

BOROUGH OF BARROW-IN-FURNESS

PLANNING COMMITTEE

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

Site Visits

2017/0601 - 8 Lambcroft, Barrow-in-Furness

2017/0416 - Land at A595 Dalton Road, Askam-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 7th November, 2017 (copy attached).

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

FOR DECISION

- (D) 8. Planning Applications (booklets attached).
(D) 9. Enforcement Activity 2017.

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

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

2017/0619 - 44 Stainton Drive, Dalton-in-Furness

Membership of Committee

Councillors

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

For queries regarding this agenda, please contact:

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Published:- 27th November, 2017

PLANNING COMMITTEE

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

PRESENT:- Councillors M. A. Thomson (Chair), C. Thomson (Vice-Chair), Blezard, Gawne, Husband, McEwan, McLeavy, Murray (Minute Nos. 212 - 255 and 258 - 259 only) Seward, Sweeney and Thurlow.

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

212 – Declarations of Interest

Councillor Gawne declared an interest in any matter relating to Cumbria County Council as he was a Member of that Council. He also declared an interest in Planning Application No. 2017/0415 – 7 Rampside, Barrow-in-Furness (Minute No. 254) as his daughter lived next door. He advised that his daughter had no objections to the application.

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

213 – Minutes

The Minutes of the meeting held on 3rd October, 2017 were taken as read and confirmed.

214 – Apologies for Absence/Attendance of Substitute Members

An apology for absence was received from Councillor Murphy. Councillor Sweeney had attended as a substitute for Councillor Murphy for this meeting only.

215 – Minor Change to Report Format

The Assistant Director – Regeneration and Built Environment reported that in order to reduce the size of the documents and in preparation for the introduction of electronic reports, the current format of reports had been changed by reproducing only one set of relevant policies.

In the interest of providing a comprehensive assessment of each application put before Members, it was important that the relevant policies were reproduced in the report. However, the Council was at a stage whereby both Saved and Emerging policies may have some relevance. Previously that had resulted in the same policy being reproduced several times depending upon the number of applications on the agenda. Some of those policies were quite lengthy.

Members had been requested to note that the report format had been revised so that one set of policies appeared as an appendix to the Planning Application Booklet with a brief policy summary at the start of each report.

RESOLVED:- To note the information.

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:-

- | | | |
|------------|------------------|--|
| 216 | 2016/0903 | Erection of detached and semi-detached housing, formation of garages, access road and associated site works (Outline with some matters reserved) at Sherborne Avenue, Barrow-in-Furness. |
| 217 | 2017/0465 | Extension to existing agricultural building (Retrospective) at Agricultural Building, Oak Lea Road, Barrow-in-Furness. |
| 218 | 2017/0443 | Demolition of original porch and erection of a sun room to front elevation (Retrospective) at Gable Cottage, Askam Road, Dalton-in-Furness. |
| 219 | 2017/0495 | Single storey rear and part side extension at 27 West Avenue, Barrow-in-Furness. |
| 220 | 2017/0459 | Single storey lean-to extension to rear of dwelling (amended description) at Low Farm, The Green, Lindal-in-Furness. |
| 221 | 2017/0460 | Listed Building Consent for the erection of a single storey rear lean-to extension, re-location of existing sash window to side elevation of extended porch and re-siting of cast iron down-pipe southwards (amended description) at Low Farm, The Green, Lindal-in-Furness. |
| 222 | 2017/0532 | Application for a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) for conversion of annex building to granny flat at 25 Brighton Street, Barrow-in-Furness. |
| 223 | 2017/0508 | Application for works to trees subject of Tree Preservation Order 1993 No. 5 at 1 Abbey Road, Dalton-in-Furness. |

