0164 to allow approved parking spaces to be finished in either permeable block paving or gravel at Furness Tavern, Duke Street, Askam-in-Furness.

The following application was withdrawn:-

- 158 2016/0252** Rear garage extension at 93 Abbey Road, Barrow-in-Furness.

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

Town and Country Planning Acts

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

159 – South Lakes Safari Zoo, Broughton Road, Dalton-in-Furness

From Ms Karen Brewer, South Lakes Safari Zoo Ltd in respect of the part approval of details reserved by Condition No. 2 (Marshalling Plan) and Condition No. 4 (Screen Fencing) for planning permission 2014/0123 (Minor amendment to allow revised car park access and associated changes to car park layout plan) at South Lakes Safari Zoo, Broughton Road, Dalton-in-Furness as shown on plan number 2015/0602.

Representations received and the results of consultations were reported.

Consideration of the application had been deferred at the meeting held on 1st December, 2015 (Minute No. 314 refers) as Members felt that the Marshalling Plan in its current format was inadequate due to a lack of clarity on staff training, and the need for further information on the use of permanent rather than temporary signage through the lanes and for visitors exiting the Broughton Road car park.

RESOLVED:- It was agreed that consent to discharge Condition No. 2 (Marshalling Plan) attached to 2014/0123 as shown on submission 2015/0602 be granted.

160 – 12 Kestrel Drive, Dalton-in-Furness

From Mr and Mrs D. Pearson in respect of a proposed loft conversion and construction of front and rear dormers, demolition of existing detached garage and

construction of new integral garage (Amended Plans received) at 12 Kestrel Drive, Dalton-in-Furness as shown on plan number 2016/0177.

Representations received and the results of consultations were reported.

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

RESOLVED:- It was agreed 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 12KD/01 and 12KD/02 (Rev. B) and defined by this permission, and notwithstanding the provisions of the Town and 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. For the avoidance of doubt 12KD/02 (Rev.B) specifies the use of hanging tiles to match the pitched roof finish on the face and cheeks of the dormer extensions.

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, 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. The face and cheeks of the front dormer hereby approved shall be clad and permanently retained vertically hung tiles of a colour that matches to the host property roof. Any variation from this shall not take place without the prior written consent of the Planning Authority.

Reason

To protect the visual amenities of the area.

5. 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 opening of any kind shall be made in the side elevations of the permitted dormer extensions 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.

6. Prior to the beneficial use of the garage hereby approved, all areas of walling shown as being dashed on the approved plans referred to above shall be completed in full to match the adjacent walling on the host building.

Reason

In the interests of the appearance of the development and the visual amenities of the area.

161 – St Lukes Church, Roose Road, Barrow-in-Furness

From HB Villages Developments Ltd in respect of the demolition of existing church and erection of two storey residential building comprising of 16 self contained one bedroom specialised supported living apartments and an additional single storey building containing two self contained specialised living dwellings, together with open space and car parking at St Lukes Church, Roose Road, Barrow-in-Furness as shown on plan number 2016/0359.

Representations received and the results of consultations were reported.

RESOLVED:- It was agreed that planning permission be granted subject to the Standard Duration Limit and the following conditions:-

2. The development shall be carried out in accordance with the application dated 4/05/2016 and the hereby approved plans unless varied by conditions below:

Site plan AL-00-002 T04

Refuse & scooter store AA-90-001 P1

Floor plans/roof plan AL-20-100 P01

Street elevations AE-20-102 P1

Elevations AL-20-101 P03

Block 2 plans and elevations AL-20-103 P02

Landscape plan by outer space design 01/338/01 Rev A

Reason

To ensure that the development is only carried out as approved.

3. All planting, seeding or turfing comprised in the approved details of landscaping (01/338/01 Rev A) shall be carried out in the first planting and seeding seasons following beneficial occupation of any part of the development, or in accordance with the phasing of the scheme as

agreed in writing with the Planning Authority . And any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Planning Authority gives prior written consent -any variation.

Reason

In the interests of the visual amenities of the area.

4. Prior to the commencement of development including any demolition the Tree Protection Scheme (TPS) shall have been implemented using the protective barrier construction as per appendix 3 of the TPS and which shall protect all root protection areas as identified on Tree Protection Plan reference TPP.12406.01.

Reason

To give effect to the Arborical Impact Assessment which incorporates the TPS having regard to the trees contribution to amenity and bio diversity and to accord with saved policy D32.

5. Prior to the erection of the above ground part of the development samples of the materials to be used in the construction of the external envelope including the roof shall have been submitted to and approved in writing by the planning authority. The development shall then be carried out in accordance with the approved details.

