

BOROUGH OF BARROW-IN-FURNESS

PLANNING COMMITTEE

Meeting, Tuesday 27th March, 2018
at 2.30 p.m. (Drawing Room)

Site Visits

2018/0102 – 26 Foxfield Road, Barrow-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 6th March, 2018 (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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Published:- 19th March, 2018

PLANNING COMMITTEE

Meeting: Tuesday 6th March, 2018
at 2.30 p.m. (Drawing Room)

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

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

353 – Declarations of Interest

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

354 – Apologies for Absence

An apology for absence had been received from Councillor McEwan.

355 – Minutes

The Minutes of the meeting held on 6th February, 2018 were taken as read and confirmed.

356 – Appeal Decision 4 Park Avenue, Barrow-in-Furness

The Assistant Director - Regeneration and Built Environment submitted a report regarding an Appeal Decision in respect of 4 Park Avenue, Barrow-in-Furness which had been dismissed.

He reported that the application had related to the conversion of a semi detached house into a HMO to create 7 en-suite bedrooms with a single self contained flat on the top floor. The initial decision had been minded to refuse contrary to the initial Officer recommendation, but was based upon the likely more transient lifestyle of occupiers compared to a typical family group. Members felt that the potential adverse impact upon the surrounding area including the amenities of neighbours was contrary to Saved Policy B6 and Emerging Policy DS2. The draft reason for refusal produced by Officers had been taken up by Members on that basis.

The Inspector considered that the effect on living conditions of neighbouring properties was the main issue. He felt that the cumulative impacts of 8 people living separate lives, plus their visitors would give a level of activity more marked and intensive than a single large family, and would be “disruptive” especially to immediate neighbours.

One of the impacts was parking. There was no evidence to suggest that the impact of additional vehicles would affect highway safety, but the Inspector felt that the

increased competition for on street parking would cause “increased inconvenience and frustration”.

In policy terms the Inspector noted that the layout would adversely impact upon the adjoining neighbour contrary to Saved Policy B6, did not accord with the NPPF core principle for “always seeking a good standard of amenity”. In terms of emerging policy the Inspector felt that he could give very little weight due to the stage of the draft Plan.

Whilst concluding that the scheme would provide additional and varied accommodation, the wider adverse impacts on existing Residents outweighed any benefit to the housing stock. The potential resultant harm rendered the proposal not sustainable.

RESOLVED:- To note the information.

357 – Submission of Barrow Borough Local Plan 2016-2031

The Principal Planning Officer (Policy) submitted a report to advise that the Barrow Borough Local Plan 2016-2031 had been submitted to the Secretary of State on 2nd February 2018 for independent examination.

The Plan would now be independently examined by a Planning Inspector appointed by the Secretary of State, namely: Karen Ridge LLB (Hons) MTPL.

It was noted that in December 2017 the Council had consulted on the Submission Draft Local Plan. The Plan included a number of major modifications required since the Pre Submission Draft, which had been agreed by the Council’s Executive Committee on 29th November 2017.

These were:-

- Policy EC7 – Energy Uses Opportunity Area - The boundary of the Energy Uses Opportunity Area had been amended to include the decommissioned South Morecambe Bay Gas Terminal and the now closed Roosecote Power Station.
- Policy GI4 – Green Spaces - An additional area of open land had been designated as a green space at Walker Street/James Street, Askam-in-Furness.
- Housing Requirement – The housing requirement had been amended in light of updated evidence.

The Plan was subjected to a final 6 week public consultation during December 2017/January 2018 on the major modifications. Comments had been invited solely relating to those modifications. The consultation period had run from Friday 8th December 2017 until Wednesday 24th January 2018.

During the consultation 13 representations had been received from 13 representors, 5 of which had been in support of the Plan, 1 stated they had no further comments, 1 had an objection to a minor amendment and 6 had related to major modifications.

The representations received in the December / January consultation, along with those received on the Pre-Submission Draft, had been submitted to the Planning Inspectorate along with the Draft Plan and Proposals Map, Sustainability Appraisal and other supporting evidence.

