

BOROUGH OF BARROW-IN-FURNESS

PLANNING COMMITTEE

Meeting, Tuesday 7th March, 2017
at 2.30 p.m. (Drawing Room)

A G E N D A

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 31st January and the special meeting held on 21st February, 2017 (copies 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.)

2016/0762 – Walney Aerodrome, Red Ley Lane, Barrow-in-Furness

Membership of Committee

Councillors

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

For queries regarding this agenda, please contact:

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Published: 27th February, 2017

PLANNING COMMITTEE

Meeting: Tuesday 31st January, 2017
at 2.30 p.m. (Drawing Room)

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

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

388 – Declarations of Interest

Councillors M. A. Thomson, C. Thomson, Blezard, Gawne, Husband, McEwan, McLeavy, Murphy, Murray, Seward and Thurlow declared personal interests in Planning Application No. 2016/0882 – 4 Park Avenue, Barrow-in-Furness (Minute No. 249) as one or more objectors were known to them. 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 any item relating to Cumbria County Council as they were Members of Cumbria County Council.

389 – Minutes

The Minutes of the meeting held on 29th November and the special meeting held on 20th December, 2016 were taken as read and confirmed.

Town and Country Planning Acts

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

390 2016/0822 Application for approval of details as reserved by condition no. 13 (piling) of planning permission 2015/0179 (Extension to Devonshire Dock Hall, to comprise two new buildings, link corridor, new gate house, security gate, alterations to site

access, cycle shelters, security fencing and associated hard landscaping, infrastructure and related works at Devonshire Dock Hall, North Road, Barrow-in-Furness.

- 391 2016/0817** Application for approval of details reserved by condition no. 3 (imported soil) of planning permission 2014/0664 at BAE Systems, Bridge Road, Barrow-in-Furness.
- 392 2016/0716** Replacement shop front, new auto doors and internal shutter. Adaption of Buxton Road door to provide level threshold. Block up opening on Trinity Street and relocate new escape door to land at the rear which is to be re-laid to form new community area at The Co-operative Food, Island Road, Barrow-in-Furness.
- 393 2016/0776** Demolition of derelict building. Associated remedial works, including construction of new boundary treatment at 186-188 Marsh Street, Barrow-in-Furness.
- 394 2016/0689** Notification for Prior Approval for a Proposed Change of Use of a Building from Shop (Class A1) to a use falling within Class C3 (Dwelling houses) including alterations to front elevation at 77 Duke Street, Askam-in-Furness.
- 395 2016/0708** Demolition of existing rear extended kitchen and two outbuildings for the erection of a single storey extension forming kitchen and downstairs bathroom at 40 Becks Road, Dalton-in-Furness.
- 396 2016/0814** Notice of intention to carry out the following works to a Common Horse Chestnut -Fell to ground level and remove all arisings, Apple Crown Thin - Removing selected branches in the upper canopy to reduce current density by up to 25% and Copper Beech 30% crown reduction situated within a conservation area at 122 Market Street, Dalton-in-Furness.
- 397 2016/0794** Proposed removal of an existing flat roof to side extension and replace with a hip pitched roof and internal alteration to bathroom layout at 2 Romney Avenue, Dalton-in-Furness.
- 398 2016/0724** Proposed rear ground floor kitchen/dining room extension at 10 Windermere Close, Dalton-in-Furness.
- 399 2016/0723** Prior Notification of agricultural development for covering over yard area at Greenhills Farm, Greystone Lane, Dalton-in-Furness.
- 400 2016/0785** Erection of a two storey side extension and rear single storey mono pitched roof extension at 19 Undergreens Road, Dalton-in-Furness.

