

## **PLANNING COMMITTEE**

Meeting: Tuesday, 10th March, 2020  
at 2.30 pm. (Banqueting Hall)

Present: Councillors M. A. Thomson (Vice-Chair), Assouad, Burley, D. Edwards, Gawne, Hall, Husband, McEwan, Mooney, Nott and Seward.

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

### **117 Declarations of Interest**

Councillor D. Edwards declared an interest in Planning Application 2019/0576 – Housing Development Site, Lots Road, Askam-in-Furness (Minute No. 125) as he was a Borough Councillor for the Ward and had attended meetings where this matter had been discussed, but he had not made his views known.

Councillors Gawne and McEwan declared an interest in any matter relating to Cumbria County Council as they were Members of that Council.

Councillor Husband declared an interest in Planning Application 2019/0840 – 36 Duddon Drive, Barrow-in-Furness (Minute No. 124) as the applicant was known to her.

### **118 Apologies for Absence/Attendance of Substitute Members**

An apology for absence had been received from Councillor C. Thomson (Chairman).

### **119 Minutes**

The Minutes of the meeting held on 11th February, 2020 were taken as read and confirmed.

### **120 Enforcement Action - Sherborne Avenue, Barrow-in-Furness**

The Planning Manager submitted a report concerning enforcement action at Sherborne Avenue, Barrow-in-Furness. He reported that the development had proceeded in conflict with the planning permission in that an open amenity area had been enclosed by a high wall and fence which was harmful to the appearance of the adjacent footpath (the Greenway). The breach of planning control was also contrary to the objectives of the 106 obligation which forms part of the overall planning documents for the development. It was also likely to prevent the developer from meeting the approved bio diversity enhancement measures negotiated during the consent process.

The matter related to planning permission 2016/0902. The permission had been subject to a condition which required a landscaping scheme to be submitted and then implemented in accordance with an agreed schedule (condition 12). This had been agreed by virtue of application 2019/0650. The scheme approved under that condition (Plan Ref. FL/N/PH3/100 Rev AN) showed, amongst other features, a landscaped area running along a section of the popular Greenway which links Roose with Furness Abbey.

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The arrangement reflected the section 106 obligation which formed part of the permissions (2016/0902 & 2016/0903). The s106 identified the landscaping area as the 'brown land' which together with other open spaces across the development, would be transferred to Barrow Council as public amenity space. The agreement had also included a payment to cover future maintenance, such as grass cutting and general repairs.

The area identified as the brown land, had been shown on the approved plans as measuring 310m in length yet is rather narrow, typically 2 to 3m. Some 100 trees were shown to be planted as part of the approved landscaping scheme along with a native species hedgerow for its full length. The purpose of the brown land was to soften the edge of the housing development where it adjoins the Greenway.

To date, the approved plans had not been complied with. A significant part of the brown land, approximately half its length, has been enclosed by a wall and fence combination approx. 2.8m high. Rather than an attractive landscaped open area this part of the Greenway now has an enclosed character. It presents a much poorer visual appearance than if the development had been implemented as per the approved plan.

Were the wall and fence to remain, it would make it difficult to justify enforcing the tree and hedge planting scheme as it would effectively be hidden from public view. Its value, in terms of visual amenity to create a soft edge to the housing site, would be lost. The planting also forms part of the developer's bio diversity enhancement measures, which are an important consideration. Any reduction in the level of planting would result in a bio diversity loss as well.

In general terms, a simple visual inspection suggests that the development appears to have crept in a westerly direction resulting in the brown land potentially being narrower than shown on the approved plan. It is considered necessary to seek removal of the wall and fencing in order to ensure that the open landscaped features alongside the green-way are introduced.

The development as carried out conflicts with the development plan including Local plan policies DS5, GI5,GI9, H7 and N3 and the Council's Bio Diversity and Development supplementary planning document.

It is considered expedient to take enforcement action given the visual harm arising from the breach of planning control. Also there are potential knock-on implications re bio diversity enhancement. Previous approaches to the developer both verbally and in writing have not been able to resolve the situation.

Authorisation is sought to take enforcement action to secure compliance with the landscaping scheme approved pursuant to condition 12 of planning permission 2016/0902. The wall and fence also represents operational development without planning permission due to issues including its height. Authorisation is therefore sought to take enforcement action on the basis of unauthorised operational development

**RESOLVED:-** To agree that the Planning Manager be authorised to take such enforcement action and, in consultation with the Director of Resources, any other associated legal action deemed necessary;

1. To secure compliance with the landscaping scheme pursuant to Condition 12 of planning permission 2016/0902, in accordance with the approved plans agreed by virtue of Discharge of Condition ref 2019/0650; and
2. To secure removal of the wall and fences which are considered to be operational development that is detrimental to the delivery of bio-diversity, and which also has an adverse impact upon the setting of the Greenway and its relationship with the adjacent housing site.