The following documents had been submitted to accompany and support the Local Plan:-

- Submission Draft Barrow Borough Local Plan 2016-2031;
- Submission Draft Local Plan Proposals Maps (A, B and C);
- The Regulation 22 Consultation Statement;
- Sustainability Appraisal, including January 2018 update;
- Habitats Regulation Assessment, including November 2018 update;
- Strategic Housing Market Assessment; and
- Employment Land Review.

The Council had appointed Miss Carolyn Woodend as Programme Officer for the Examination, to manage the administration of the examination on behalf of the appointed Inspector and act as the liaison between the Inspector and representatives of the Council.

Next steps

The timetable for the examination would be determined by the Planning Inspectorate, and part of this process would involve hearing sessions, where those invited to participate would have the opportunity to respond to matters identified by the Inspector. Early indications were that the hearings would take place in June 2018, held in the Town Hall.

Over the coming weeks the Inspector would inform the Council of the issues and matters which she considered needed clarification and discussion. The Council would prepare evidence to support its position and would exchange statements in response to the Inspector's questions.

Once a timetable for the hearings part of the examination had been set, all consultees would be informed and details would be published on the Council's website.

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:-

- 358 2017/0788** Rear ground floor sunroom extension at 25 Redoak Avenue, Barrow-in-Furness.
- 359 2018/0024** Application for approval of details reserved by Condition No. 3 (window details) of planning permission 2017/0185 (Listed Building Consent for the Conversion of former library into seven self contained flats over 3 floors including installation of 1 new timber sash window and 2 timber windows and a single escape door on north elevation, reinstatement of timber window with stone surround to replace current fire door on east elevation, partial removal of partitions on first and second floor to facilitate new room layout, removal of all fitted desks, shelving, reception counters, lift, WC partitions and sanitary-ware, alterations and/or replacement of various internal doors to form new entrances to flats, provision of bird deterrent system to all external facades of the building, and provision of sound resistant ceilings to be fitted below existing ceilings to all ground and first floor rooms (fitted above heads and below cornices).(Amended description) at (Former) Dalton Library, Nelson Street, Dalton-in-Furness.
- 360 2017/0829** Front dormer bedroom at 32 Skelwith Drive, Barrow-in-Furness.
- 361 2017/0823** Construction an American barn style stable unit containing 4 stables, 1 wash off area and 1 store room, a concrete base 18900mm x 12360mm, the base has a post and rail fence as shown in floor plan on land at Park Road, Barrow-in-Furness.

Town and Country Planning Acts

The Planning Manager reported on the following planning applications:-

362 – 5 St. Michaels Road, Barrow-in-Furness

From Mr and Mrs S. Bird in respect of the variation of Condition No. 2 (Plans) and No. 6 (Roof lights/Dormer Details) for Planning Application B13/2016/0461 (APP/W0910/W/16/3164765) Proposed single storey, timber framed dwelling with attached garage in rear garden including demolition of outbuildings and altered vehicular entrance at 5 St. Michaels Road, Barrow-in-Furness as shown on plan number 2017/0726.

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:-

1. The development must be begun not later than 9th June 2020.

Reason

Section 73 of the Town and Country Planning Act 1990 does not permit an extension of time of commencement over that specified in the original consent.

Compliance with Approved Plans

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 16089_PL01_03 rev 1, 16089_PL01_09, MEJ/2017/311/003 Issue 2, MEJ/2017/311/004 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

3. No development shall take place until details of a proposed surface water disposal scheme, including provision for the proposed driveway with measures to prevent surface water discharging onto the highway, have been submitted to and approved in writing by the Local Planning Authority. The design shall first consider the feasibility of a soakaway system, including the carrying out of a percolation test with the findings to be submitted. If this is found to be impracticable only then shall connection to the combined sewer be made.

Reason

In order to ensure that the site is adequately drained in the absence of a dedicated surface water sewer and in accordance with the sustainability aims of the NPPF.

During Building Works

4. The windows in the north east elevation of the dwelling shall be obscurely glazed, shall be of a top hung design only with no side opening lights, and shall thereafter be permanently retained as such.

Reason

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

Operational Conditions

5. 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 dormer extensions or enlargements of the roof lights shown on the approved drawing shall be carried out without the prior written express approval of the Planning Authority.