Reason

To ensure that the materials are appropriate for the location having regard to saved policies B3 and D21.

6. Prior to the commencement of development including demolition a Construction Management Plan shall have been submitted to and approved in writing by the planning authority. The development shall then be carried out in accordance with the approved CMP and which shall address the following matters:

The method statement should cover all phases of the development and take account of all contractors or sub-contractors and must be submitted for approval by the Local Planning Authority, prior to the commencement of the development. Construction management method statements will be expected to include the following:

Details of phasing of the construction work including a programme of work for the demolition and construction phase;

A Traffic Management Plan to include all traffic associated with the development, including site and staff traffic;

Procedures to monitor and mitigate noise and vibration from the construction and demolition and to monitor any properties at risk of damage from vibration, as well as taking into account noise from plant, machinery, vehicles and deliveries, with reference to BS 5228 - Code of practice for noise and vibration control on construction and open sites. All measurements should make reference to BS 7445 - Description and measurement of environmental noise;

Hours of working and deliveries;

Mitigation measures to control the emissions of dust and dirt during construction and demolition;

A written procedure for dealing with complaints regarding the construction or demolition; A site log book to record details and action taken in response to exceptional noisy incidents or dust-causing episodes. It should also be used to record the results of routine site inspections;

Details of lighting to be used on site;

Mitigation measures to ensure that no harm is caused to protected species during construction;

The provision of facilities for the cleaning of vehicle tyres where haul routes meet the public highway to avoid deposition of mud/debris on the public highway and the generation of dust.

The area to be utilised for the storage of materials and staff facilities.

The means of construction access which shall be sited away from any trees and including any highway trees.

Reason

To give effect to the advice of the Council's environmental health officer, to protect public amenity and highway trees.

7. The demolition shall proceed in accordance with the recommendations of the bat survey [Section 4.2 recommendations, Dunelm Ecology October 2015].

Reason

To give effect to the bat survey having regard to legal obligations and saved policy D12.

8. Prior to the erection of the above ground element of the development details of measures to promote bio diversity shall have been submitted to and approved in writing by the planning authority. The development shall then be carried out in accordance with the approved details.

Reason

To give effect to the recommendations of the bat survey [Paragraph 4.2.2 Dunelm Ecology October 2015] and to promote positive gains in biodiversity where practical.

9. Prior to the commencement of any development with the exception of demolition, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. This shall show a separate system of drainage at least within the application site.

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. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public surface water sewer must be restricted to maximum 5 l/s for any storm event.

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. The site is located within an area drained via combined sewers. Measures to minimise volumes of surface water entering the sewer is required to reduce the volumes of surface water mixing with foul and subsequently needing treatment. Measures to reduce flow rates are required to give effect to the drainage strategy (T. Dean dated 29/05/16) and to reduce flood risk. The issues need to be addressed pre commencement as drainage is a matter that must be addressed at an early stage of the project.

10. Prior to the occupation of any part of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
 - a. The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and
 - b. Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include

elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be maintained and managed in accordance with the approved plan.

Reason

To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.

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

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved policy D56 of the Local Plan Review 1996-2006. The matter has to be addressed pre commencement as its findings will influence how construction works are carried out.

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

Reason

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

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

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

Reason

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

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

Reason

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

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

Reason

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

16. Prior to the beneficial occupation of the development the car park shall have been surfaced, drained and made available for parking in accordance with details of surfacing, drainage and the precise boundaries of the car park which must have first been submitted to and approved in writing by the planning authority. The car park shall then be retained permanently for the benefit of the development hereby approved.

Reason

To ensure that the car park is provided to an acceptable standard and is retained for the benefit of the development in the interests of highway safety.

17. Prior to the beneficial occupation of the development the bin store shall have been provided in accordance with the details of the Refuse & scooter store reference AA-90-001 P1 and in accordance with the materials agreed under condition 5 above and which shall then be permanently retained for the benefit of the development hereby approved.

Reason

To ensure that an essential facility is provided in a suitable form.

162 – The Caravan, Henning Wood, Lindal-in-Furness

From Mr E. Miles to inform Members that a non-determination appeal had been received in relation to an application for the siting of a caravan for ancillary domestic

use (retrospective) (re-submission of application 2015/0292) at The Caravan, Henning Wood, Lindal-in-Furness as shown on plan number 2015/0874.

Representations received and the results of consultations were reported.