## 121 Delegated Decisions

The Assistant Director - 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:-

- |                  |   |
|------------------|---|
| <b>2019/0564</b> | Re-cladding of Devonshire Dock Hall, amenity towers, workshops and associated works at Devonshire Dock Hall, North Road, Barrow-in-Furness.   |
| <b>2019/0834</b> | Application for approval of details reserved by Condition No. 5 (fencing details) of appeal decision APP/W0910/W/19/3231527.  |
| <b>2019/0871</b> | Proposed change of use of vacant shop (use class A1) to self contained one-bedroom flat (use class C3) including associated external alterations at 113 Ramsden Street, Barrow-in-Furness.            |
| <b>2019/0874</b> | Proposed rear ground floor extension at 26 Lakeland Avenue, Barrow-in-Furness.  |
| <b>2019/0861</b> | Single storey side extension forming living area and internal alterations at 9 Teal Close, Askam-in-Furness.  |
| <b>2019/0845</b> | Proposed rear single storey extension and garage conversion at 23 Riverside Gardens, Barrow-in-Furness.   |
| <b>2019/0849</b> | Change of use from retail (Class A1 of the Use Classes Order) to a holiday let (Class C3) with external changes comprising rough case render and timber door at 118 Market Street, Dalton-in-Furness. |
| <b>2019/0886</b> | Ground floor side extension to increase size of reception room at 36 Whinlatter Drive, Barrow-in-Furness.   |

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- 2019/0867** Application for works to trees subject of Tree Preservation Order 1984 No. 1 A1 Infield Gardens – Sycamore, Ash, Beech, Oak and Horse Chestnut – T1 Ash to reduce the crown by 30% at 32 Infield Gardens, Barrow-in-Furness.
- 2020/0016** Side living area extension to 2 Underwood Terrace, Dalton-Furness.
- 2019/0864** Single rear extension forming living area, a 2nd storey side extension above garage forming en-suite bedroom and internal alterations at 13 Caspian Road, Askam-in-Furness.
- 2019/0878** Rear single storey kitchen and store to side elevation at 51 Yarlside Road, Barrow-in-Furness.
- 2019/0882** Change of use from self-contained flat to letting office at 4B Steamer Street, Barrow-in-Furness.
- 2019/0884** Erection of a rear ground floor living dining area with opening to existing kitchen at 40 Athens Drive, 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 Planning Manager reported on the following planning applications:-

#### **122 Crooklands Brow, Ulverston Road, Dalton-in-Furness**

From SLIC in respect of an application for Outline planning permission for a Community Centre and Prayer Hall with appearance and landscaping reserved for subsequent approval at Crooklands Brow, Ulverston Road, Dalton-in-Furness as shown on plan number 2019/0763.

Representations received and the results of consultations were reported.

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

The Planning Manager informed the Committee that a request to 'call in' the application had been made to the Secretary of State. Following contact with Planning Casework Unit if Committee were minded to approve the application it was considered that the decision notice be deferred until the morning of the 13<sup>th</sup> March to enable them to have opportunity to consider the request.

Two people in support of the application, together with one objector had attended the meeting and made representations to the Committee.

It was moved by Councillor McEwan and seconded by Councillor Husband and on a vote of nine in favour and two abstentions it was,

**RESOLVED:-** That the Committee be minded to agree the recommendation to grant outline planning permission, subject to the conditions outlined below and that the Planning Manager be given delegated authority to issue the decision notice on 13<sup>th</sup> March, 2020:-

1. 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 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

***Compliance with Approved Plans***

2. The development shall be carried out and completed in all respects in accordance with the application dated 25/10/19 and the hereby approved documents defined by this permission as listed below, except where varied by conditions attached to this consent.

Schedule of approved drawings & documents:

1707/OP/ 00, 01, 02 rev C, 03, 04, 05, 06, 07, 08, 09. Ecological Appraisal by Envirotech ref 6125 v2. Highway Planning Statement ref: DY/190749.

Reason

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

3. No development whatsoever shall take place until full details of the appearance and landscaping 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 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

4. Applications for the approval of the Reserved Matters shall be in accordance with the principles and parameters described and illustrated in the drawings submitted with the Outline application as listed below, unless otherwise agreed in writing by the Planning Authority through the approval of a non-material amendment to the consent.

Reason

To ensure that the development shall be carried out in an orderly and satisfactory manner.

5. No floodlighting or other form of external lighting shall be installed unless it is in accordance with details that have previously been submitted to and approved in writing by the Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any such lighting shall at all times be directed and shielded so as to minimise light spillage outside of the application site, and shall not thereafter be altered, other than for routine maintenance which does not change its details, without the prior consent in writing of the Planning Authority.

