

BOROUGH OF BARROW-IN-FURNESS

PLANNING COMMITTEE

Meeting, Tuesday 29th November, 2016
at 2.30 p.m. (Drawing Room)

A G E N D A

Site Visits

2016/0426 - Crooklands Garden Centre, Ulverston Road, Dalton-in-Furness
2016/0669 - 51 Thorncliffe Road, 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 8th November, 2016 (copy attached).

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

FOR DECISION

- (D) 8. Planning Applications (booklet(s) attached).
- (D) 9. Request for removal of Enforcement Notice relating to 3 Bermuda Crescent.
- (D) 10. Appointment of Part Time Enforcement Officer.

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

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

2016/0669 - 51 Thorncliffe Road, Barrow-in-Furness

Membership of Committee

Councillors

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

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Published: 21st November, 2016

PLANNING COMMITTEE

Meeting: Tuesday 8th November, 2016
at 2.30 p.m. (Drawing Room)

PRESENT:- Councillors M. A. Thomson (Chair), C. Thomson (Vice-Chair), Gawne, Husband, McEwan, McLeavy, Murray, Seward and Sweeney.

Officers Present:- Charles Wilton (Principal Planning Officer), Sharron Rushton (Democratic Services Officer) and Katie Pepper (Democratic and Electoral Services Apprentice)

277 – Declarations of Interest

Councillor Murray declared a disclosable pecuniary interest in Planning Application No. 2016/0302 – Cavendish Street (land at), Dalton-in-Furness (Minute No. 316) as the application had been submitted by his daughter. He left the meeting during consideration of this item.

Councillor Seward declared an other registrable interest in Planning Application No. 2016/0683 – The Plantation, Pit Lane, Lindal-in-Furness (Minute No. 313) as the applicant was a friend.

278 – Apologies for Absence/Attendance of Substitute Members

Apologies for absence were received from Councillors Blezard, Murphy and Thurlow.

Councillor Sweeney had substituted for Councillor Thurlow this meeting only.

278 – Minutes

The Minutes of the meeting held on 4th October and the special meeting held on 11th October, 2016 were taken as read and confirmed.

279 – 54 Duke Street, Barrow-in-Furness

The Assistant Director (Regeneration and Built Environment) reported that a recent planning application (2016/0021) was received for the site which was the home of Yates' Wine Bar, prior to its demolition. The application was for the construction of new car park for Jeffersons Hotel with no improvement to the boundary treatment. This was considered unacceptable and refused for the following reason in March 2016:-

1. The proposal in its current form will have a detrimental visual impact on the setting of the Conservation area and is therefore contrary to saved policy D15 of the Barrow Borough Local Plan Review and paragraphs 131 and 137 of the National Planning Policy Framework.

An appeal against this decision was submitted to the Planning Inspectorate and was dismissed. The decision letter was attached as an appendix to the report for information.

RESOLVED:- To note the report.

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:-

- | | | |
|------------|------------------|---|
| 280 | 2016/0619 | Non material amendment following grant of planning permission 2016/0013 (Central Yard Complex) to allow for minor design changes to the facade treatment and the reconfiguration of doors, windows and louvres) at BAE Systems Bridge Road Barrow-in-Furness. |
| 281 | 2016/0597 | Listed Building Consent for the demolition of existing rear single storey extension and replace with new. Replace existing upvc doors and windows to front elevation with timber in keeping with conservation area at 27 Keith Street, Barrow-in-Furness. |
| 282 | 2016/0554 | Proposed ground floor bathroom extension and change existing first floor bathroom to third bedroom at 26 Argyle Street, Barrow-in-Furness. |
| 283 | 2016/0564 | Demolition of existing rear single storey extension and replace with new. Replace existing upvc doors and windows to front elevation with timber in keeping with conservation area at 27 Keith Street, Barrow-in-Furness. |
| 284 | 2016/0507 | Removal of brickwork and fittings of window on gable end - first floor landing area to semi detached property at 2 Wellington Street, Dalton-in-Furness. |
| 285 | 2016/0338 | Application for a lawful development certificate for a proposed vehicular access and associated concrete hard standing in section of rear garden at 6 Hall Street, Dalton-in-Furness. |