- 224 2017/0482** Double storey side extension forming store with wc and playroom at ground level, with 2 bedrooms at first floor level. Ground floor rear extension forming kitchen and extended playroom at 100 Ocean Road, Barrow-in-Furness.
- 225 2017/0483** Change of use from catering unit (B2) to an educational learning centre for young people (D1) at DSL Heating, Moorfield Street, Barrow-in-Furness.
- 226 2017/0487** Rear and side single storey mono pitched roof extension and demolition of rear garage/shed at 7 Maryport Avenue, Barrow-in-Furness.
- 227 2017/0530** Application for a Minor Material Amendment following the grant of planning permission 2015/0610 (Internal re-modelling of existing changing block and a new extension to accommodate community rooms. Associated external works including improvement of the car park and placing of excavated material on site) to allow Site layout:
- Paving area reduced, Tarmac surface retained as existing
Cellular paving shown to area of waste ground instead of new tarmac
Car park entrance retained as existing
- Buildings:
- External store omitted from extension internal layout of extension revised
Scope of work in changing rooms reduced
External canopy and photovoltaic cells to existing changing rooms omitted
Ventilation plant shown
Areas of render and timber cladding revised
Proportions of window and door openings changed
Materials for window and door frames changed from hardwood to aluminium clad softwood
- at Cavendish Park, Island Road, Barrow-in-Furness.
- 228 2017/0492** Detached garage to rear of property at 16-18 Ulverston Road, Dalton-in-Furness.
- 229 2017/0488** Application for a non-material amendment following grant of planning permission B29/2014/0429 (Refurbishment of public realm including hard and soft landscaping) to allow for the installation of bollards along Brig Street and Barque Street as a traffic management measure due to a change in designation from shared surface to footpath and road at Maritime Streets, Brig Street, Barrow-in-Furness.
- 230 2017/0476** Double storey side extension to form ground floor kitchen, shower room and store with 2 bedrooms above. Demolition of

- existing rear garage at 64 Highlands Avenue, Barrow-in-Furness.
- 231 2017/0513** Roofing over midden – part of water quality capital grant at Hare Ghyll Farm, Hare Ghyll, Dalton-in-Furness.
- 232 2017/0592** Application for a non-material amendment following grant of planning permission 2017./0045 (Proposed ground floor extension forming a bedroom, kitchen and shower room with internal alterations) to insert a velux rooflight into the southern face of the roof of the approved extension at 96 Friars Lane, Barrow-in-Furness.
- 233 2017/0515** Single storey side extension at 4 Hollygate Road, Dalton-in-Furness.
- 234 2017/0516** Proposed flat roof dormer to rear elevation at Ormsgill Hotel, Park Road, Barrow-in-Furness.
- 235 2017/0517** Roof over part of the existing cattle holding/feed yard at Billincote Farm, Newton Road, Dalton-in-Furness.
- 236 2017/0520** Bin/Bike Store situated in front garden (Retrospective) at 24 Greystone Lane, Dalton-in-Furness.
- 237 2017/0523** Demolition of existing side conservatory and erection of a single storey side kitchen/diner extension at 24A Harrel Lane, Barrow-in-Furness.
- 238 2017/0282** Application for approval of reserved matters following outline approval of planning permission B13/2015/0832 (Partial demolition and redevelopment of former engineers club for residential use) to demolish the most part of the 1970's flat roofed building and the redevelopment of the site to form 12 No. 1 and 2 bedroom apartments. Access to the apartments will be provided by entrances on Abbey Road and the courtyard on High Street at 48 Abbey Road, Barrow-in-Furness.
- 239 2017/0541** Advertisement consent to display 1 No. internally illuminated fascia sign to the front elevation and 1 No. non-illuminated fascia sign to the rear elevation at Unit 6 Hindpool Retail Park, Hindpool Road, Barrow-in-Furness.
- 240 2017/0561** Notice of intention to (works to trees within conservation area) – Maple tree (1) crown reduce to provide a maximum of 1.5 metre clearance from street light at Ramsden Dock Road, Barrow-in-Furness.
- 241 2017/0595** Application for a non-material amendment following grant of planning permission 2017/0344 to allow granite plinths to

extend the full width of the shop front at 148-150 Dalton Road, Barrow-in-Furness.