Reason

To minimise light pollution in accordance with Local Plan Policy DS2 of the Barrow Borough Local Plan 2016-2031, and in order to protect the rural amenities and ecological interests of the area.

***Pre-commencement Conditions***

6. Development (but excluding site clearance and sub ground excavations) shall not take place until a pedestrian footpath is provided within the grass verge to the site frontage, extending to join the existing footpath to the front of Crooklands Gardens on Ulverston Road, and a pedestrian refuge has been provided within Ulverston Road itself, both in accordance with details first submitted to and approved by the Planning Authority. The development must be carried out in accordance with the approved details.

Reason

In the interests of highway safety, specifically to ensure the development can be accessed safely by pedestrians.

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+A2:2017) Code of Practice for the Investigation of Potentially Contaminated Sites and Model Procedures for the Management of Land Contamination (CLR11)).

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. It is required pre-commencement to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Plan Policy C4 of the Barrow Borough Local Plan 2016-2031.

8. If the Preliminary Investigation identifies potential unacceptable risks, a Field Investigation and Risk Assessment, conducted in accordance with established procedures (BS10175 (2011+A2:2017) 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 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. It is required pre-commencement to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Plan Policy C4 of the Barrow Borough Local Plan 2016-2031.

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 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. It is required pre-commencement to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Plan Policy C4 of the Barrow Borough Local Plan 2016-2031.

10. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for all of the following: i) the parking of vehicles of site operatives and visitors, ii) loading and unloading of plant and materials, iii) storage of plant and materials used in constructing the development, iv) the proposed construction vehicle and delivery routing plans, v) wheel washing facilities where vehicles will enter/exit the site, vi) measures to minimise noise pollution and control the emission of dust and dirt during construction, vii) days/hours of working, viii) a scheme for recycling/disposing of waste resulting from construction works, iv) details of any excavations proposed and the construction methods to be utilised,

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including the use of any vibro-compaction machinery / piling machinery or piling and ground treatment works.

Reason

In the interests of minimising the impact upon local environmental amenity.

11. The site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. The National Planning Practice Guidance clearly outlines the hierarchy to be investigated when considering a surface water drainage strategy, in the following order of priority: 1) into the ground (infiltration); 2) to a surface water body; 3) to a surface water sewer, highway drain, or another drainage system; 4) to a combined sewer. Justification for and details of the proposed system shall be submitted to, and approved in writing by the Planning Authority prior to installation, and thereafter installed in accordance with the approved details.

Reason

To ensure the site is drained by the most sustainable method in accordance with the principles of the NPPF and Local Plan Policy C3a.

***During Building Works***

12. In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and Field Investigations shall be carried out. Where required by the Local Planning Authority, remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to occupation of the development.

Reason

To ensure 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 in accordance with Local Plan Policy C4 of the Barrow Borough Local Plan 2016-2031.

13. No soil material is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development. A suitable methodology for testing this material should be submitted to and approved by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out as per the agreed methodology with verification of its completion submitted to and approved in writing by the Local Planning Authority.



Reason

To ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and 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 in accordance with Local Plan Policy C4 of the Barrow Borough Local Plan 2016-2031.

14. The development shall be carried out in strict accordance with the ecological report (ref: 6125 v2) submitted with the application, including the implementation and management of the details of habitat protection, which precludes clearance works during active nesting season (March-September).

Reason

In the interests of nature conservation by safeguarding the wildlife interests of the site and surrounding area.

***Before Occupation***

15. The use shall not be commenced until the access and parking requirements have been constructed in accordance with the approved plan. Any such access and or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority.

Reason

To ensure a minimum standard of access provision when the development is brought into use.

16. The development shall not commence until visibility splays providing clear visibility of 160 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason

In the interests of highway safety.

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17. 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 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 in accordance with Local Plan Policy C4 of the Barrow Borough Local Plan 2016-2031.

18. Details of no fewer than 2 bird and 2 bat nesting boxes (external or incorporated into brickwork), including the exact location, specification and design, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied unless the boxes have been installed. The nesting boxes shall be installed strictly in accordance with the details so approved and shall be maintained as such thereafter.

Reason

In the interests of nature conservation by safeguarding and enhancing the wildlife interests of the site.

19. Prior to the beneficial occupation of the building, the location, type and situation of any proposed screen walls or fences shall be submitted to and approved in writing by the Planning Authority. The screen walls or fences shall be erected in accordance with the approved details and thereafter retained unless the Planning Authority gives prior written consent to any variation.

Reason

In the interests of the visual amenities of the area and in order to allow through migration of the site by wildlife.

20. Prior to the beneficial use of the building hereby approved details of a secure fence/crash barrier located at the section of the car park/turning area which adjoins to the site's boundary with the operational railway shall have been submitted to and approved in writing by the planning authority including a programme for its installation.