Reason

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

6. The vehicular access, driveway, and parking area to the property 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 and re-enacting that Order with or without modifications) or not, shall be carried out on that 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.

7. 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 additional openings of any kind shall be made in the south west or north east facing side elevations of the permitted dwelling.

Reason

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

363 – Premier Business Park, Ferry Beach Road, Barrow-in-Furness

From Mr D. Staunton in respect of the erection of a 3 storey building containing 16 motel units over 8 commercial units (B1 and B8 use) and 5 family self catering holiday units, all with car parking - outline with all matters reserved at Premier Business Park, Ferry Beach Road, Barrow-in-Furness as shown on plan number 2017/0812.

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. No development whatsoever shall take place until full details of the access, appearance, landscaping, layout, and scale of the development have been submitted to and approved by the Planning Authority and the development shall conform to such approved details.

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.

3. Application for approval of Reserved Matters must be made not later than the expiration of three years beginning with this permission and the development must be begun not later than whichever is the later of the following dates:
 - a) The expiration of three years from the date of this permission; or
 - b) expiration of two years from the final approval of the Reserved Matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

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.

4. The holiday units shall be used for short-term holiday lets and for no other purpose (including any other purpose within Class C of the Schedule to 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).

Reason

For the avoidance of doubt and in the interests of tourism and economic viability.

5. The self catering holiday units hereby permitted shall not be occupied by the same person or persons for more than 28 days in any six month period.

Reason

In the interests of tourism and economic viability and because the site is within a location where permanent general residential development would not normally be permitted due to conflict with national guidance and local development plan policies.

6. Prior to the commencement of any 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.

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

Reason

To protect the environment and the health of the public from potential hazards that may arise as a direct result of the redevelopment of the land.

8. If the Preliminary Investigation identifies potential unacceptable risks, a Field Investigation and Risk Assessment, conducted in accordance with established procedures (BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and Model Procedures for the Management of Land Contamination (CLR11)), shall be undertaken to determine the presence and degree of contamination and must be undertaken by a suitably qualified contaminated land

practitioner. The results of the Field Investigation and Risk Assessment shall be submitted to and approved by the Local Planning Authority before any development begins.

Reason

To protect the environment and the health of the public from potential hazards that may arise as a direct result of the redevelopment of the land.

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

Reason

To protect the environment and the health of the public from potential hazards that may arise as a direct result of the redevelopment of the land.

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

Reason

To protect the environment and the health of the public from potential hazards that may arise as a direct result of the redevelopment of the land.

11. 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 protect the environment and the health of the public from potential hazards that may arise as a direct result of the redevelopment of the land.

12. 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.

Reason

To protect the environment and the health of the public from potential hazards that may arise as a direct result of the redevelopment of the land.

13. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 - 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses

a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To protect the water environment.

14. Prior to the commencement of development a Construction Management Method Statement shall be submitted to and approved in writing by the Planning Authority. The method statement should cover all phases of the development and take account of all contractors or sub-contractors. The Construction Management Method Statements will be expected to include the following:

Details of phasing of the construction work including a programme of work for the construction phase.

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

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

- Hours of working and deliveries;
- Mitigation measures to reduce adverse impacts on residential properties from construction compounds including visual impact, noise, dust and light pollution;
- Mitigation measures to control the emissions of dust and dirt during construction and demolition;
- A written procedure for dealing with complaints regarding the construction or demolition; A site log book to record details and action taken in response to exceptional noisy incidents or dust-causing episodes. It should also be used to record the results of routine site inspections.
- Details of lighting to be used on site;
- Mitigation measures to ensure that no harm is caused to protected species during construction;
- The provision of facilities for the cleaning of vehicle tyres where haul routes meet the public highway to avoid deposition of mud/debris on the public highway and the generation of dust.”

Reason

In order to have effective noise and dust emission control measures in place for every activity carried out on site, not only to protect the health

and safety of the on-site workforce, but also local residents and members of the public in the locality.

15. Prior to commencement of development, details for how foul and surface water shall be drained on a separate system shall be submitted to the local planning authority and approved in writing. The development shall be completed in accordance with the approved details.

