

BOROUGH OF BARROW-IN-FURNESS

PLANNING COMMITTEE

Meeting, Tuesday 5th September, 2017
at 2.30 p.m. (Drawing Room)

Site Visits

2016/0789 - Rock Lea, Abbey Road, Barrow-in-Furness
2017/0031 - Billincote Farm, Newton Road, Dalton-in-Furness

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

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 15th August, 2017 (copy attached).

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

FOR DECISION

- (D)** 8. Planning Applications (booklet(s) attached).

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

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

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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PLANNING COMMITTEE

Meeting: Tuesday 15th August, 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 and Seward.

Officers Present:- Charles Wilton (Principal Planning Officer), Paula Westwood (Democratic Services Officer (Member Support)) and Sandra Kemsley (Democratic Services Officer).

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

Discussion arising hereon it was

RESOLVED:- That under Section 100A(4) of the Local Government Act 1972 the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 5 (Minute No. 118) of Part One of Schedule 12A of the said Act.

113 – Declarations of Interest

Councillor Gawne declared an interest in Agenda Item 9 – Proposed Tree Preservation Order, 28 Rampside, Barrow-in-Furness (Minute No. 116) as the occupier was known to him. He also declared an interest in any matter relating to Cumbria County Council as he was a Member of that Council.

Councillor McEwan declared an interest in any matter relating to Cumbria County Council as he was a Member of that Council.

Councillor McLeavy declared a disclosable pecuniary interest in Planning Application No. 2017/0328 – BAE Proposed Centralised Training Facility, Buccleuch Dock Road, Barrow-in-Furness (Minute No. 141) as he was employed by BAE. He left the meeting during consideration of the item. He also declared a disclosable pecuniary interest in Planning Application No. 2017/0401 – 6 Waver Court, Barrow-in-Furness (Minute No. 142) as the applicants were known to him. He left the meeting during consideration of the item.

114 – Apologies for Absence/Attendance of Substitutes

An apology for absence was received from Councillor Thurlow.

115 – Minutes

The Minutes of the meeting held on 11th July, 2017 were taken as read and confirmed.

116 – Proposed Tree Preservation Order, 28 Rampside, Barrow in Furness

The Assistant Director - Regeneration and Built Environment's reported advised that this matter had been reported to the last meeting and had been deferred to allow for a site visit and presentation of the full survey report, a copy of which had been appended to the Officer's report. It was noted that the Committee had undertaken a site visit prior to today's meeting.

A planning application (2016/0357) to demolish an existing dwelling and rebuild had been approved in October 2016. At the same time, a Tree Preservation Order (TPO) had been authorised, primarily to protect the trees within the application site. This had been served in November 2016. Following this, concerns had been raised by the applicant that some of the trees were not worthy of retention. Accordingly, in March 2017 Treescapes Consultancy Ltd. had been instructed to review the TPO. Due to the time taken to facilitate that, the served TPO had not been confirmed within the required six months.

In determining whether a new TPO should be served, the survey had advised that the groups of trees, including those within the development site, did not merit retention. This was due to them containing poor specimens, identifiable decay and existing/potential damage to a stone boundary wall.

However, the two individual sycamore trees (T1, T2) included in the original TPO had been considered suitable for protection in their own right. However that was with a caveat that due to existing/subsequent damage to the boundary walls, the Council would likely have difficulty in refusing any application to fell and/or potentially be subject to costs if refused. As those two trees fell outside of the development site, it was not considered as expedient to protect them as they should not be affected by the development, given they were not directly within the applicant's control.

The Assistant Director – Regeneration and Built Environment had recommended that the Tree Preservation Order was not served due to the limited amenity value of the trees and the associated damage to the boundary walls arising from them.

It was moved by Councillor M. A. Thomson and seconded by Councillor Husband and,

RESOLVED:- That a Tree Preservation Order be served on the following trees labelled as follows from the Survey Report conducted by Treescapes Consultancy Limited appended to the report:-

- T1 (Sycamore) situated at the north east corner of the front garden of 26 Rampside;
- T2 (Sycamore) situated at the eastern side of the access track on land between 28 and 30 Rampside; and
- 3 Sycamore trees within G1 situated to the eastern side of the access track.