Reason

To protect the adjacent railway from as advised by Network Rail.

21. No part of the development shall be beneficially occupied until both the 3 no. electric vehicle charging points (EVCP) and 2 no. cycle parking facilities have been provided in the position detailed on drawing ref 1707 02 rev C and thereafter permanently retained.

Reason

To ensure the promotion of sustainable means of transport in keeping with national guidance and Policy I4 of the Barrow Borough Local Plan 2016-2031.

***Operational Conditions***

22. The site and building hereby permitted shall not be provided with a tannoy/loudspeaker system at any time unless otherwise agreed in writing by the Local Planning Authority.

Reason

In order to minimise the potential for noise pollution, thereby conform to Saved policy DS2 of the Barrow Borough Local Plan 2016-2031.

**123 30 Southport Drive, Barrow-in-Furness**

From Mr J. Heighton in respect of a two storey side and rear extension and loft conversion forming additional bedroom and extended kitchen / dining room, utility and wc at 30 Southport Drive, Barrow-in-Furness as shown on plan number 2019/0777.

Representations received and the results of consultations were reported.

It was moved by Councillor McEwan and seconded by Councillor Husband, and

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

1. 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 & Compulsory Purchase Act 2004.

***Compliance with Approved Plans***

2. 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.

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3. The development shall be carried out and completed in all respects in accordance with the application dated 06/11/19 and the hereby approved documents defined by this permission as listed below, except where varied by conditions attached to this consent.

MVC387-01 rev B and 02 rev H

Reason

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

***Operational Conditions***

4. 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 side facing elevations of the permitted single storey rear and two storey side 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.

**124 36 Duddon Drive, Barrow-in-Furness**

From Mrs D. Bell in respect of a flat roof single storey extension to rear of property to provide wet room at 36 Duddon Drive, Barrow-in-Furness as shown on plan number 2019/0840.

Representations received and the results of consultations were reported.

It was moved by Councillor McEwan and seconded by Councillor Husband, and

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

1. 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 & Compulsory Purchase Act 2004.

***Compliance with Approved Plans***

2. The development shall be carried out and completed in all respects in accordance with the application dated 27/11/19 and the hereby approved

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

DAL2019/03-E101, A101, A102, A103, A104.

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 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.

***Operational Conditions***

4. 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 west facing side 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.

**125 Housing Development Site, Lots Road, Askam-in-Furness**

From MT Wood and Sons in respect of a residential development of 29 dwellings, comprising of a mix of 3 and 4 bedroom dwellings (bungalow and 2 storey) with associated roadways, parking and amenity space at Housing Development Site, Lots Road, Askam-in-Furness as shown on plan number 2019/0576.

Representations received and the results of consultations were reported.

It was moved by Councillor Seward and seconded by Council McEwan, and

RESOLVED:- It was agreed that:

- (A) Upon the applicant completing either an obligation or statutory undertaking under Section 106 of the Act to secure the following (heads of terms):-
  - A financial contribution of £21,750 towards cycling improvements scheme from Askam in Furness to Dalton in Furness [Route no 11 The Barrow Transport Improvement Study] and traffic management in Lots Road;

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and the following heads of terms subject to delegated authority being granted to the Planning manager to make amendments:-

- The submission of an open space works specification and management plan for securing the maintenance of all areas of public open space;
- A programme for delivering the open space;
- That maintenance of the open space/ attenuation basin will be via a management company/united utilities details to be submitted and agreed;
- The details of funding the management company;
- Arrangements for establishing the condition of the open space/attenuation pond prior to transfer to a management company and procedure for addressing any defects;
- Agreement to maintain the open space and attenuation basin in accordance with the management plan unless a variation to the management plan is agreed with the Council;
- Agreement not to wind up the management company or alter its constitution without the agreement of the Council;
- Not to sell any dwellings until a management company is in place;
- Agreement to keep the open spaces open and not built on;
- Bonding arrangements to ensure that funding is available in perpetuity if the open spaces are not being maintained in accordance with the management plan;
- The Council's twice yearly inspection costs being paid as a commuted sum for the first 20 years for the monitoring of the management company's maintenance;
- Standards and a clause that if the management company go into administration or otherwise ceases to exist, confirmation that the title deeds to all of the public open space are transferred at a consideration of £1 to the Council as the provider of last resort and details of the mechanism by which the transfer shall take place;

and the following issues with respect to affordable housing unless addressed via equivalent planning conditions(s) [the matter to be delegated to the Planning Manager].