RESOLVED:- It was agreed that the Council does not seek to defend this appeal and the Planning Inspectorate be informed that had the planning application been determined then a positive recommendation with the conditions below would have been the resolution:-

1. This permission shall be for a limited period expiring on 30 June 2021. The caravan including any ancillary items shall be removed from the site on or before that date.

Reason

Taking into account the special personal circumstances of this case and the fact that the proposal would not class as "sustainable development" or be generally acceptable outside the Residential Development Cordon for Lindal and to allow the Local Planning Authority to monitor the operation over this period.

2. This permission relates solely to the use of the static caravan as ancillary domestic accommodation to the residential caravan on the site and it shall not be operated as a separate unit of accommodation or holiday rental.

Reason

Unrestricted caravan occupancy or a holiday rental would be contrary to saved Policies B3 and B13 of the adopted Barrow in Furness Local Plan Review and against the provisions of the NPPF in terms of sustainable development.

3. This permission shall operate for the sole use of Mr and Mrs G. Miles and their immediate dependants.

Reason

This permission is granted taking into account the unique circumstances of this case and the personal circumstances of the applicant.

163 – Calibration Lab, Buccleuch Dock, Barrow-in-Furness

From Mr Steve Robson, BAE Systems Marine Ltd in respect of the creation of a new car park, replacement fencing, lighting, CCTV and associated landscaping works at Calibration Lab, Buccleuch Dock, Barrow-in-Furness as shown on plan number 2016/0061.

Representations received and the results of consultations were reported.

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

RESOLVED:- It was agreed that planning permission be granted subject to the Standard Duration Limit and the following conditions:-

2. The development hereby permitted shall be carried out in all respects in accordance with the application dated as valid on 10th February 2016 and the hereby approved documents defined by this permission as listed below, except where varied by a condition attached to this consent.

Revised site plan ref CL003D amendment 7/04/2016

Fourth Transport Assessment Addendum: Car Parking Strategy Options ref

INFRAPB1700R065F03 Rev 03/FINAL

Air Quality Assessment Ref PB1700/R12/304403 dated 22/02/2016

Noise Assessment Ref PB1700/R10/304368 dated 22/02/2016

Car Park Drainage Statement Ref PB1700/TN12/v3 as amended 22/06/2016

Car Park Landscape Plan Ref PB1700I&TN021D01

Ecological Assessment Ref BOW17/527 July 2014

Land Quality Preliminary Risk Assessment Ref PB1700-R02-303708 dated 5/09/14

Flood Risk Assessment Ref PB1700-R05-304366

Reason

In order to link the permission to the submitted application and as recommended by the DCLG document 'Greater Flexibility for Planning Permissions'.

3. This consent is for a temporary period expiring on 31st December, 2020 whereupon the car park surfacing and associated lighting, barriers, signage and any other structures associated with the use shall be removed, and the land reinstated no later than 30th June, 2021 in accordance with a scheme that shall be subject to prior written agreement with the Planning Authority, unless a further application for retention of the facility has been submitted to the Planning Authority for their approval.

Reason

At the request of the applicant the car park is needed only to provide a short term facility associated with the Successor Programme.

4. A Field Investigation and Updated Risk Assessment, conducted in accordance with established procedures (BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and

Model Procedures for the Management of Land Contamination (CLR11)), shall be undertaken to determine the presence and degree of contamination and must be undertaken by a suitably qualified contaminated land practitioner. The results of the Field Investigation and Updated Risk Assessment, together with any mitigation proposals, shall be submitted to and approved in writing by the Planning Authority, the submission being no later than six calendar months following the commencement of any parking of vehicles on site. The approved details shall be fully implemented within twelve calendar months of the commencement of any vehicle being parked on site.

Reason

The applicant has not yet undertaken an intrusive ground investigation hence the potential existence of contamination on the site is unknown. These works are therefore necessary in order 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.

5. 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.

6. Within three calendar months of any part of the site being used for vehicle parking, a scheme to show the surface water drainage and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion), shall be submitted to and approved in writing by the Planning Authority. The surface water drainage scheme must be restricted to existing runoff rates to surface

water sewer and unless otherwise agreed in writing by the Planning Authority, no surface water shall discharge to the public foul/combined system either directly or indirectly. There should be no infiltration of any contaminated water to ground. If infiltration methods are to be used on this site then it would need to be demonstrated that a minimum 1m unsaturated zone will occur beneath the base of any infiltration device and the highest expected natural water table. The SUDS scheme will also need to include adequate water quality treatment measures. The drainage works shall be completed within six months of the date of the initial use of the site for parking, and thereafter maintained and managed in accordance with the approved details.

