

PLANNING COMMITTEE

Meeting: Tuesday, 16th November, 2021
at 2.30 pm. (Banqueting Hall)

Present: Councillors M. A. Thomson (Chair), C. Thomson (Vice-Chair), Assouad, D. Edwards, Gawne, Hall, Husband, McEwan, Nott, Tyson and Zaccarini.

Officers Present: Maureen Smith (Principal Planning Officer) and Paula Westwood (Scrutiny and Democratic Services Team Leader).

68 Apologies for Absence

An apology for absence had been received from Councillor Mooney.

69 Declarations of Interest

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

70 Minutes

The Minutes of the meeting held on 26th October, 2021 were taken as read and confirmed.

71 Public Participation

RESOLVED:-

Mr McVeigh (Objector) addressed the Committee in relation to the Planning Application for 39 Crellin Street, Barrow-in-Furness (Minute No. 74 refers).

No deputations or petitions had been received in respect of the meeting.

72 Delegated Decisions

The Director of People and Place submitted for information details of planning applications in this report which she 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:-

2021/0723 Rear single storey dining room extension at 75 Highlands Avenue, Barrow-in-Furness.

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- 2021/0644** Removal of existing Leylandii hedge to boundary with Mulberry Way and construction of new brick boundary wall with timber infill fence panels at 23 Holbeck Park Avenue, Barrow-in-Furness.
- 2021/0671** Change of use from a hairdressers (Class E) to a house (Class C3) at 1 Whitehead Street, Barrow-in-Furness.
- 2021/0686** Demolition of existing house and construction of a replacement dwelling with associated works at Barrow House Farm House, Barrow House Farm, Woodbine Lane, Newton-in-Furness.
- 2021/0835** Notice of intention to (works to trees within Conservation Area) – Ash (1) – remove metal tree guard at Station Road, Dalton-in-Furness.
- 2021/0728** Application for approval of details reserved by Condition No. 3 (Materials) of planning permission 2018/0608 (Construction of 4 No. three bedroom terraced houses (revised scheme) at Washington Villas, Roose Road, Barrow-in-Furness.
- 2021/0738** Single storey rear extension to form enlarged kitchen with dining area at 45 Mulberry Way, Barrow-in-Furness.
- 2021/0653** Replacement of rear single storey conservatory with a rear single storey sun room at 15 Hornedale Avenue, Barrow-in-Furness.
- 2021/0694** Application for the variation of Condition 4 of planning application 2013/0763 to allow for the extended operating hours until 3.00 am at 52 Cavendish Street, Barrow-in-Furness.
- 2021/0754** Conversion of garage to TV/playroom at 26 Tyne Road, Barrow-in-Furness.
- 2021/0830** Notice of intention to (works to trees within Conservation Area) – Ornamental Maple (1) – remove metal tree guard, remove trunk growth and remove dead branch; and Maple (2) – remove metal tree guard at Market Place, Dalton-in-Furness.
- 2021/0831** Notice of intention to (works to trees within Conservation Area) – Ash (1) – remove metal tree guard at Market Street, Dalton-in-Furness.

The following application had been refused:-

- 2020/0657** Application for Outline Planning Permission for Residential development for two dwellings (pair of semi-detached 2 storey dwellings) with appearance, landscaping, layout and scale reserved for subsequent approval) on Land at Green Area, Dalton-in-Furness.

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

Town and Country Planning Acts

The Development Services Manager (Planning and Enforcement) reported on the following planning applications:-

73 Land at Yarlside Road, Barrow-in-Furness

From Mr J. Brown in respect of an application for Outline Consent for the erection of 3 detached dwellings with access included off Yarlside Road (appearance, landscaping, layout and scale to be reserved matters) on land at Yarlside Road, Barrow-in-Furness as shown on planning application number 2021/0514

Representations received and the results of consultations were reported.

The Principal Planning Officer informed Members of a revised condition (Condition No. 3) which had been included in the Extra Information Booklet circulated prior to the meeting, whereby amended plans had been received to resolve a neighbour query regarding access.

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

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

1. Application for approval of Reserved Matters must be made not later than the expiration of three years beginning with is permission and the development must not 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 and Compulsory Purchase Act 2004.

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

Compliance with Approved Plans

3. Application(s) 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 amendments to the consent:

Application form dated 5.7.21

Proposed Draft Layout and Highway Access Drawing MEJ/2021/614/002B Issue 3 (amended plan received on 12.11.21)

Location Plan MEJ/2021/614 002 Issue 2 (amended plan received on 11.11.21)

Drainage Outfall Access Route Drawing MEJ/2021/614/002A Issue 2 (amended plan received on 12.11.21)

Drainage Strategy Issue 1

Preliminary Ecological Appraisal from Envirotech ref 6799 dated 14.12.20 and the recommendations and mitigation contained therein.