- 401 2016/0669** Conversion of existing outbuilding (former coach house) from store to separate dwelling. Works include addition of a single storey entrance porch and maintenance work to tree T1 as outlined in the accompanying arboricultural report at 51 Thorncliffe Road, Barrow-in-Furness.
- 402 2016/0812** Application for a prior notification of proposed development for replacement of 14.8m pole with 17.5m pole and 1 no. additional radio equipment cabinet located next to the pole at Telecommunication Mast CTIL 129414, VF 63539, TEF 41109 Hawcoat Lane Barrow-in-Furness.
- 403 2016/0797** Rear and side extension to provide living area, kitchen utility room and playroom and shower room. Front porch extension at 53 Dalton Lane, Barrow-in-Furness.
- 404 2016/0653** Change of use from former college building to managed letting rooms with restaurant and bar to part ground floor at 90 Abbey Road, Barrow-in-Furness.
- 405 2016/0684** Installation of new paladin fencing, double access and single access gates to Chetwynde School at Our Lady's Chetwynde School, Rating Lane, Barrow-in-Furness.
- 406 2016/0792** Double storey, side extension to provide ground floor bathroom and first floor bedroom at 18 Hare Lane, Barrow-in-Furness.
- 407 2016/0733** Rear kitchen and living area extension with side utility room extension at 12 Valley Drive, Barrow-in-Furness.
- 408 2016/0756** 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 - resubmission of 2016/0040) at 241 Abbey Road, Barrow-in-Furness.
- 409 2016/0798** Proposed rear and side single storey extension forming kitchen/utility room and dining room plus an internal toilet at 20 Lyndale Avenue, Barrow-in-Furness.
- 410 2016/0815** Reducing canopy of Turkey Oak subject of Tree Preservation Order 1995 No. 1 by cutting back regrowth to previous lop points approved under ref. 1995/0187.
- 411 2016/0754** Consent to display advertisements for 1 illuminated projecting hanging sign, 1 illuminated fascia sign to front elevation and 1 illuminated logo sign, and 2 non illuminated panels to side elevation at The Co-operative Food, Roose Road, Barrow-in-Furness.

- 412 2016/0018** Prior Approval (Larger Homes Extension) for a single storey rear extension (Length from rear wall of the original house 3.375 metres, height to the eaves 2.625 metres and height to highest point of the extension 3.525 metres) at 90 Yarlside Road, Barrow-in-Furness.
- 413 2016/0698** Erection of a two storey extension with attic room and detached garage at 7 Gilpin Walk, Barrow-in-Furness.
- 414 2016/0482** Approval of details reserved by conditions no. 8 and 19 (Materials Storage), no. 9 (biodiversity), no. 10 (Drainage), no. 11 (Level 2 Heritage Survey) and no. 12 (Contamination Risk Assessment) for planning permission B20/2013/0737 – Conversion of former coastguard station to a private dwelling at The Towerhouse, Mill Lane, Barrow-in-Furness.
- 415 2016/0481** Change of use of land within curtilage to enclosed garden in association with dwelling and relocation of proposed sewage treatment plant and soakaway at The Towerhouse (former Coastguard Station), Mill Lane, Barrow-in-Furness.
- 416 2016/0765** Application for approval of details reserved by condition no. 10 (roof coverings) as required by permission 2015/0293 (Construction of 10 dwellings comprising of 6 houses and 4 bungalows) at Park Lane (land at) Barrow-in-Furness.
- 417 2016/0777** Siting of metal container for storage of horticultural equipment at Street Record Southampton Street, Barrow-in-Furness.
- 418 2016/0831** Rear living area/kitchen extension at 7 Osprey Drive, Barrow-in-Furness.
- 419 2016/0823** Rear ground floor sunroom extension at 8 Shearwater Crescent, Barrow-in-Furness.
- 420 2016/0017** Prior Approval (Larger Homes Extension) for a rear ground floor bedroom/en-suite extension (Length from rear wall of the original house 6.5 metres, height to the eaves 2.7 metres and height to highest point of the extension 3 metres) at 93 Shearwater Crescent, Barrow-in-Furness.

The following application was a split decision:-

- 421 2016/0818** Application for approval of conditions no. 3 (sustainable drainage system), no. 4 (surface water drainage), no.12 (Car parking area) and no. 14 (Ecological Report) for planning application B12/2016/0437 - Two storey new build extension to the north of the existing maternity department consisting of fourteen bed maternity unit, a four bed special baby care unit,

two dedicated theatres with staff and patient ancillary accommodation at Furness General Hospital, Dalton Lane, Barrow-in-Furness.

The following applications were refused:-

- 422 2016/0751** Prior Approval of Proposed Change of Use of Agricultural Buildings to Dwelling houses (use class C3), and for associated operational development - for conversion of agricultural buildings into two dwellings at Park Farm, Park, Dalton-in-Furness.
- 243 2016/0829** Outline application for a proposed three bedroom single storey detached dwelling with integral garage, new vehicular access and off street parking (all matters reserved) (Re-submission of previously refused application B13/2015/0654) at 10 Red Ley Lane, Barrow-in-Furness.
- 244 2016/0843** Application for a lawful development certificate for a proposed use for a rear ground floor extension forming bedroom with en-suite at 93 Shearwater Crescent, 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:-

245 – Fire Station, Broughton Road, Dalton-in-Furness

From Mr M. Wood in respect of the erection of a terrace of three dwellings with associated off-street parking including the demolition of former fire station at Fire Station, Broughton Road, Dalton-in-Furness as shown on plan number 2016/0696.