Reason

Upon the advice of consultees it is considered that the applicant has supplied insufficient information to fully assess the impact of the use upon the drainage network. The additional information is necessary in order to ensure that the site is adequately drained and in order to control the potential for pollution of the water environment.

7. All permanent works, including the surfacing construction, marking out, and the installation of barriers and signage, shall be completed within 12 calendar months of the site first being used for the parking of any vehicles.

Reason

In recognition of the time scale of the wider Successor Programme but in order to ensure that the development is carried out in accordance with the environmental protection measures identified by consultees.

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

Reason

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

9. No security cameras shall be erected on site except in accordance with a scheme that have previously been submitted to and approved in writing by the Planning Authority. The cameras shall be permanently

positioned, angled, and directed in order to avoid any direct observations of the adjacent dwellings, including their rear curtilages.

Reason

In order to protect the residential amenities of the area from loss of, or perceived loss of privacy.

10. Prior to installation, details of any boundary treatments, including appearance, materials and colour, shall be submitted to and approved in writing by the Planning Authority.

Reason

In order to protect the residential amenities of the area, due to the proximity of the site to dwellings.

11. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for all of the following:
 - i. the parking of vehicles of site operatives and visitors,
 - ii. loading and unloading of plant and materials,
 - iii. storage of plant and materials used in constructing the development,
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities to prevent material being transferred onto the public highway,
 - vi measures to control the emission of dust and dirt during construction, vii a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - viii hours of working and deliveries

Reason

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

Following discussions it was agreed that two further conditions be attached to the consent, with the final wording delegated to the Planning Manager.

12. Provision of Landscaping Plan/Scheme including future maintenance.
13. A restriction on the hours of operation for the Car Park – suggested 6.30 a.m. - 7.30 p.m.

164 – Various highway locations associated with CYC site, Bridge Road, Barrow-in-Furness

From Phil Aspen, BAE Systems Marine Ltd in respect of the approval of details reserved by Condition No. 4 (Details of all offsite highway works) relating to planning application 2016/0013 (Central Yard Complex) at various highway locations associated with CYC site, Bridge Road, Barrow-in-Furness as shown on plan number 2016/0360.

Representations received and the results of consultations were reported.

RESOLVED:- It was agreed that consent to discharge the highways details reserved by Condition No. 4 (Details of all offsite highway works) relating to planning application 2016/0013 (Central Yard Complex) be granted.

165 – 19 Ramsden Dock Road, Barrow-in-Furness

From Mr I. Harman in respect of the change of use from (D1) non residential institution to (A5) hot food takeaway – pizza at 19 Ramsden Dock Road, Barrow-in-Furness as shown on plan number 2016/0242.

Representations received and the results of consultations were reported.

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

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

It was moved by Councillor Murphy and duly seconded that the application be mindful to refuse.

RESOLVED:- That the application be mindful to refuse due to concerns that the use was likely to attract car borne customers from a wider area together with additional traffic from any delivery service. This was in the context of very limited on street parking in the area and the likely consequence of parking on double yellow lines.

166 – 371 Abbey Road, Barrow-in-Furness

From Dr P. K. Misra in respect of an application for works to fell one sycamore tree subject of Tree Preservation Order 2008 No. 9 at 371 Abbey Road, Barrow-in-Furness as shown on plan number 2016/0428.

Representations received were reported.

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

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

The tree makes an important contribution to the public amenities of the area by way of its contribution to the sylvan character of Abbey Road. Its loss would as a consequence result in significant harm which is not outweighed by the limited benefits arising from additional sun light to the solar panels.

167 – 3 Monks Croft Avenue, Barrow-in-Furness

From Miss L. Lawley in respect of an application for works to trees subject to Tree Preservation Order 1998 No. 4 – for the crown reduction by 30-50%, crown lifting and general pruning of an Oak tree at 3 Monks Croft Avenue, Barrow-in-Furness as shown on plan number 2016/0384.

Representations received were reported.

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

1. The work is not described in accordance with BS 3998 Tree Work – Recommendations resulting in a lack of clarity in terms of the extent of work proposed; and
2. The reference to a 30-50% reduction would involve a substantial reduction in the trees crown harming its amenity value and health.

168 – Withdrawn Application

The following application had been withdrawn:-

2016/0229 – Erection of three dwellings with associated off-street parking including the demolition of former fire station at Fire Station, Broughton Road, Dalton-in-Furness.

169 – Application Withdrawn from the Agenda

2016/0202 – Proposed out building garden store (amended details received) at 1 Sun Street, Ireleth, Askam-in-Furness; and

The meeting closed at 4.00 p.m.