Reason

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

16. Prior to the commencement of development, a scheme for surface water and foul water drainage (inclusive of how the scheme shall be maintained and managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the drainage scheme has been constructed in accordance with the approved details. For the avoidance of doubt, neither surface water, land drainage, nor highway drainage shall connect into the public sewerage system (directly or indirectly). The development shall be completed, maintained and managed in accordance with the approved details.

Reason

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

17. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the planning authority:

- 1) A preliminary risk assessment which has identified:

all previous uses potential contaminants associated with those uses

a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To protect the water environment.

18. The business units shall be used for light industrial and storage purposes only and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order, 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order with or without modification).

Reason

To ensure that inappropriate uses do not take place on the site and to enable the Planning Authority to assess the implications of any future changes of use on the character of the area.

364 – 74 Park Drive, Barrow-in-Furness

From Mr P. Walker in respect of the rear ground floor extension forming a sunroom with internal alterations at 74 Park Drive, Barrow-in-Furness as shown on plan number 2017/0787.

Representations received 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 5.12.2017 and the hereby approved documents defined by this permission as listed below, except where varied by a condition attached to this consent:

1-PW-8, 2-PW-8, 3-PW-8, 4-PW-8, 5-PW-8, 6-PW-8, 7-PW-8, 8-PW-8

Reason

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

Before Occupation

3. Prior to the beneficial occupation of the extension hereby approved the external render finish shall have been applied to all elevations of the extension.

Reason

In order to protect the visual amenities of the area.

365 – Harding Rise, Barrow-in-Furness

From Barrow Borough Council in respect of a proposed new office building to provide managed office space falling within Use Classes B1(a) and B1(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended) together with associated access road and parking at Harding Rise, Barrow-in-Furness as shown on plan number 2017/0790.

The application was reported to Members as the application relates to a proposed development on Council owned land. No representations had been received but the results of consultations were reported.

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

RESOLVED:- It was unanimously agreed that:-

- (A) On completion of either a Unilateral Undertaking or Obligation under 106 of the Planning Act to secure a travel plan as per emerging policy I2 and monitoring of protected species as per emerging policy BP4, then
- (B) 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 in accordance with the application dated 6th December, 2017 and the following approved plans and documents except where modified by conditions below:

Drawing numbers :K867-P-02,03 rev B,04,05,06,07,08,09,10,11,12

Reason

To ensure the development is only carried out as approved.

Pre-commencement Conditions

3. Prior to the commencement of development an unexploded ordnance mitigation plan shall have first been submitted to and approved in writing by the Planning Authority. The development shall then proceed in accordance with the approved mitigation plan.

Reason

The UXO desk study ref 4671 dated 21/02/2017 identifies a risk of unexploded ordnance.

4. Notwithstanding the documents approved under condition 2 above and in particular drawing no K867 - P-03 rev B, development shall not commence until details of the car park layout and landscaping including the number of parking spaces have been submitted to and approved in writing by the Planning Authority. The development shall only proceed in accordance with details approved under this condition.

Reason

The submitted application do not address policy requirements including saved policies BPV1, BP4 or BP23 of the Port Area Action Plan in relation to protected species and the need to seek improvements in bio-diversity and as a consequence the issues of layout may require amending once these matters have been addressed.

5. The landscaping scheme referred to under condition 3 above shall accord with the principles on landscape character under Design Guidelines pursuant to saved policy BP23. The scheme shall be submitted on a plan not greater than 1:200 scale and shall contain details of numbers, locations, species and sizes of plants to be used. All planting and subsequent maintenance shall be to current British Standards. The approved scheme shall have been implemented by the end of the first planting season following either the substantial completion of the development or the beneficial occupation of any part of the development, which ever is the sooner. 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. The landscaping scheme shall otherwise be retained for the life of the development.

Reason

To ensure that the development respects its coastal location, maximises the potential for habitat enhancement including contributing to a network of habitats and thereby accords with the saved policies BPSV1 and BP4.

6. Notwithstanding the documents approved under condition 2 above no development shall take place until details showing a main entrance incorporated into the building's frontage onto Harding Rise have been submitted to and approved in writing with the planning authority. The development shall only proceed in accordance with the details approved under this condition.