117 – Reporting Appeal and Costs Decision: Erection of an agricultural building at Parkhouse Farm, Parkhouse Road, Barrow-in-Furness

The Assistant Director – Regeneration and Built Environment submitted a report concerning the recent appeal decision in relation to the erection of an agricultural building at Parkhouse Farm. The appeal had been upheld and planning permission had been granted. The application for a costs award against the Council had been successfully defended. Both the appeal decision letter and the costs decision had been appended to the report. There had been a number of important points to note from the two decisions as follows:-

Costs Award Decision

The element of the claim which related to the time taken to process the application had been rejected. The Inspector referred to the fact that the applicant had agreed to a formal extension of time rather than appealing against non-determination.

Decision Contrary to Recommendation

This element of the claim had also been rejected. In reaching this decision the Inspector had regard to the fact that a new report had been produced setting out the main reasons that led to the refusal.

Conclusion

The costs decision reaffirmed the importance of using the 'minded to refuse' resolution as per the Council's Constitution. This allows for the Committee's concerns to be formalised when Officers report back provided that the amended report is sufficiently comprehensive. Also, the importance of agreeing extensions of time with applicants. It would seem that these two measures protected the Council from an award of costs against it.

Appeal Decision

There had been two main points to take from this decision.

1. In terms of the issues, that the determining factor is the building's impact on the wider views of the area. In that regard the Inspector referred to the screening effect of road side hedgerows. Planning Committee had perhaps focused more on the very immediate views.
2. The weight to be given to emerging policy. The NPPF, at para 216, states that the amount of weight is a matter for the decision maker, based upon the stage of preparation, level of objections, and consistency with the NPPF. In this instance the Inspector was very clear on this matter stating that the emerging Local Plan could only be given 'limited weight' and then commented on when this would change - '*reached or passed its examination stage*' [para 3].

The decision had been a material planning consideration and was in the public domain. The decision should be followed unless evidence could be provided to the

contrary. Only 'limited weight' could therefore be given to the emerging Local Plan at the current time.

In view of the above, Members had been requested to note the following:-

1. The importance of the 'minded to refuse' procedure which with a sufficiently comprehensive deferred report was critical to defending the costs claim; and
2. That, in the opinion of the Inspector, only limited weight could be given to the emerging plan until it reached a more advanced stage.

RESOLVED:- To note the report.

118 – Member update on the recent Dalton Lane Inquiry

The Chairman advised the Committee that the Executive Director had requested the Committee to withdraw this item from the agenda.

RESOLVED:- It was unanimously agreed that the report be withdrawn.

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:-

- 119 2016/0802** Application to vary condition 2 of Listed Building Consent 2016/0104 (construction of new two storey extension with rooftop plant room to north of existing building & linked at both floor levels. Existing building refurbished & with new extension will provide facilities for new primary care centre, reconfiguration of external areas, car parking and landscaping) to allow for amendment of approved plans in relation to the inspection and removal of damp or seriously deteriorated sections of existing timber suspended floor only and provision of new timber floor. Level of new floor to match existing in rooms in north west end of building where repairs are required with level of new floor in rooms in south east of building raised by approximately 900mm to provide level access throughout accommodation and to exterior yard, raising of head of two

existing door openings in an existing masonry wall and minor alterations to approved plans. (amended description) at Former Alfred Barrow School and land to the SW of the school, Duke Street, Barrow-in-Furness.

- 120 2017/0169** Listed Building Consent for Internal refurbishment and renovation works, application of security film to windows, repair/replacement of external doors, windows and roofing, installation of turnstiles, gates and secure fence and related works at BAE Systems, Holland House, Bridge Road, Barrow-in-Furness.
- 121 2017/0257** Change of use from a retail shop (Use Class A1) to a hairdressers and beauty shop (Sui Generis) at 1 Duke Street, Askam-in-Furness.
- 122 2017/0338** Erection of rear and side double and single storey extensions to provide porch, study, shower room, utility room, kitchen, living room, bedroom and bathroom at 13 Lyndale Avenue, Barrow-in-Furness.
- 123 2017/0402** Application for a non-material amendment following grant of planning permission B21/2017/0095 (Single storey side elevation garage with rear elevation kitchen extension and new replacement pitched roof dormer) to allow increase in roof pitch and reduce dormer width, move the dormer over to the right hand side (viewed externally, increase the height of the double sliding sash dormer window and remove the dormer upper hipped section) at 75 Croslands Park, Barrow-in-Furness.
- 124 2017/0253** Change of use of ground floor shop (A1) to a living room which is to be incorporated into the existing residential building as Class (C3) dwelling house at 57 Friars Lane, Barrow-in-Furness.
- 125 2017/0266** Proposed Entrance Lobby Enclosure (33.3sqm/358sqm) to existing store including the removal of existing glazed screen and installing a exit to the existing cafe seating area at WM Morrison Supermarkets Plc, The Strand, Barrow-in-Furness.
- 126 2017/0280** Application for a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) to re-roof the building with profiled metal sheeting at Tyre Services GB Ltd, Roose Road, Barrow-in-Furness.
- 127 2017/0268** Retrospective consent for a two storey temporary building, access stairs and associated works to west side of NAS Building at BAE Systems, Bridge Road, Barrow-in-Furness.