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 in accordance with the planning application dated 15/09/2016 as revised by the submission of amended plans reference 458/01, 458/02 Rev H, 458/03 Rev G and 458/04 Rev F.

Reason

To ensure the development is only carried out as approved.

3. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) CN 15221 Version C/ 7 November 2016/ M & P Gadsden Consulting Engineers and the following mitigation measures detailed within the FRA shall be provided and permanently retained notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order with or without modifications):
 1. Access to and maintenance of existing flood defences: in reference to the submitted architectural drawing reference 458/02 Rev H, operational access to the Main River culvert debris screen must be provided and permanently retained at the southern end of the site, in addition to a minimum 3m wide access route at the northern end of the site to the Main River from the public road 'Butts Beck'.
 2. Finished habitable floor levels are set at 44.60m above Ordnance Datum (AOD).
 3. Flood Resilience measures are incorporated into the dwellings as per Page 10 of the submitted FRA.

The mitigation measures shall be fully implemented prior to occupation of any dwelling.

Reason

1. To maintain operational access to the Main River and the existing flood defences.
2. To reduce the risk of flooding to the proposed development and future occupants.
4. The 6 parking spaces and access thereto shall have been provided in accordance with the approved layout plan ref 458/02 Rev H and in accordance with the details submitted and approved under condition 5 below prior to the occupation of any of the dwellings hereby approved. Notwithstanding the provisions contained within the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modifications the parking spaces and access thereto shall be permanently retained for the benefit of the development hereby approved.

Reason

To ensure the approved car parking is provided and retained.

5. Details of the surfacing, drainage and identification of the bin storage areas, bin collection points, parking spaces, and access thereto shall have been submitted to and approved by the planning authority prior to the formation of those areas. The bin storage and collections areas shall have been provided prior to the beneficial occupation of the development hereby approved.

Reason

To ensure the bin storage, bin collection, parking spaces and access are provided, constructed and drained to an acceptable standard. The bin storage/collection points shown on the submitted layout plan require further consideration.

6. Prior to the construction of the external envelope of the dwellings hereby approved details of the materials to be used in the construction of the external surfaces of the dwellings shall have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained unless the Planning Authority gives prior written consent to any variation.

Reason

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

7. 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 measures are in place to address any unexpected contamination

8. 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 only clean, uncontaminated material is brought onto the site.

9. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Appraisal (Ref No. CN15221, dated 23 December 2015) which was prepared by M & P Gadsden Consulting Engineers LTD. No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.

Reason

To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

10. The public sewers located within the application site shall be diverted to achieve a 6m easement (3m measured either side of the sewer) prior to the beneficial occupation of any part of the development hereby approved and in accordance with a scheme which must have first been submitted to and approved in writing by the planning authority unless United Utilities indicate that a lesser easement is acceptable and which is met by the development.

Reason

In order to give effect to the requirements of the sewage undertaker for the area (United Utilities).

11. There shall be no external lighting unless provided in accordance with details which must have first been submitted to and approved in writing by the planning authority.

Reason

To ensure that external lighting is reasonable for the purpose and does not create a nuisance.

12. Prior to the completion of the external envelope 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

In the interests of the visual amenities of the area.

246 – Cocken Villa, Walney Road, Barrow-in-Furness

From Trinity Enterprise Centre Ltd in respect of the construction of new Class A1/A3 (Sui Generis) Costa Coffee drive thru restaurant and supporting car park development (amended description) at Cocken Villa, Walney Road, Barrow-in-Furness as shown on plan number 2016/0634.

Representations received and the results of consultations 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 2016.042 – PL02, PL03, PL04, PL05, Proposed Drainage Layout 4055-900 rev P3, Drainage Details 4055-901 Rev P1 and Proposed Site Levels Layout 4055-903 rev P2) hereby approved as submitted with the amended application form, received 16/01/17, dated 15/08/16.

Reason

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

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. The surface water drainage scheme shall be constructed in accordance with the submitted details as shown on drawing number 4055-900 rev P3, including the provision of the specified oil separator, and must be operational prior to the beneficial use of the development hereby approved.