- 286 2016/0550** Erection of an agricultural building at Paddock View, Woodbine Lane, Newton-in-Furness.
- 287 2016/0589** Application for a lawful development certificate for a proposed use or development (CLOPUD) for the conversion of the garage to habitable accommodation at 5 Skeldene Close, Dalton-in-Furness.
- 288 2016/0558** Erection of a detached wedding room building at Fairways Hotel, Hawthwaite Lane, Barrow-in-Furness.
- 289 2016/0557** Replace original shop front window with small window and new entrance doorway to flat above with new enclosed staircase at 51 Crellin Street, Barrow-in-Furness.
- 290 2016/0578** Approval of details reserved by (part) condition No. 4 (Surface Water Drainage Scheme) for planning application B15/2016/0035 Erection of an Engineering workshop (use class B2) and extension of hardstanding for parking and operational use at 2 Andrews Court, Andrews Way, Barrow-in-Furness.
- 291 2016/0492** Change of use of shop with flat above to a single dwelling house at 241 Rawlinson Street, Barrow-in-Furness.
- 292 2016/0521** Erect new single storey garden room extension at 15 Stoneleigh Close, Barrow-in-Furness.
- 293 2016/0584** Erection of a rear and side ground floor extension to provide living area and wc (Retrospective) at 12 Sheeplands Grove, Barrow-in-Furness.
- 294 2016/0567** Listed Building Consent for a new garden room extension to main house and replacement potting shed with attached greenhouse to ancillary building over existing concrete slab. External alterations including new hard standing, permeable borders and drainage attenuation at Abbey Manor, Abbey Approach, Barrow-in-Furness.
- 295 2016/0553** Creation of off road parking area at 223 Rating Lane, Barrow-in-Furness.
- 296 2016/0566** New garden room extension to main house and replacement potting shed with attached greenhouse to ancillary building over existing concrete slab. External alterations including new hard standing, permeable borders and drainage attenuation at Abbey Manor, Abbey Approach, Barrow-in-Furness.

- 297 2016/0523** Application for a Lawful Development Certificate for proposed use or development (CLOPUD) for a new canopy at Holy Family, Roman Catholic School, Ostley Bank, Barrow-in-Furness.
- 298 2016/0561** Change of use from B1(Light Industrial) to B2 (General Industrial) to allow the current car repair garage to install and run a Ministry of Transport Vehicular testing station at Cumbria Car Centre, Meetings Industrial Estate, Park Road, Barrow-in-Furness.
- 299 2016/0570** New porch entrance to side entrance at The Strawberry, 228 Abbey Road, Barrow-in-Furness.
- 300 2016/0565** Front porch at 64 Redshaw Avenue, Barrow-in-Furness.
- 301 2016/0574** Remodelling of existing dwelling to include single storey rear extension, alterations to window openings and introduction of additional rooflights. Works to include re-roofing, rendering of brickwork walls and renewal of timber cladding. Construction of a detached double garage at 15 Stone Dyke Lane, Barrow-in-Furness.
- 302 2016/0573** Application to vary condition No. 3 of planning permission B28/2013/00736 (construction of two temporary ancillary laydown access areas) to allow the southern most laydown area to operate beyond the current expiry date 31st August 2016 until 31st August 2019, whereupon any plant, equipment, materials, cabins or containers shall be removed and the land reinstated no later that 31st October 2019 at South Terminal Barrow Onshore Terminals, Rampside Road, Barrow-in-Furness.
- 303 2016/0559** Approval of details reserved by condition nos. 3 (External Joinery, Eaves, Ridge and Verge details), condition no. 5 (Door Frame), Condition no. 8 (Retention of Roof Trusses), Condition 9 (finish of external joinery) and condition no. 10 (Re-pointing) for Listed Building Consent B23/2011/0711 (Conversion of farm buildings into two residential units) at Pebble Stone, Rampside, Barrow-in-Furness.
- 304 2016/0598** Approval of details reserved by condition no 12 (nesting box) for Planning Permission B13/2011/0710 (Conversion of farm buildings into residential units) at Pebble Stones, Rampside, Barrow-in-Furness.
- 305 2016/0526** Reinstatement of first floor doorway with clear French doors and guard rail at Parkfield Cottage, Rampside Road, Barrow-in-Furness.