- 128 2017/0305** Erection of a side lounge extension with a double pitched roof and a front porch – resubmission of 2016/0787.
- 129 2017/0290** Single storey side extension at 20 Baldwin Street, Barrow-in-Furness.
- 130 2017/0249** Application for variation of Condition 2 (Dormer extensions and roof lights) for planning permission B13/2015/0579 (Housing Site at Former United Utilities Septic Tank Site) to allow for the retention of 2 rooflights to the rear roof slope facing onto Doris Street (retrospective) (amended description) at Atina House, Promenade, Barrow-in-Furness.
- 131 2017/0251** Application for approval of details reserved by Condition No. 6 (validation report) No. 7 (surface Water), No. 8 (Foul Drainage) and No. 9 (Hardstanding construction details) of planning permission 2015/0022 (Erection of two, four bedroom dwellings with integral garages) at Atina House, Promenade, Barrow-in-Furness.
- 131 2017/0319** Application for approval of details reserved by condition(s) No.9 (Drainage) and No. 10 (Sewer System) for planning permission B13/2016/0696 - Erection of a terrace of three dwellings with associated off-street parking including the demolition of former fire station at Housing Development Site, Butts Beck, Dalton-in-Furness.
- 132 2017/0313** Advertisement consent to display 25 signs both illuminated and non illuminated, including 6 x motif boxes, 1 x totem sign, car wash signs and canopy signs at WM Morrison Supermarkets Plc, The Strand, Barrow-in-Furness.
- 133 2017/0301** Remove existing floodlight towers and install a new floodlighting system at Barrow AFC, consisting of 4 x 30 metre columns and 32 x 2kw floodlights at Holker Street Ground, Wilkie Road, Barrow-in-Furness.
- 134 2017/0318** Single storey rear extension forming sun room and a glazed window (non-opening) to the first floor level at 24 Rusland Drive, Barrow-in-Furness.

The following applications were Partial Decisions:-

- 135 2015/0806** Application for approval of details as reserved by condition No. 3 (access design), No. 7 (means of access & phasing), No. 4 (Foul & Surface water on separate system), No. 5 (Scheme for foul & surface water), No. 6 (Highways construction) No. 8 (finalised Surface Water Drainage Scheme) at Parkview School (former), West Avenue, Barrow-in-Furness.

- 136 2017/0252** Approval of details reserved by Conditions No. 3 (material samples), No. 4 (Drainage), No. 5 (preliminary investigation), No. 10 (boundary details), No. 11 (landscaping scheme), No. 14 (driveway surface treatment) and No. 16 (construction method statement) at Proposed Dormer Bungalow, John Street, Askam-in-Furness.

The following application was a Split Decision:-

- 137 2017/0278** Advertisement consent to display signage in relation with the proposed new Costa Coffee drive thru development at Cocken Villa, Walney Road, Barrow-in-Furness.

The following applications were refused:-

- 138 2017/0303** Application for a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) for a single storey rear extension forming a bathroom at 6 Hogue Street, Barrow-in-Furness.
- 139 2017/0296** Double storey side extension to provide kitchen, utility room and store with first bedroom and en-suite. Front porch extension at 100 Black Butts Lane, 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:-

140 – 176 Roose Road, Barrow-in-Furness

From Miss T. Linton, Kumon in respect of the change of use from (A1) shop to (D1) non-residential after school educational study centre 'Kumon' maths and English at 176 Roose Road, Barrow-in-Furness as shown on plan number 2017/0295.

Representations received and the results of consultations were reported.

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

Compliance with Approved Plans

2. The development hereby permitted shall be carried out in all respects in accordance with the application dated as valid on 12th June 2017 and the hereby approved documents defined by this permission as listed below, except where varied by a condition attached to this consent: TL1 - 2017 and TL2 2017, Proposed shop front.

Reason

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

Operational Conditions

3. The operation of the development must not cause the background noise level (measured as the LA90 (10 minutes)) to be exceeded at any neighbouring noise sensitive development. [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 conform to Saved policy D58 of the Barrow Local Plan Review 1996-2006.