Reason

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

5. Notwithstanding the provisions of the Town and Country Planning Use Classes Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification), the use hereby approved shall only be used as a sui generis mixed A1/A3 use serving hot and cold drinks, sandwiches, and other prepared hot and cold food items for consumption on or off the premises in accordance with the permitted use class.

Reason

A general retail outlet would not normally be permitted in this location due to the potentially adverse impact upon the vitality and viability of established shopping centres.

6. The café/restaurant use shall only operate in conjunction with the drive thru use and shall not operate independently of that use.

Reason

It is essential to ensure that the use of the site remains within the terms of the application, which is predominantly a drive thru business, due to the peripheral location of the application site.

7. Prior to the beneficial use of the site, provision must be made for the storage of cycles, in accordance with a scheme which be submitted to and approved in writing by the Planning Authority.

Reason

In the interests of sustainability in accordance with Saved Policy C3 and the NPPF.

8. 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 a timetable for implementation, (including 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. The scheme shall be implemented in accordance with the approved details, and all planting and subsequent maintenance shall be to current British Standards.

Reason

In the interests of the visual amenities of the area.

9. All planting, seeding or turfing comprised in the approved details of landscaping 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. 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 by the landowner in the next planting season with others of a similar size and species, unless the Planning Authority gives prior written consent to any variation.

Reason

In the interests of the visual amenities of the area.

10. Emissions from any proposed or future cooking processes must be extracted through a properly designed and constructed exhaust ventilation system, adequately filtered and discharged at sufficient height and velocity to prevent cooking odours being observed at any neighbouring properties. The exhaust gas flow must not be restricted by any plate, cowl or similar structure at the outlet which might affect dispersion. Details of the system must be submitted to and approved in writing by the Planning Authority prior to the commencement of the use hereby permitted. The minimum details required are;

- Location, design and appearance of external flues
- A schematic of the proposed ducting showing the location of all components (fans, filters, silencers, etc.)
- The noise levels generated by the fan in decibels (dB) at a specified distance e.g. @5m, @10m
- Details of the means of mounting the ducting to the structure including details of all anti-vibration measures proposed

The approved system must thereafter be retained as approved unless the Planning Authority gives prior written approval to any variations and operated and maintained in accordance with the manufacturer's instructions.

Reason

In the interests of the amenities of the surrounding area, including occupants of neighbouring properties, by minimising the potential for the discharging of cooking odours.

11. Noise from the development must not cause the existing background noise level (measured as the LA90 (10 minutes) to be exceeded at any neighbouring noise sensitive locations. Any tonal noise produced by the development would result in a 5dB addition to the particular noise level (Definition in: Appendix E ""Noise Procedure Specification, Publication 140"", The Engineering Equipment and Materials User Association). [Note: the noise is measured 3.5m from any reflective surface, other than the ground, at a height of between 1.2 and 1.5m.]""

Reason

In order to minimise the potential for noise pollution, thereby conforming to Saved policy D58 of the Barrow Local Plan Review 1996-2006.

247 – Furness General Hospital, Dalton Lane, Barrow-in-Furness

From University Hospital of Morecambe Bay in respect of an application for approval of Conditions No. 3 (surface water drainage system), No. 4 (maintenance schedule for surface water drainage), No. 12 (restoration of temporary working areas) and No. 14 (additional bat survey) for planning permission B12/2016/0437 - Two storey new build extension to the north of the existing maternity department consisting of fourteen bed maternity unit, a four bed special baby care unit, two dedicated theatres with staff and patient ancillary accommodation at Furness General Hospital, Dalton Lane, Barrow-in-Furness as shown on plan number 2016/0818.

Representations received and the results of consultations were reported.

RESOLVED:- To agree:

- (A) That the 'Drainage Maintenance Strategy Report [ajp structural and civil engineers, 10/01/2017] be approved with respect to Conditions No. 3 (surface water drainage system), No. 4 (maintenance of SW drainage scheme); No. 12 (restoration of temporary working area) and No. 14 (additional bat survey).

248 – Roosecote Power Station (Site of), Rampside Road, Barrow-in-Furness

From Centrica Plc in respect of an application for approval of details reserved by Condition No. 10 (environmental protection measures re: oil tank), No. 11 (assessment of existing drainage system), No. 12 (surface water drainage) and No. 13 (foul drainage) of planning permission 2016/0372 (battery storage facility) at Roosecote Power Station (Site of), Rampside Road, Barrow-in-Furness as shown on plan number 2016/0767.