- 306 2016/0015** Prior Approval (Larger Homes Extension) for a rear kitchen extension (Length from rear wall of the original house 3.3 metres, height to the eaves 2.75 metres and height to highest point of the extension 2.675 metres) at 41 Redoak Avenue, Barrow-in-Furness.
- 307 2016/0014** Prior Approval (Larger Homes Extension) for a rear living area extension (Length from rear wall of the original house 3.3 metres, height to the eaves 2.75 metres and height to highest point of the extension 2.675 metres) at 3 Lowther Crescent, Barrow-in-Furness.
- 308 2016/0594** Approval of details reserved by condition no. 3 (extraction equipment) of planning permission B20/2016/0006 (Change of use from taxi office to a hot food takeaway (A5) Retrospective at Avon Cars, Promenade, Barrow-in-Furness.
- 309 2016/0264** Rear ground floor kitchen extension and creation of wc under stairs at 14 Strathmore Avenue, Barrow-in-Furness.

The following application was a split decision:-

- 310 2016/0575** Approval of details reserved by condition No. 9 (Landscaping Scheme) and condition No. 12 (Details of rear wall of plots 7-10) 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.

The following applications were refused:-

- 311 2016/0541** Non material amendment following grant of planning permission B07/2015/0642 (Erection of 29 houses and garages including associated works) to allow for the erection of a single garage on plot 22 at Former Furness Academy South Site, Thorncliffe Road, Barrow-in-Furness.
- 312 2016/0461** Proposed single storey, timber framed dwelling with attached garage in rear garden including demolition of outbuildings and altered vehicular entrance at 4 St. Michaels 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:-

313 – The Plantation, Pit Lane, Lindal-in-Furness

From Mr S. Davies in respect of the removal of identified trees situated along the drive serving 1 and 3 The Plantation subject of Tree Preservation Order 1984 No. 7 at The Plantation, Pit Lane, Lindal-in-Furness as shown on plan number 2016/0683.

Representations received and the results of consultations were reported.

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

RESOLVED:- That consent be granted subject to the following conditions:-

1. The works shall be carried out in accordance with the application dated the 12/09/2016 as amended by letter dated 21/10/2016 to limit the work to the trees marked using orange spots and consisting of the removal of a maximum of 10 stems from a total of four multi-stemmed sycamore trees situated adjacent to the shared drive and excluding the wider woodland.

Reason

Insufficient justification was put forward for the works within the wider woodland.

2. This consent is valid for a period of two years expiring on the 9th November, 2018.

Reason

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

3. The works for which consent has been granted may only be carried out once.

Reason

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

314 – 78 Flass Lane, Barrow-in-Furness

From Mr and Mrs S. Smith in respect of a two storey side pitched roof extension and minor works at 78 Flass Lane, Barrow-in-Furness as shown on plan number 2016/0673.

Representations received and the results of consultations were reported.

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

RESOLVED:- That planning permission be granted subject to the Standard 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 MEJ/2016/171/003, 004, 005 Issue 3, 006 Issue 3, 007, 008 Issue 3, 009 Issue 3, 009A 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.

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.

315 – Land at Gillswood Bungalow, Park Road, Barrow-in-Furness

From Mr G. E. Appleby in respect of the conversion of former Visitor Centre into a dwelling on land at Gillswood Bungalow, Park Road, Barrow-in-Furness as shown on plan number 2016/0595.

Representations received and the results of consultations were reported.

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

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

2. The development must be carried out in accordance with the plans (drawing numbers GF/01, 02, 03 and 04) hereby approved as varied by Condition No. 3 below as submitted with the application form dated 05/08/16.

Reason

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

3. Prior to commencement of the development, details of the location and design of the proposed method of sewerage treatment must be agreed in writing with the Planning Authority. If the existing Septic tank installation is to be retained, its suitability and capacity must be fully demonstrated taking into account the intensification of use brought about by the approved dwelling. The agreed method of treatment must be constructed in accordance with the agreed details before any beneficial use of the development.

Reason

In order to control environmental pollution.

4. Drainage must be on the separate system with all foul drainage connected to the foul sewers and only uncontaminated surface water connected to the surface water system.

Reason

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

5. Any proposed hard standing within the indicated curtilage of the dwelling hereby approved must be constructed from permeable materials with an appropriate sub-base construction to allow natural drainage.