The submission of an Affordable Housing Scheme to include:-

- the delivery of 3 affordable houses (affordable rent);
- the timing of the construction of the affordable units and the phasing in relation to the occupancy of the full market units;
- the arrangements for the transfer of the affordable units to either a registered provider or details of the management of the affordable units if no registered provider is to be involved;
- arrangements to ensure the affordable units are affordable for both first and subsequent occupiers;
- the occupancy criteria;
- Agreement that any transfer of the affordable units to a registered provider shall be free from incumbrances unless otherwise agreed with the planning manager, then

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

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2. The development hereby permitted shall be carried out in all respects in accordance with the application dated 30th July 2019 as amended by the hereby approved plans and documents defined by this permission as listed below, except where varied by Condition 3 below:

Site Location Plan ref 19056\_PL01\_101

Existing Site Layout Site Layout ref 19056\_PL01\_102

Proposed Site Plan and Indicative Landscaping Plan ref 19056\_PL01\_103  
Rev A

Proposed Sections & 3D views ref 19056\_PL01\_104 rev A

Proposed Dwelling Type A (4 bed detached) ref 19056\_PL01\_105 rev A

Proposed Dwelling Type A (variant plot 18) ref 19056\_PL01\_105.1 rev A

Proposed Dwelling Type B (4 bed detached) ref 19056\_PL01\_106 rev B

Proposed Dwelling Type B (variant plot 4) ref 19056\_PL01\_106.1 rev A

Proposed Dwelling Type C (3 bed semi-detached) ref 19056\_PL01\_107  
rev A

Proposed Dwelling Types D&E( 3&4 bed semi-detached) ref  
19056\_PL01\_108 rev A

Proposed Dwelling Type F (4 bed semi-detached) ref 19056\_PL01\_109  
rev A

Proposed Dwelling Type G (4 bed detached) ref 19056\_PL01\_110 rev A

Proposed Dwelling Type H (3 bed bungalow) ref 19056\_PL01\_111 rev B

Boundary Treatment Plan) ref 19056\_PL01\_112.1 rev B

Section A-A ref 19056\_PL01\_112.2

Fence Details 1 ref 19056\_PL01\_113.1

Fence Details 2 ref 19056\_PL01\_113.2

Road Layout ref 19056\_PL01\_201 rev B

Road Levels ref 19056\_PL01\_202 rev A

Carriageway longitudinals 19056\_PL01\_203

Typical Construction Details (1) Highways ref 19056\_PL01\_204

Typical Construction Details (2) Highways ref 19056\_PL01\_205

Typical Construction Details (3) Drives ref 19056\_PL01\_206

External Works Layout ref 19056\_PL01\_207 rev B

Proposed Sections ref 19056\_PL01\_208

Drainage Layout (1) ref 19056\_PL01\_301 rev B

Drainage Layout (2) ref 19056\_PL01\_302 rev A

Drainage Longitudinals (1) ref 19056\_PL01\_303 rev A

Drainage Longitudinals (2) ref 19056\_PL01\_304

Drainage Details (1) ref 19056\_PL01\_305

Pond Layout ref 19056\_PL01\_306 rev A

Pond Sections ref 19056\_PL01\_307

Pond Details ref 19056\_PL01\_308

Exceedance Route ref 19056\_PL01\_309 rev A

Impermeable Areas Plan ref 19056\_PL01\_310 rev A

Proposed Remediation ref 19524-5

Detailed Landscaping Proposals ref c-1765-01

Reason

In order to link the permission to the submitted application.

3. Development shall not commence until a Construction Phase Plan has been submitted to and approved in writing by the local planning authority. The CPP shall include details of:
- pre-construction road condition for Lots Road (from the A595 to the site) established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
  - details of proposed crossings of the highway verge;
  - retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
  - cleaning of site entrances and the adjacent public highway;
  - details of proposed wheel washing facilities;
  - the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
  - construction vehicle routing;
  - the management of junctions to and crossings of the public highway and other public rights of way/footway;
  - Details of any proposed temporary access points (vehicular / pedestrian);
  - surface water management details during the construction phase;
  - specific measures to manage and limit the impact on the school, including working hours, any special measures to accommodate pedestrians;

[Note: deliveries and movement of equipment on the road network surrounding the site must not take place during school muster times in the interests of road safety]

Reason

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety.

To support Local Transport Plan Policies: WS3, LD4.

4. Foul and surface water drainage shall be provided prior to the occupation of any dwelling in accordance with the following documents:

External Works Layout ref 19056\_PL01\_207  
Proposed Sections ref 19056\_PL01\_208  
Drainage Layout(1) ref 19056\_PL01\_301  
Drainage Layout(2) ref 19056\_PL01\_302  
Drainage Longitudinals (1) ref 19056\_PL01\_303  
Drainage Longitudinals (2) ref 19056\_PL01\_304



Drainage Details (1) ref 19056\_PL01\_305  
Pond Layout ref 19056\_PL01\_306  
Pond Sections ref 19056\_PL01\_307  
Pond Details ref 19056\_PL01\_308

Reason

To ensure that there is an acceptable and sustainable means of foul and surface water disposal in place at an appropriate time.