The results of consultations were reported.

RESOLVED:- That the details listed below be approved for the purposes of the specified conditions:-

Condition 11

Drawing Ref. RCEF45938 – 002 Fig no 01, Rev 01 Key Plan,
Drawing Ref. RCEF45938 – 004 Fig no 03, Rev 01 Existing Drainage Layout Plan.
Maintenance re Surface Water Sewer Email received 17/01/17 from R Turner, RPS Group.

Condition 12

Drawing Ref. RCEF45938 – 002 Fig no 01, Rev 01 Key Plan,
Drawing Ref. RCEF45938 – 003 Fig no 02, Rev 01 Proposed Levels and Drainage Layout Plan, and
Drawing Ref. RCEF45938 – 004 Fig no 03, Rev 01 Existing Drainage Layout Plan.
SUDS Maintenance Plan [RPS] received 17/01/17
Roosecote EFRF manhole Schedule Rev 1

249 – 4 Park Avenue, Barrow-in-Furness

From Mr M. Johnson in respect of the change of use of existing dwelling house to a house of multiple occupation (HMO) including conversion of loft and comprising 7 No. en-suite bedrooms with shared kitchen/living facilities and 1 no. self contained studio bedroom with en-suite shower and kitchenette at 4 Park Avenue, Barrow-in-Furness as shown on plan number 2016/0882.

Representations received and the results of consultations were reported.

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

Three Objectors, the Applicant and the Applicant's Representative attended the meeting and made representations to the Committee.

The meeting was adjourned due a disturbance by an Objector. The Objector was requested to leave the meeting.

It was moved by Councillor M. A. Thomson and seconded by Councillor Husband to delay making a decision on this application to allow for clarification on a number of issues and enable further information to be provided. These matters included the Use Classes Order, the Highway Authority's position, the nature of the application and any other relevant information. A vote was taken and it was,

RESOLVED:- To defer consideration of the application to allow for clarification on a number of issues and enable further information to be provided. These matters included the Use Classes Order, the Highway Authority's position, the nature of the application and any other relevant information.

250 – Parkhouse Farm, Parkhouse Road, Barrow-in-Furness

From Mr & Mrs R. and E. Beck in respect of the erection of a livestock building for over-wintering cattle at Parkhouse Farm, Parkhouse Road, Barrow-in-Furness as shown on plan number 2016/0533.

Representations received and the results of consultations were reported.

Consideration of this application had been deferred at the last meeting as the Committee were mindful to refuse (Minute No. 387 refers).

It was moved by Councillor M. A. Thomson and seconded by Councillor Husband that the application be refused. A vote was taken and it was,

RESOLVED:- That planning permission be refused for the following reason:-

The proposed life stock building would represent a prominent building in the landscape which would harm the site's openness and the area's rural character. An area to the south of the applicants' house could provide a much less prominent location for the development and which would benefit from an improved visual relationship with the existing buildings. Approval would therefore conflict with Saved Policy D1 as whilst the development is recognised as necessary, its adverse effect upon the rural character of the surroundings has not been minimised taking account of operational requirements. Neither does it accord with Saved Policy D21 as the proposed site cannot be considered to be well screened. Approval would further conflict with emerging Policy DS2: Sustainable Development Criteria criterion g) as the proposal does not contribute to the enhancement of the character or appearance of the landscape.

The meeting closed at 3.30 p.m.

PLANNING COMMITTEE

Special Meeting: Tuesday 21st February, 2017
at 2.30 p.m. (Drawing Room)

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

Officers Present:- Charles Wilton (Principal Planning Officer), Keely Fisher (Democratic Services Officer) and Katie Pepper (Democratic and Electoral Services Apprentice).

251 – Declarations of Interest

Councillors M. A. Thomson, C. Thomson, Blezard, Gawne, Husband, McEwan, McLeavy, Murphy, Seward and Thurlow declared personal interests in Planning Application No. 2016/0882 – 4 Park Avenue, Barrow-in-Furness (Minute No. 256) as an objector who had spoken at the last meeting was known to them. 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 any item relating to Highways issues as they were Members of Cumbria County Council.