242 2017/0191

The existing South Morecambe Terminal (SMT) has been decommissioned following the transfer of gas operations to the North Morecambe Terminal (NMT). Approximately 80-90% of the existing buildings and infrastructure at the SMT are now due to be demolished. The following list of structures which will be retained on SMT and will remain in situ until the future closure of the NMT:

- SMT Admin offices – these facilities are required for staff working at the terminals. Non-operational staff will be moved from NMT Admin Building to SMT Admin Building as it is an inherently safer location. Alterations will be made to the Admin Building to increase the capacity of the office space and reduce storage areas which are no longer required.
- Fire water pond and firewater pump house – these facilities provide firewater to the North Morecambe Terminal and so would be required in the event of an incident on site. Alterations will be made to the upper floor of the pump house, converting it to office space, this alteration will not affect the operation of the pump house.
- Sub-control buildings 1 and 2 – the main high voltage electrical connection to the national grid for the site are via sub-control buildings on SMT and so are required to be retained on site.
- National Transition System (NTS) gas connections – An NTS connection from NMT and pigging facilities will be retained on SMT to ensure gas can be exported to the NTS and to maintain the existing NTS pigging facilities.
- SMT gas inlet – the South Morecambe sea line comes above ground at SMT and then goes back underground in the BTOP pipeline to NMT. These facilities need to be retained on SMT to allow the continued transfer of South Morecambe field gas to NMT.
- Gas Recycle Compressor House – this facility will be retained on SMT and will be used for the storage of spares and equipment on site.
- Drainage System – the surface water drainage system on SMT will be retained together with the existing interceptor to ensure that only clean and uncontaminated water is discharged to Morecambe Bay.
- Existing SMT site boundary fence – this will be retained to provide security for the retained facilities on SMT.
- Radio Tower, Street lighting, Roads, Kerbs, Footpaths, Cathodic Protection systems, Foul Sewer connections and limited Fire and Gas detection systems will also be retained to ensure the safe operation of the remaining facilities on SMT. All the other buildings and process structures on SMT will be

demolished to slab level at Barrow Onshore Terminals, Rampside Road, Barrow-in-Furness.

- 243 2017/0581** Application for approval of details reserved by Condition No. 5 (exhaust ventilation system) of planning permission 2016/0242 (Change of use from (D1) Non-residential Institution to (A5) Hot food takeaway – pizza) at 19 Ramsden Dock Road, Barrow-in-Furness.
- 244 2017/0259** Storage container/bottle and barrel store (Retrospective) at Brown Cow Car Park, Goose Green, Dalton-in-Furness.
- 245 2017/0422** Erection of a detached garage and single storey side extension (amended description) at 1 Abbey Road, Dalton-in-Furness.
- 246 2017/0479** Application for a Lawful Development Certificate for a proposed use or development (CLOPUD). Conversion of existing garage to habitable accommodation for use as a “granny flat” associated with No. 11 Popular Bank at 11 Popular Bank, Barrow-in-Furness.
- 247 2017/0519** Rear ground floor extension (addition to existing extension) forming sun room, replacing a conservatory. Pitch roof to existing side/rear extension replacing a flat GRP roof at 28 Myrtle Terrace, Dalton-in-Furness.

The following application was a County Matter:-

- 248 2017/9003** Proposed Waste Transfer Station (County Matter) at Partylite Manufacturer Ltd (former), Park Road, Barrow-in-Furness.

The following applications had been Refused:-

- 249 2017/0531** Application for a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) for an extension and alterations at 9 Priors Path, Barrow-in-Furness.
- 250 2017/0419** Detached double garage at 101 Ulverston Road, Dalton-in-Furness.
- 251 2017/0528** Erection of a two storey rear extension, consisting of a living area and bedroom over at 24 Fell Croft, Dalton-in-Furness.