5. Prior to the occupation of any dwelling hereby permitted a street lighting layout plan and details of the lighting columns, fittings and luminance levels shall have been submitted to and approved in writing by the Planning Authority. The street lighting layout plan shall address the lighting of the section of footway required under Condition 6 below. The approved scheme shall have been implemented in full prior to the occupation of any dwelling or in accordance with a phasing scheme which has been submitted to and approved in writing by the planning authority prior to the occupation of any dwelling.

Reason

To ensure adequate street lighting is provided.

6. Prior to the occupation of any dwelling a scheme for the provision of a footway along New Road linking the footway to be formed along the New Road frontage of the application site with the footway at on the east side of Alexander Place where it terminates at the junction of Alexander Place and New road shall have been submitted to and approved in writing by the Planning Authority. The scheme shall include full construction details sufficient to meet the adoption standards of Cumbria County Council as Local Highway authority.

Reason

To ensure the development is integrated with the existing network of footways and to accord with Local Plan Policy I4.

7. The landscaping and bio diversity enhancement scheme as detailed in:

Detailed Landscape Proposals ref c-1765-01 [PDP Associates]  
Boundary Treatment Plan ref 19056\_PL01\_112.1 rev B  
Bat and box details  
Biodiversity Enhancement Strategy BEK-19524-4

shall have been implemented in accordance with a detailed programme to be submitted to and approved in writing with the Planning authority prior to the commencement of any development. Any trees, hedgerows or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Planning Authority gives prior written consent to any variation.

Reason

To ensure that the stated bio diversity enhancements are achieved to accord with the Council's Bio Diversity Supplementary Planning Document and to ensure that the agreed landscaping is delivered having regard to the visual amenities of the area.

8. The approved Remediation Scheme comprising Remediation Method Statement ref BEK-19524-3 (Dec 2019), Section 6 of Site Investigation & Ground Assessment ref BEK-19524-2 (July 2019), Ground Gas Risk Assessment ref BEK-18413-191007/JW (Oct 2019) and Proposed Remediation 600mm Clean Capping ref 19524-5 has been implemented and a verification report submitted to and approved in writing by the Local Planning Authority for that particular plot.

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 Local Plan Policy C4.

9. No dwellings shall be occupied (unless in accordance with a scheme of phasing previously submitted to and approved in writing by the Planning Authority) until the estate road, including its footways, the footpaths through the open space linking the development with both New Road and Lots Road, and the footways along the site's frontage with both Lots Road and New Road for the full extent of the site's frontages and including the section required by Condition 6 above, has been constructed in all respects to base course level, and street lighting has been provided and brought into full operational use in accordance with details approved under Condition no 5 above, including any scheme of phasing.

Reason

To ensure a suitable level of access provision to the development and to accord with Policy of the Local Plan.

10. Details of all measures to be taken by the developer to prevent surface water discharging onto the highway shall be submitted to the Planning Authority for approval prior to the beneficial occupation of any part of the development. Any approved works shall be implemented prior to the occupation of the respective dwelling and shall be permanently maintained operational thereafter.

Reason

To minimise dangers to highway users from potential flooding and to give effect to the requirements of the County Council as Highway and Lead Local Flood Authority.

11. The surface water drainage system including the attenuation pond shall be maintained in accordance with the Sustainable Drainage & Management Plan attached as appendix G to the 'Flood Risk Assessment & Detailed Drainage Strategy' ref CN19056 dated 26<sup>th</sup> November 2020.

Reason

To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development, to secure compliance with the consultation responses of the County Council as Lead Local Flood Authority.

12. No more than 15 dwellings shall be erected until a programme for the completion of the estate roads, footpaths and footways referred to under Conditions 6 and 9 above has been submitted to and approved in writing by the Planning Authority and which shall then be completed in accordance with the approved programme and the details approved under Conditions 2 and 6 above. If the estate roads, footways or footpaths are not to be adopted by the County Council as a public highway, then full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall, in addition to the aforementioned programme, be submitted to and approved by the Planning Authority prior to the occupation of the 20th dwelling. The streets shall thereafter be maintained in accordance with the approved management and maintenance details.

Reason

To ensure that the roads, footpaths and footways are completed and that measures are put in place for their retention and maintenance as public highways.

13. In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and Field Investigations shall be carried out. Where required by the Local Planning Authority, remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to occupation of the development.

Reason

To ensure 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 Local Plan Policy C4.

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14. No soil material is to be imported to or reused on the site until it has been tested for contamination and assessed for its suitability for the proposed development. A suitable methodology for testing this material should be submitted to and approved by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out as per the agreed methodology with verification of its completion submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that only suitable material is imported onto site.

15. No dwelling hereby permitted shall be occupied until the vehicular access and turning requirements to serve that particular dwelling have been constructed in accordance with the details approved under Condition 2 and has been brought into use. The vehicular access turning provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered.