Reason

In order to ensure that the site is adequately drained.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modifications), nothing in Article 3, or Schedule 2 to that Order, shall operate so as to permit, within the area subject to this permission, any development referred to in Part 1, Classes A, B and E of the Second Schedule to the Order and no such development shall be carried out at any time within that area without the prior grant of permission by the Planning Authority.

Reason

In order to ensure control over future development due to the isolated location of the dwelling and the associated potential to impact upon the surrounding countryside.

316 – Cavendish Street (land at), Dalton-in-Furness

From Mrs J. Fisher in respect of Outline planning permission for a 3-bed two storey house with garden and parking provision on the land at Cavendish Street (land at), Dalton-in-Furness as shown on plan number 2016/0302.

Representations received and the results of consultations were reported.

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

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

1. The development is likely to result in unacceptably low levels of privacy for both the proposed dwelling and properties to the rear (3-9 Broughton Road) due to the distance falling significantly short of 21m. Approval of the proposal would therefore conflict with Saved Policies B3 and B15 of the Barrow in Furness Borough Council Local Plan Review.
2. The development includes provision for off-road parking which relies on a sub standard level of access due to the narrow width of the backstreet and poor visibility for egress onto Broughton Road. It would therefore conflict with Saved Policy B3 of the Barrow in Furness Borough Council Local Plan Review.

The meeting closed at 2.50 p.m.

PLANNING COMMITTEE	<u>Part One</u> (D) Agenda Item 9
Date of Meeting: 29th November, 2016	
Reporting Officer: Assistant Director - Regeneration and Built Environment	
<p>Title: Request for removal of Enforcement Notice relating to 3 Bermuda Crescent, Barrow-in-Furness</p> <p>Summary and Conclusions:</p> <p>The Authority issued an Enforcement Notice for the removal of a wooden balcony from the rear of the property. The notice was complied with in 2006 but the request to remove it only received this month. At present there is no formally adopted policy or procedure for such requests.</p> <p>Recommendations:</p> <p>The Notice has been complied with by the removal of the wooden structure. Accordingly the Register can be updated to reflect this compliance.</p>	

Report

In 2004 the Authority refused retrospective consent for a wooden structure, which consisted of a balcony supported on stilts, and the subsequent Appeal dismissed. An Enforcement Notice was served but no appeal made. The (then) enforcement officer pursued the case which resulted in the structure being dismantled in 2006.

Unless an Enforcement Notice is withdrawn it will be revealed during a Local Authority Land Charges Search. This can be critical when a property is changing ownership, as the transaction may stop.

The Authority has no specific policy relating to the removal of Enforcement Notices and no Delegated powers currently exist to delete them. The current enforcement policy document is currently being updated following the appointment of the new Enforcement Officer, and applications to remove Notices will be considered as part of that review. In the interim, any applications (which are rare) will be considered on their merits.

There is no requirement for the Authority to withdraw an Enforcement notice once complied with, because if there is the possibility that the breach alleged in the Enforcement Notice could reoccur, the Authority may not consider it expedient to do so. There is no appeal against an Authority refusing such a request, but legal action in the form of a judicial review may be an option for an aggrieved party.

National guidance is that there may be cases, where there is no likelihood of the breach reoccurring, that an Authority can consider it expedient to remove the Notice. In this case the balcony structure has been removed hence the notice complied with. There is no reasonable likelihood of the structure being reintroduced as a shallower metal structure extending from the wall has replaced it. This structure was erected in 2006 and is exempt from any formal action.

Rather than remove the Notice from the Register I am suggesting that a note be placed on the Register to confirm compliance. This provides a more accurate record of the property's history for when a Land Charge Search is made. This procedure will be reflected in the updated Enforcement Policy which should be before Members in early 2017

Background Papers

Nil.

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PLANNING COMMITTEE	Part One (D) Agenda Item 10
Date of Meeting: 29th November, 2016	
Reporting Officer: Assistant Director - Regeneration and Built Environment	
<p>Title: Appointment of Part Time Enforcement Officer</p> <p>Summary and Conclusions:</p> <p>The Authority now has a part time enforcement officer to aid in the delivery of its Planning enforcement service</p> <p>Recommendations:</p> <p>That this information be noted.</p>	

Report

Following changes to the structure of Development Services I can confirm that the Authority now has a part time (22.5 hours per week) Enforcement Officer post. The successful candidate was Gordon Robson, who has been in post since 24th October.

Background Papers

Nil.