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

Town and Country Planning Acts

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

252 – 133 Central Drive, Barrow-in-Furness

From Mr C. Merritt in respect of a loft conversion to provide bedroom with en-suite at 133 Central Drive, Barrow-in-Furness as shown on plan number 2017/0316.

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 30.5.2017 and the hereby approved documents defined by this permission as listed below, except where varied by a condition attached to this consent:

133 CD/1, 2, 3, 4, 5

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 (with the exception of the proposed rear dormer), 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.

Before Occupation

4. Prior to the beneficial occupation of the development the proposed side landing window must be permanently fitted with manufacturers obscure glazing of an obscurity rating of no less than level 4 from the Pilkington glass range (or an equivalent range and rating subject to prior agreement with the Planning Authority) and thereafter retained unless the Planning Authority gives prior written consent to any variation.

Reason

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

253 – 89-91 Dalton Road, Barrow-in-Furness

From Mr Lui in respect of the conversion of single retail unit and single flat accommodation into 2 retail units including a new access onto Dalton Road with enlarged living accommodation at 89-91 Dalton Road, Barrow-in-Furness as shown on plan number 2017/0392.

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 shall be carried out and completed in all respects in accordance with the application dated 27/06/17 and the hereby approved documents defined by this permission as listed below, except where varied by conditions attached to this consent:

17116_PL01_01, 02, 03, 04, 05, 06B, 07, 08

Reason

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

Before Occupation

3. The external door serving the existing kitchen (and identified as being retained for a proposed bedroom), opening onto the roof of the retail units below, must be replaced with a window of matching style and proportions to that serving the adjoining bedroom prior to the beneficial occupation of the enlarged dwelling hereby approved.

Reason

To prevent any potential or actual use of the adjoining flat roof area as a domestic terrace/amenity space.

254 – 7 Rampside, Barrow-in-Furness

From Mrs B. Eathorne in respect of a ground floor extension to front of property to form enlarged bedroom, enlarged double garage and enlarged porch. Ground floor rear extension to form family room, relocated bathroom and additional bedroom. Conversion of loft incorporating 3 dormer windows to front elevation to form 3 additional en-suite bedrooms and replacement of flat roof to a pitched roof at front elevation at 7 Rampside, Barrow-in-Furness as shown on plan number 2017/0415.

Representations received were reported.

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

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 10.7.17 and the hereby approved documents defined by this permission as listed below, except where varied by a condition attached to this consent:

Application Form dated 10.7.17

7R/2017/01 (rev. A)

7R/2017/02 (rev. B)

7R/2017/03 (rev. A)

7R/2017/04 (rev. A)

7R/2017/05 (rev. A)

7R/2017/06 (rev. A)

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 extensions 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.

Operational Conditions

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modifications) no opening of any kind shall be made in the side elevation facing east of the permitted rear 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.

255 – 117-119 Dalton Road, Barrow-in-Furness

From Mr J. Fifield in respect of a part ground and first floor conversion to five bedsit/studios, including part demolition of rear shop, new access deck and internal alterations at 117-119 Dalton Road, Barrow-in-Furness as shown on plan number 2017/0277.

The results of consultations were reported.

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

Compliance with Approved Plans

2. The development shall be carried out and completed in all respects in accordance with the application dated 11.05.17 and the hereby approved documents defined by this permission as listed below, except where varied by conditions attached to this consent:

754\OBH\200\ 01, 02, 03 rev A, 04
Drawing entitled 'Proposed Rear Elevation' received 03/10/17

Reason

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

3. Prior to any beneficial occupation a suitably screened area for the storage of waste and recycling bins shall be provided, details of which shall be submitted to, and approved in writing by the Planning Authority. The screened area shall thereafter be retained for that purpose.

Reason

In the interests of the visual amenities of the locality.