Councillor McEwan declared an other registrable interest in Planning Application No. 2016/0772 – 20/24 Cavendish Street, Barrow-in-Furness (Minute No. 255) as he was a Member of the Board of the Citizens Advice Bureau who were supporting the application.

Councillor M. A. Thomson declared an other registrable interest in Planning Application No. 2016/0772 - 20/24 Cavendish Street, Barrow-in-Furness (Minute No. 255) as she chaired the Trustees of Women's Community Matters who also received funding from Frank C. Scott Charitable Trust and this could be seen as biased. She left the meeting during consideration of this item.

252 – Appeals against non-determination - Oak Lea Farm

The Assistant Director of Regeneration and Built Environment reported that a planning application had been submitted in August 2016 for a 'General purpose agricultural building - to replace current livestock accommodation and feed store which will be demolished.' The applicant did not employ an agent hence the application was missing various pieces of information.

Further information was sought from the applicant as the size of the indicated land holding was found to be insufficient for the intended size of building, when assessed against national guidelines. This was provided, but only in stages, and not in a form required to satisfy the initial concerns. Of particular concern was the lack of firm evidence that the applicant controlled the amount of land that he claimed he did. The application deadline was extended until 11th November, 2016 to allow full consideration of the new information and work towards a solution if possible.

Further information was provided by the applicant on the day of the extended application deadline relating to additional land at his disposal; again it did not demonstrate any firm tenancy agreement. Additional confirmation of tenure was sought from the applicant again on 24th November. No response was received, though notification of the appeal against non-determination was received later that day.

Prior to submitting a statement of case to the Planning Inspectorate the Authority commissioned an appraisal of the proposal by a Chartered Surveyor to help inform if the initial concern was justified. The assessment concluded that the proposed building was oversized in terms of the proposed floor area when assessed against the claimed size of the landholding. This report would form part of a full statement of case to be submitted to the Planning Inspectorate outlining why the proposal should not be supported.

RESOLVED:- That Members support the stance that the application would have been refused, and agree to Officers preparing a statement of case to be submitted to the Planning Inspectorate to defend the appeal against non determination.

Town and Country Planning Acts

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

253 – 1C Ashburner Way, Barrow-in-Furness

From Mr C. Ritchie, Chris Ritchie Garage Services Ltd in respect of the change of use from warehouse (B8) to garage repairs and MOT testing station (B1) at 1C Ashburner Way, Barrow-in-Furness as shown on plan number 2017/0027.

Representations received and the results of consultations were reported.

RESOLVED:- 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 10/01/2017, and the hereby approved documents defined by this permission as listed below, except where varied by a condition attached to this consent.

Location plan

Existing Layout ref 64123 SHT 03 dated 03/01/17

Equipment General Layout 64123 SHT 01 dated 18/11/16

Reason

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

3. The premises must be used and operated so as not to give any increase in background (L90) noise levels as measured at a point 2 metres from the facade of the nearest noise sensitive building.

Reason

In order to control potential noise pollution at any adjacent noise sensitive building.

254 – St Georges House, Salthouse Road, Barrow-in-Furness

From Sanctuary Group in respect of the notification of Section 211: works to trees within a Conservation Area comprising fell 7 sycamore and 1 lime and crown lift retained trees to create 2.5m clearance above pavements and 5.5m clearance above roads at St Georges House, Salthouse Road, Barrow-in-Furness as shown on plan number 2017/0023.

The results of consultations were reported.

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

RESOLVED:- (i) That a Tree Preservation Order is not served on the 7 trees which are proposed to be felled;

(ii) Subject to a satisfactory condition survey, a Tree Preservation Order is served on the remaining trees; and

(iii) The Chairman writes to Sanctuary Group requesting that the trees which are proposed to be felled be replaced further away from the wall.

255 – 20-24 Cavendish Street, Barrow-in-Furness

From Ms N. Kell, Project John in respect of the change of use from retail (A1) to a mixed use community hub consisting of café, professional services, training facilities and business offices (Sui generis) (resubmission of planning application B20/2016/0335) at 20-24 Cavendish Street, Barrow-in-Furness as shown on plan number 2016/0772.

The results of consultations were reported.

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

Consideration of the application had been deferred previously (Minute No. 386 refers) in order for a site visit to be arranged including the interior of the building and to enable further information to be provided on the weight to be attached to emerging local plan policies.

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

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 6127 01A, 02A, 03A, 04A, 06A, 07C, 08A, 09A, 10B, 11B & 12A) hereby approved as submitted with the application form dated 18.10.16 (description amended on 09.11.16).