Reason

To ensure a minimum standard of access provision when the development is brought into use.

16. All vehicle parking spaces and the accesses thereto must be reserved for the parking of private motor vehicles and no permanent development, whether permitted by the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (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 any part of 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.

17. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modifications) or not, including any provision in Article 3 or Schedule 2, Part Class B of that Order no two storey extension(s) or dormer extension(s) shall be added or formed in the rear elevation (west facing) of the dwelling erected on plot 24.

Reason

To ensure that any additional overlooking from high level windows can be properly considered as the separation distance between the dwelling

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hereby approved and properties to the rear is close to the minimum separation distance permitted by Local Plan Policy.

18. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended)(or any Order revoking and re-enacting that Order with or without modifications) or not, including any provision in Article 3 or Schedule 2, Part 2 Class B of that Order no vehicular access or accesses shall be formed onto either New Road or Lots Road.

Reason

A proliferation of individual house accesses would be detrimental to the safety of pedestrians and users of the adjacent highways, and would potentially result in vehicle parking in prominent locations to the unacceptable visual detriment of the street scene contrary to Local Plan Policies DS5.

19. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended)(or any Order revoking and re-enacting that Order with or without modifications) or not, including any provision in Article 3 or Schedule 2, Part 2 Class A of that Order no fencing shall be erected which would encroach into the wildlife corridor as shown on the Proposed Site Plan & Indicative Landscaping Plan ref 19056\_PL01\_103.

Reason

In order that the wildlife corridor remains as an open feature and that the net gain in bio-diversity is maintained in accordance with Local Plan Policies N3 and N4 and the Council's Bio Diversity and Development SPD.

20. Prior to the commencement of any building works above DPC, samples of the external materials to be used in the construction of the external envelopes of the dwellings hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved details.

Reason

To ensure that the materials are sensitive to the location as required by Local Plan Policy DS5.

21. Affordable housing condition(s) if not included with the 106 obligation/Undertaking [the matter to be delegated to the Planning Manager].
22. The development shall not commence until the approved access has been formed with Lots Road and the footway provided in accordance with details approved by the Local Planning Authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-

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enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason

In the interests of highway safety.

To support Local Transport Plan Policies: LD7, LD8.

**126 Land Opposite Greenhills Pond, Greystone Lane, Dalton-in-Furness**

From Barker Properties Ltd in respect of an application for approval of reserved matters of access, appearance, landscaping, layout and scale following the grant of Outline planning permission 2018/0070 for the erection of up to 36 dwellings and approval of details reserved for subsequent approval by Conditions 7, 9, 10, 11, 12, 13, 14, 16, 17, 21, 22, 23 and 24 on Land opposite Greenhills Pond, Greystone Lane, Dalton-in-Furness as shown on plan number 2019/0737.

Recommendations received and the results of consultations were reported.

It was moved by Councillor Mooney and seconded by Councillor McEwan, and

RESOLVED:- It was unanimously agreed that reserved matters approval be granted on completion of a modification of the Unilateral Obligation dated October 1st 2019 in order for matters 1.2 (part of) and 1.3(c) to 1.3(e) reproduced below to be agreed prior to the commencement of development (currently worded as reserved matters stage) and subject to a supplementary Unilateral Undertaking if considered necessary and subject to Condition No. 1.

For the purposes of Condition 1 of outline planning permission 2018/0070 the reserved matters approval is defined by the following approved plans and documents:

John Coward Architect drawing numbers:

18034-10D (house type 1)

18034-11D (site plan)

18034-12C (house type 3)

18034-13D (house type 2- affordable unit)

18034-14D (house type 4)

18034-15D (house type 5)

18034-16E (house type 6)

18034-17C (landscaping plan)

18034-18C (phasing plan)

Email dated 18/02/2020 from agent (JCA) confirming colour of render as off white

RG Parkins and Partners Ltd drawing numbers:

K36292/A1/101A (Proposed FFL's and External Levels, Sheet 1 of 2)

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K36292/A1/102A (Proposed FFL's and External Levels, Sheet 2 of 2)  
K36292/A1/103 (Proposed Highway's Longitudinal Sections, Sheet 1 of 2)  
K36292/A1/104 (Proposed Highway's Longitudinal Sections, Sheet 2 of 2)  
K36292/A1/105A (External Works Plan, Sheet 1 of 2)  
K36292/A1/106A (External Works Plan, Sheet 2 of 2)  
K36292/A1/107A (External Works Construction Details)  
K36292/A1/151 (FW Pump Station Tanker Turning Swept Path)

Reason

To ensure the development is only carried out as approved and for the avoidance of doubt

and that the following details be approved for the corresponding conditions

[Conditions 3, 4, 5, 8 & 15 withdrawn as per email from agent (JCA) sent on 10/01/20.