256 – Hawcliffe, Cliffe Lane, Barrow-in-Furness

From Mr and Mrs Maxfield-Wood in respect of the demolition of existing single storey bungalow and replacement 1.5 storey, 4 bedroom dwelling with garage and basement at Hawcliffe, Cliffe Lane, Barrow-in-Furness as shown on plan number 2017/0497.

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 granted subject to the Standard Duration Limit and the following conditions:-

Compliance with Approved Plans

2. The development shall be carried out and completed in all respects in accordance with the application dated 04/08/17 and the hereby approved documents defined by this permission as listed below, except where varied by conditions attached to this consent:

17026_PL01 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12

Reason

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

Before Occupation

3. Unless the Planning Authority gives written agreement that it is impractical to do so, all hard surfaced areas associated with vehicle use shall be of permeable construction, and detailed drawings (including cross sections of sub surface and surface materials) shall be submitted to and approved in writing by the Planning Authority. The scheme shall be implemented in accordance with the approved details prior to beneficial occupation of any part of the development, or in accordance with a phasing scheme agreed in writing with the Planning Authority.

Reason

In order to ensure that the site is adequately drained in accordance with the sustainable principles found in the NPPF.

4. No part of the development hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided to the Planning Authority. Only if demonstrated to the Planning Authority's satisfaction that the site is not suitable for a sustainable system shall a connection to the main sewer be made.

Reason

In order to ensure that the site is adequately drained in accordance with the sustainable principles found in the NPPF

5. No development approved by this consent shall be commenced until a Traffic Management Plan, incorporating measures to actively manage and minimise the impact of vehicles associated with the construction and subsequent operation of the development upon the local

environment, has been submitted to and approved in writing by, the Planning Authority. The subsequently approved measures shall be implemented in accordance with the approved details including any scheme of phasing subject to prior written agreement with the Planning Authority.

Reason

In order to minimise the environmental impacts of traffic associated with the development, and in the interests of highway safety.

Operational Conditions

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

Reason

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

257 – 182 Roose Road, Barrow-in-Furness

From Mr M. Jones in respect of the change of use from offices (Class B1) to a Pizza retail and delivery takeaway (A5) at 182 Roose Road, Barrow-in-Furness as shown on plan number 2017/0412.

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:-

2. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Approved Plans

3. The development shall be carried out and completed in all respects in accordance with the application dated 03/07/17 and the hereby

approved documents defined by this permission as listed below, except where varied by conditions attached to this consent:

MEJ/2017/260 003, 004, 005, 006, 007, 008, 009, 010 issue 2

Reason

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

Pre-commencement Conditions

4. The use authorised by this permission shall not begin until the works to the highway to extend the dropped kerb and create an enlarged parking bay as shown on drawing ref MEJ/2017/260/010 issue 2 hereby approved have been completed in accordance with those drawings and have been certified in writing as complete by the Planning Authority unless alternative arrangements to secure the specified works have been approved in writing by the Planning Authority.

Reason

To ensure adequate parking provision is made for the approved use and also prevent inappropriate vehicular use of the adjacent, lowered pedestrian crossing.

Before Occupation

5. Prior to the commencement of the use hereby approved, the mitigation proposals detailed in the submitted Flood Risk Assessment must be installed and operational. These are specified as flood gate frames to allow the use of water resistant dams in the event of a flood.

Reason

In order to make the development safe and resilient to flood risk.

Operational Conditions

6. Noise from the development, including noise from the extraction equipment required by any other condition attached to this consent, must not exceed Noise Rating Curve NR30 during daytime hours (07.00 -23.00) and NR25 during night time hours (23.00 - 07.00) in any adjacent noise sensitive property.

Reason

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

7. No delivery service shall operate outside of the permitted store opening hours, defined as 07:00 - 23:00 hours.

Reason

In order to protect the residential amenities of the area.

8. The use hereby permitted must close to members of the public at 23:00 and not re-open until 07:00 the following day.

Reason

In order to protect the residential amenities of the area.