Reason

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

3. The mixed use community hub hereby approved shall not be occupied until the café area shown on the plan, annotated as 'Coffee Shop' and 'Internet Bar,' attached hereto has been laid out in accordance with the approved drawings and is operational, and that area shall not thereafter be used for any other purpose except as a café.

Reason

To ensure the café is provided and retained within the building due to the importance of maintaining a retail function within the building to support the wider town centre.

4. Emissions from any proposed or future cooking processes must be extracted through a properly designed and constructed exhaust ventilation system, adequately filtered and discharged at sufficient height and velocity to prevent cooking odours being observed at any neighbouring properties. The exhaust gas flow must not be restricted by any plate, cowl or similar structure at the outlet which might affect dispersion. Details of the system must be submitted to and approved in writing by the Planning Authority prior to the commencement of the use hereby permitted. The minimum details required are;

- Location, design and appearance of external flues
- A schematic of the proposed ducting showing the location of all components (fans, filters, silencers, etc.)
- The noise levels generated by the fan in decibels (dB) at a specified distance e.g. @5m, @10m
- Details of the means of mounting the ducting to the structure including details of all anti-vibration measures proposed

The approved system must thereafter be retained as approved unless the Planning Authority gives prior written approval to any variations and operated and maintained in accordance with the manufacturer's instructions.

Reason

In the interests of the amenities of the surrounding area, including occupants of neighbouring properties, by minimising the potential for the discharging of cooking odours.

5. Noise from the development must not exceed Noise Rating Curve NR 30 in daytime hours (0700 - 2300) and NR 25 in night time hours (2300 - 0700) in any noise sensitive property.

Reason

In order to minimise the potential for noise pollution and thereby conform to Saved policy D58 of the Barrow Local Plan 1996-2006.

6. Noise from the development, including noise from the extraction equipment required in the above condition, must not cause the existing background noise level (measured as the LA90 (10 minutes) to be exceeded at any neighbouring noise sensitive locations. Any tonal noise produced by the development would result in a 5dB addition to the particular noise level (Definition in: Appendix E "Noise Procedure Specification, Publication 140", The Engineering Equipment and Materials User Association). [Note: the noise is measured 3.5m from any reflective surface, other than the ground, at a height of between 1.2 and 1.5m.]

Reason

In order to minimise the potential for noise pollution and thereby conform to Saved policy D58 of the Barrow Local Plan 1996-2006.

7. The roller door on the rear elevation must incorporate a manufacturer-applied colour, the details of which must be submitted to and approved in writing, by the Planning Authority prior to installation. The development shall be carried out in accordance with the approved details and thereafter retained unless the Planning Authority gives prior written consent to any variation.

Reason

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

256 – 4 Park Avenue, Barrow-in-Furness

From Mr Matthew Johnson in respect of the change of use of existing dwelling house to a house of multiple occupation (HMO) including conversion of loft and comprising 7 no. en-suite bedrooms with shared kitchen/living facilities and 1 no. self contained studio bedroom with en-suite shower and kitchenette at 4 Park Avenue, Barrow-in-Furness as shown on plan number 2016/0882.

Representation received and the results of consultations were reported.

Consideration of the application had been deferred previously (Minute No. 249 refers) to allow for clarification on a number of issues and enable further information to be provided. These matters included the Use Classes Order, the Highways Authority's position, the nature of the application and any other relevant information.

It was moved by Councillor M. A. Thomson that the application be mindful to refuse due to over-development and it being non-neighbourly. This was duly seconded and voted upon and,

RESOLVED:- It was unanimously agreed that the application be mindful to refuse due to likely harm to neighbour amenity which was considered to be reasonably expected from the large HMO proposed in this residential street.

257 – Withdrawn Application

The following application had been withdrawn from the Agenda by the applicant:-

2016/0762 – Construction of an Operations and Maintenance (O&M) Heliport Facility, on land at Walney Aerodrome. Proposals include the construction of a Hangar with associated apron, a flight operations building (incorporating an office and crew facilities), helipad, re-fueling facilities with on-site fire fighting facilities and associated car parking. Proposals also include upgrade works to part of the internal road system, installation of utilities and a dedicated Gatehouse to provide a separate access route and security point for the Heliport Facility at Walney Aerodrome, Red Ley Lane, Barrow-in-Furness.

The meeting closed at 3.10 p.m.

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