Condition 6 (visibility splays)

RG Parkins and Partners Ltd drawing number K36292/A1/109 (S278 Works Layout and Construction Details).

Condition 7 (phasing of highway works to base course and street lighting)

JCA drawing number 18034-18C (phasing plan).

Condition 9 (access to remainder of allocated site)

JCA drawing numbers 18034-11C and 18034-17B (site plan and landscaping plan respectively).

RG Parkins and Partners Ltd drawing number K36292/A1/160.

Condition 10 (start of footpath link to Dunlin Drive)

JCA drawing numbers 18034-11C and 18034-17B (site plan and landscaping plan respectively).

RG Parkins and Partners Ltd drawing number K36292/A1/160.

Condition 11 (phasing for completion of highways)

JCA drawing number 18034-18C (phasing plan).

Condition 12 (surface water drainage)

RG Parkins and Partners Ltd:

K36292/A1/130 (Surface Water Catchment Plan)  
K36292/A1/131A (Foul and Surface Water Drainage Plan Sheet 1 of 2)  
K36292/A1/132B (Foul and Surface Water Drainage Plan (Sheet 2 of 2)

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K36292/A1/140 (Exceedance Flow Route Plan)  
K35004-01D-FRA-RH

Condition 13 (SUDS management and maintenance plan)

RG Parkins and Partners Ltd- K36292-01-O&M-JJ (Operations and Maintenance Plan for Sustainable Drainage Systems).

Condition 14 (measures to prevent surface water discharging onto the highway)

RG Parkins and Partners Ltd:

K36292/A1/130 (Surface Water Catchment Plan)  
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K36292/A1/131A (Foul and Surface Water Drainage Plan Sheet 1 of 2)  
K36292/A1/132B (Foul and Surface Water Drainage Plan (Sheet 2 of 2))  
K36292/A1/140 (Exceedance Flow Route Plan)  
K36292/A1/150 (Detention Basin Section and Details)  
K35004-01D-FRA-RH.

Condition 16 (desk study into ground conditions/potential for contamination)

Arc Environmental: Phase 1 Desktop Study Report 19-315.

Condition 17 (field investigation & risk assessment)

Arc Environmental Phase 2 Ground Investigation Report 1-484.

Condition 21

Arc Environmental 19-484.01L Methodology for Verification of Imported Soils-Greystone Lane.

Condition 22 (hedgerow protection measures)

JCA drawing number 18034-17B (landscaping plan)  
Envirotech Condition Discharge Document R4

Condition 23 (hedgerow management scheme)

JCA drawing number 18034-17B (landscaping plan)  
Envirotech Condition Discharge Document R4  
DS&H Fell Letter dated 5th February 2020  
Trinity Management Proposal

Condition 24 (Bio diversity enhancement measures)

JCA drawing number 18034-17B (landscaping plan)  
Envirotech Condition Discharge Document R4  
Envirotech Newt Impacts Document  
DS&H Fell Letter dated 5th February 2020



Condition 26 (Open space provision)

JCA drawing numbers 18034-11C and 18034-17B (site plan and landscaping plan respectively)

and that certain details be agreed as required under the Unilateral Undertaking dated October 1st, 2019.

With respect to Affordable Housing (paragraphs relate to the numbers used within the Undertaking):

1.2 details of the numbers of, the location, the dwelling type, proposed tenure and approx. floor area in square metres but excluding details of the proposed rent or price of the affordable units

- Number of units (4) and location defined by JCA drawing number 18034-11C (site plan), floor area defined by drawing no 18034-13D (house type 2), proposed tenure (affordable rent) defined by letter from Home Group dated 20th Feb 2020

1.3(a) no less than 10% to be affordable units

4 units proposed- JCA drawing numbers 18034-13D (house type 2) and 18034-11C (site plan)

1.3(b) the timing of construction of the affordable units

to be completed prior to the completion of 18 market houses - JCA drawing number 18034-18D (phasing plan)

but excluding

1.2 (part of) details of the proposed rent or price of the affordable units

Not applied for/not approved

1.3(c) the arrangements for the transfer of the affordable units to either a register provider or the management of the affordable units

Not applied for/not approved

1.3(d) arrangements to ensure that the affordable units are affordable to both first and subsequent occupiers

Not applied for/not approved

1.3(e) the occupancy criteria to be used for determining the identity of occupiers of the affordable units and the means by which such occupancy criteria shall be enforced.

Not applied for/not approved

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SUDs maintenance strategy

4.1) RG Parkins and Partners Ltd- K36292-01-O&M-JJ (Operations and Maintenance Plan for Sustainable Drainage Systems).

Open space maintenance scheme

5.1) Trinity Management Document dated 10th February 2020.

The meeting closed at 3.24 pm.