9. 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.

10. 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, thereby conform to Saved policy D58 of the Barrow Local Plan Review 1996-2006.

258 – 173 Dalton Road, Barrow-in-Furness

From Mr Barton in respect of the conversion of ground floor retail premises into one bedroom flat at 173 Dalton Road, Barrow-in-Furness as shown on plan number 2017/0421.

The results of consultations were reported.

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

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

The proposed residential use is not considered complimentary to the retail area by virtue of not providing a continuous active frontage and not attracting customers/footfall to the retail area. National Planning Policy Framework, paragraph 23 requires policies to make clear which uses will be permitted in town centres. As such, the development is considered contrary to Saved Policy C5 of the Barrow in Furness Local Plan Review 1996-2006, and emerging Policy R3 of The Barrow Borough Local Plan Pre Submission Draft, which both place a focus on providing retail uses in the area currently allocated as the shopping core and the proposed primary shopping area.

259 – Land at Hawthwaite Lane, Barrow-in-Furness

From Mr D. Jack in respect of the change of use from agricultural land to dog kennels, including the erection of 4 kennel blocks, office building, and staff accommodation/training building. Proposal also includes construction of a new access road from the highway, car park, fencing and landscaping on land at Hawthwaite Lane, Barrow-in-Furness as shown on plan number 2017/0466.

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 proposal represents sporadic development in the open countryside resulting in harm to the open character of this area of attractive open

countryside. Approval of the proposal would thereby conflict with saved policies D1 and D21 of the Local Plan Review 1996 to 2006.

2. Approval of the proposal would result in the creation of a dwelling in an isolated location in the open countryside contrary to saved policy B10.

260 – 371 Abbey Road, Barrow-in-Furness

From Mr P. K. Misra in respect of an application for works to Sycamore tree subject of Tree Preservation Order for crown reduction – reducing the height and spread of the tree by up to 3 metres at 371 Abbey Road, Barrow-in-Furness as shown on plan number 2017/0522.

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

RESOLVED:- It was unanimously agreed that consent be refused for the following reason:-

The proposed reduction in the height and spread of the tree would result in harm to the tree physiologically and to its appearance, reducing its contribution to the public amenities of the area, and for which no arborical justification has been provided. The justification relates to improvements to the operation of recently installed solar panels however this is considered more of a private matter which is not outweighed to the public harm and in any event the proposed reduction work is unlikely to achieve any significant benefit to the operation of the panels.

261 – Withdrawn Application

The following application had been withdrawn:-

2017/0478 – Demolition of existing side single store/shed. Replace with two storey side hipped roof extension with abutting rear single storey mono-pitched roof extension and widening of existing drive entrance by 1 metre and lay Marshalls permeable paving at 2 Darley Dale Road, Barrow-in-Furness.

The meeting closed at 3.11 p.m.

PLANNING COMMITTEE	(D) Agenda Item 9
Date of Meeting: 5th December, 2017	
Reporting Officer: Assistant Director - Regeneration and Built Environment	
<p>Title: Enforcement Activity 2017</p> <p>Summary and Conclusions:</p> <p>Despite ongoing limited resources, the Authority has managed to maintain an enforcement presence across the Borough. Where appropriate, in addition to developing cross department working practises, relationships have been built with other external agencies in order to resolve several issues without resorting to formal action in many cases. This has enabled a high level of budgetary control across the year.</p> <p>Recommendations:</p> <p>That the report be noted.</p>	

Report

This report seeks to provide the Committee with an overview of investigation over the last year. There remain some outstanding matters from previous years when the Authority's Enforcement capability was very limited. Following the appointment of Gordon Robson to the post in November 2016, a capacity of 22.5 hours or three days a week has been achieved. The Authority has had **72 reports** which have been recorded and enquiries have been commenced.