141 – Proposed Centralised Training Facility at Buccleuch Dock Road, Barrow-in-Furness

From Mr S. Robson, BAE Systems Marine Ltd in respect of an application for variation of Condition No. 3 of planning permission 2016/0389 to allow a variation of approved delivery hours at Proposed Centralised Training Facility at Buccleuch Dock Road, Barrow-in-Furness as shown on plan number 2017/0328.

The results of consultations were reported.

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

Compliance with Approved Plans

1. The development shall be carried out and completed in all respects in accordance with the hereby approved plans and drawings shown as listed below and defined by this permission, and notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) 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.

BAE01 MBC XX GF DR A 00300 Proposed Ground Floor Plan P13
BAE01 MBC XX 01 DR A 00330 Proposed First Floor Plan P12 BAE01
MBC XX RF DR A 00300 Proposed Roof Plan P6 BAE01 MBC XX XX
DR A 00500 Proposed Building Elevations, P7 BAE01 MBC XX XX DR
A 00400 Proposed Building Sections, P4 BAE01 MBC XX XX DR A
00201 Site Plan P6 BAE01 MBC XX SI DR A 00202 Existing Site Plan
P1 BAE01 MBC XX SI DR A 00203 Site Location Plan P2 Site
Appraisal GRM/P7256/F.2 Groundsure Geoinsight EMS-
334831_450870 Groundsure Enviroinsight EMS-334831_450871

Additional Ground Investigation Works – dated 08/07/16 Air Quality Assessment I&BPB5118R005F01 Rev 02/Final Air Quality Assessment Addendum PB5118I&BN001F01 Ecological Assessment I&BPB5118R007F02 Flood Risk Assessment I&BPB5118R002F02 Rev 02/Final Transport Statement T&PPB5118R003F02 Rev 02/Final Traffic and Car Parking Response PB5118TN01F02.

Reason

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

During Building Works

2. 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 Planning Authority. Development on the part of the site affected must be halted and Field Investigations shall be carried out. Where required by the Planning Authority, remediation and verification schemes shall be submitted to and approved in writing by the 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.

3. 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 off-site receptors in accordance with Saved policy D56 of the Local Plan Review 1996-2006.

4. The construction activity, including hours of working and deliveries associated with the development must be carried out in strict accordance with the Construction Environmental Method Statement Rev C dated 21/07/17 and the Traffic Management Plan Rev D.

Reason

In the interests of minimising the impact upon local ecological interests associated with adjacent designated sites and on the residential amenities of the area.

Before Occupation

5. Prior to the beneficial occupation of any part of the development, a landscape scheme for the site, showing any 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.

Reason

In the interests of the visual amenities of the area.

Operational Conditions

6. 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.

7. Noise from the development must not exceed Noise Rating Curve NR 45 in daytime hours (0700 - 2300) and NR 40 in night time hours (2300 - 0700) at the façade of any noise sensitive property.

Reason

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

8. 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. Tonal noise will result in a 5dB addition to that noise (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 conforming to Saved Policy D58 of the Barrow Local Plan 1996-2006.

9. Any external lighting (temporary and permanent) shall at all times be directed and shielded so as to minimise light spillage outside of the application site, and shall not shine directly onto any adjacent highways or directly into the rooms of any adjacent dwellings.

Reason

To minimise light pollution in accordance with Saved policy D63 of the Barrow Local Plan Review 1996-2006, and in the interests of highway safety.

142 – 6 Waver Court, Barrow-in-Furness

From Mr L. Stagg in respect of a single storey side extension at 6 Waver Court, Barrow-in-Furness as shown on plan number 2017/0401.

Representations received and the results of consultations were reported.

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

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

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

Compliance with Approved Plans

2. The development hereby permitted shall be carried out in all respects in accordance with the application dated as valid on 30.6.17 and hereby approved documents defined by this permission as listed below, except where varied by a condition attached to this consent: SP1, SP2, P1, P2.

Reason

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

Operational Conditions

3. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modifications) no opening of any kind shall be made in the rear elevation of the permitted extension without the prior written consent of the Planning Authority.

Reason

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

143 – Withdrawn Application

The following application had been withdrawn at the request of the applicant:-

2017/0158 – Erection of a building to house 16,000 laying chickens for free range egg production with associated feed bins, hard-standing and access track on Land at Maidenlands, Tarn Flatt, Marton.

The meeting closed at 3.04 p.m.