Reason

The submitted details show the main access into the building at the rear and through the car park. This arrangement is not considered to adequately address the requirements of saved policy BP23 which requires developments to respond positively to the public realm or policies which seek to encourage journeys other than by the private motor car.

During Building Works

7. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Drainage Strategy, ref: K34487/01/DS/RH, issue A, dated 6 December 2017, by R.G. Parkins & Partners LTD proposing surface water discharging into private surface water drain. Foul water should be discharged into the combined sewers near the northern boundary. 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.

8. Full details of the surface water drainage system shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason

In the interests of highway safety and environmental management, to give effect to the consultation response of the County Council as Lead Local Flood Authority, to support Local Transport Plan Policies: LD7, LD8.

9. Clear arrangements must be in place for ongoing maintenance of the drainage system over the lifetime of the development. The drainage system must be designed for ease of maintenance. In this respect further details shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved.

Reason

To ensure flood risk is not increased within the site or elsewhere and to give effect to the consultation response of the County Council as Lead Local Flood Authority.

10. Prior to any beneficial use of the car park referred to under conditions 2 and 3 above, oil separators shall have been fitted into the surface water drainage scheme in accordance with details which have been submitted to and approved in writing by the Planning Authority. The oil separators shall be maintained and retained for the life of the development.

Reason

To give effect to the recommendations within paragraph 3.6 of the Drainage Strategy, ref: K34487/01/DS/RH, issue A, dated 6 December 2017, by R.G. Parkins & Partners LTD.

11. Prior to the use of any soils in on site landscaping and which have been excavated from the site they shall have first been tested for asbestos accordance methodology submitted to and approved in writing by the Planning Authority. 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

The proposed layout plan refers to existing top soil being excavated and re used in landscaping areas. However the Contamination Report ref GC20776/04, section 5.2.4 confirms that no asbestos testing has been carried out. This is advised at section 5.3.1 of the report.

12. 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 in writing 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 056 of the Local Plan Review 1996-2006 and policy C4 in the Local Plan pre-submission draft.

Continuing limitations

Notwithstanding any provision contained within either the Town and Country (Use Classes) Order 1987 (as amended) or contained within the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any Order revoking and re-enacting those Orders within or without modifications, there shall be no change from the permitted uses of B1(a) and B1(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended) to any uses falling within Use Class A2 or Use Class C3 of the referred to Order.

Reason

The limitation on uses is to give effect to the requirements of saved policy BP23.

366 – Brown Cow Car Park, Goose Green, Dalton-in-Furness

From Mr P. Bell in respect of the extension of boundary wall, enlargement of existing outside seating area and re-organisation of car park adjacent to public house to create dedicated disabled car parking bay (amended description) at Brown Cow Car Park, Goose Green, Dalton-in-Furness as shown on plan number 2017/0815.

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

1. The development hereby permitted shall be carried out in all respects in accordance with the application dated as valid on 14.12.2017 and the hereby approved documents defined by this permission as listed below, except where varied by a condition attached to this consent:

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Reason

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

During Building Works

2. The external materials of construction for the walling and infill fencing hereby approved shall match as closely as possible the existing boundary walling to the site frontage.

Reason

In the interests of the appearance of the development and the character of the conservation area in which it is located.

367 – Land South of Tytup Farm, Dalton-in-Furness

From Mr & Mrs Rawlinson in respect of the application for prior notification of agricultural or forestry development for a portal framed agricultural building for feed and implements on land south of Tytup Farm, Dalton-in-Furness as shown on plan number 2017/0765.

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

RESOLVED:- It was unanimously agreed that:-

(A) Planning permission be refused for the following reason:-

The proposal represents an isolated form of development which would not relate to an existing farm building complex or other well screened location. Approval of the proposal would therefore run contrary to the Development Plan due to conflict with saved policy D21. Approval would further conflict with saved policy D1 which seeks to protect the intrinsic character of the countryside.

(B) Following a Committee site visit, the Development Services Manager (Planning) be instructed to report back on the activities currently being carried out from the site.

The meeting closed at 2.48 p.m.