A high priority report **CMP/2017/0069** alleged the unauthorised cutting of a horse chestnut tree subject to a TPO. This was on Walney. The ensuing investigation gathered evidence in the form of photographs and written statements. The alleged offender was interviewed under caution within criminal procedures. On conclusion of the case it was identified that the tree was diseased and its viability was in question. The offender agreed to be formally cautioned for the offence. He also agreed to plant a replacement tree in a prominent position to enhance the street scene. The original informants were satisfied with the action taken and the community were made aware of our robust position in dealing with breaches of TPOs.

CMP/2017/0027 relates to a similar high priority report of unauthorised works to a Listed Building on Barrow Island. The Planning Enforcement Officer attended immediately, and meetings were held with the Senior Management Team of the Contractor concerned. Assurances were achieved and mechanisms created to improve dialogue with the Authority. Works continue to be monitored carefully. At

this stage no further action was required. Reassurance was provided to the informant and the Community as a whole.

Over the last year **13** dwellings have been the subject of concern regarding overgrown gardens and being of a generally poor appearance. Robust early intervention and negotiation has resulted in sustainable resolutions in the majority of cases. A proportionate, considered and measured approach has mitigated the need to issue Section 215 notices in these cases, with voluntary action being undertaken by the owners.

A historical case was finally resolved this year in Ormsgill. Works on a property were carried out in default by the Authority which amounted to over £10,000. A Land Charge was registered on the property. Wherever possible the Enforcement Officer has worked with owners to limit the cost to the public purse. By way of example after many years of neglect a house in Dalton had £7000 spent on improvements by the owners following a campaign of negotiation and encouragement.

Ten interventions have resulted in a retrospective planning application being submitted. A number of reports have been investigated which are borne out of poor relations between neighbours. Frequently it has turned out that works have been within permitted development. Where considered necessary and appropriate outside agencies are also involved. The Enforcement Officer adopts conciliatory strategies to defuse conflict. Sometimes these types of reports can be time consuming and challenging but positive outcomes justify the hours spent.

A recurring theme across the entire Borough is the subject of 'on and off street parking' and disputes associated with it. A pragmatic view is required in such cases which are often the result of neighbour disagreements or highway legislation rather than breaches of planning.

The Authority has identified and been made aware of a number of commercial buildings which may be categorised as ruinous or dilapidated. These include those of listed status and buildings within Conservation Areas. The Planning Enforcement Officer now sits with other Officers to carry out joint working on this issue. This will serve to improve efficiency and cost effectiveness across the organisation.

The use of influencing, persuasion and negotiation to achieve compliance has meant that the costs associated with legal work have been minimal. Thus far there has not been a need to outsource any significant legal work which has not only saved money but also reduced the time taken to secure a solution.

In a similar vein, greater use of the legislation under the Anti-social behaviour Act is being explored to aid timelier and more effective outcomes. The use of Community Protection Notices (CPN) and Warning Notices will be considered as part of the toolkit.

Progress has been made in Askam and Ireleth on a number of levels. A range of enforcement activity has improved public perception of our willingness to tackle breaches and regulation. Dalton continues to present some challenges as development along Ulverston Road, including Crooklands, continues. Particular

concern remains that the road speed limits need to take account of the change in character of the location. The Enforcement Officer, at the request of Planning officers, has lobbied a number of stakeholders, principally the Highway Authority, to review the suitability of reducing the speed limit from Melton Brow.

The local economic landscape remains very challenging and within the existing resource there is no scope to carry out any significant level of proactive activity such as checking compliance with planning conditions unless prompted by an enquiry. The reactive capability is at an acceptable level but the need for prioritisation is ever present. There are times when conflicting demands have had to be balanced.

Further investment in the service would allow for greater effectiveness across the service, and options are currently being explored. I am satisfied that customer satisfaction is generally good but there is no room for complacency. In addition to the recorded cases, a large number of low level enquiries from the Public, Members and Planning Officers have been dealt with over the year and letters of appreciation have been received for the duties undertaken.

Background Papers

Nil