Reason

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

Pre-commencement Conditions

4. Prior to the commencement of any development, a landscape scheme and landscape and habitat management plan for the site, including the long term design objectives, management responsibilities and maintenance schedules for not less than 5 years following implementation, for all areas of landscaping and the woodland to the west of the site, other than those within the curtilages of individual dwellings, shall be submitted to and approved in writing by the Local Planning Authority and the design, management objectives and maintenance of the landscaped areas shall thereafter be in accordance with the approved Landscape and Habitat Management Plan. The plan shall show the trees, shrubs and hedgerows, including verges and other open spaces, together with details of a timetable for implementation, (including any phasing of such a scheme) and it must be submitted to and approved in writing by the Planning Authority. The scheme shall be submitted on a plan not greater than 1:500 in scale and shall contain details of numbers, locations and species of plants to be used. The scheme shall also include street trees as required by Paragraph 131 of the NPPF. The scheme shall be implemented in accordance with the approved details, and all planting and subsequent maintenance shall be to current British Standards. The landscape scheme shall take account of the recommendations set out in the Ecological Appraisal prepared by Envirotech Ref 6799 dated 14.12.20 and the Mitigation Recommendations in Section 7 in relation to retention of the woodland to the west of the site, wildflower seeding of verges and hedgerow retention.

Reason

In the interests of the visual amenities of the area and to ensure that landscaping and biodiversity net gain are co-ordinated.

5. Prior to the commencement of any development, the following measures must be met to safeguard the trees that are present on site:
- a) Fencing in accordance with a scheme submitted to and approved by the Planning Authority must be erected around each tree or group of trees. This fencing must be at least 1.25 metres high and at a radius from the trunk defined by the crown spread but not exceeding 4.5 metres.
 - b) No excavations, site works, trenches, channels, pipes, services, temporary buildings used in connection with the development or areas for the deposit of soil or waste or for storage of construction materials, equipment or fuel shall be sited within either the crown spread of any tree or within the root protection area of the trees as shown on the approved plans without the prior express consent of the Planning Authority.
 - c) No burning of any materials shall take place within 6 metres of any tree or tree groups to be retained without the prior express consent.

Reason

In order to ensure that damage does not occur to the trees during building or engineering operations.

6. Prior to the commencement of development on site a trespass proof palisade fence of a minimum height of 1.8m shall be erected along the boundary of the site with the railway land in the position shown on a plan to be submitted to and agreed in writing by the Local Planning Authority, and thereafter so retained.

Reason

To prevent any access onto the railway land in the interests of pedestrian and railway safety.

7. No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period.

The plan/statement shall provide for:

- 24 hour emergency contact number;
- Hours of operation;
- Parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Routes for construction traffic;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud being carried onto the highway including wheel washing facilities where vehicles will enter/exit the site;
- Measures to protect vulnerable road users (cyclists and pedestrians);

- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses;
- measures to control the emission of dust and dirt during construction.

Reason

In the interests of safe operation of the adopted highway in the lead into the development during the preparation and construction phase of the development and to safeguard the amenity of neighbouring residents.

8. Prior to the commencement of the development hereby approved an Energy Statement shall be submitted with any reserved matters application for the approval of the Local Planning Authority to demonstrate how the development hereby approved shall incorporate energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures into the design and construction of the development. The development shall be constructed in full accordance with the Energy Statement prior to occupation.

Reason

To ensure the development incorporates measures to minimise the effects of and can adapt to a changing climate.

9. The carriageway, footways, footpaths, cycleways, access etc. shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. The submitted details shall also include provision for a refuse vehicle to collect refuse and recycling with a designated area for collection that is not on the highway. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. The works shall be carried out in accordance with the approved details and completed before the occupation of the first dwelling.

Reason

To ensure a minimum standard of construction in the interests of highway safety.

10. Prior to the commencement of any development, the location, type and situation of any screen walls or fences shall be submitted to and approved in writing by the Planning Authority. Before the development hereby approved is occupied such screen walls or fences shall be erected and thereafter retained unless the Planning Authority gives prior written consent to any variation. All fences shall be designed to allow migration of wildlife through the site.

Reason

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

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. All drainage must drain away from the railway line and any soak-aways must be at least 30m from the railway boundary and must not drain into any culverts which run under the railway. 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, including the maintenance schedule, shall be submitted in a Sustainable Drainage Strategy, and approved in writing by the Planning Authority prior to installation, and thereafter installed and maintained in accordance with the approved details.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flood and pollution and to ensure that any surface water systems continue to function as designed and that flood risk is not increased within the site or elsewhere.

12. Prior to the commencement of development, details showing the provision of a vehicle turning space within the site, which allows vehicles visiting the site to enter and leave the highway in a forward gear, shall be submitted to the Local Planning Authority for approval. The development shall proceed in accordance with the approved details and the access and parking/turning requirements shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway. The development shall not be brought into use until any such details have been approved and the turning space constructed. The turning space shall not thereafter be used for any other purpose.

Reason

To ensure that provision is made for vehicle turning within the site and in the interests of highway safety and the carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users.

13. Any reserved matters application shall include a bio-diversity net gain plan and habitat and landscape management plan which shall provide details of bio-diversity net gain measures and details of enhancement and protection of ecological features, including the future management of the retained woodland

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to the west of the site. The document shall include the Mitigation Recommendations set out in the Ecological Appraisal prepared by envirotech (report reference 6799 dated 14.12.20) and the documents shall be submitted to and be approved in writing by the local planning authority. The development shall not proceed except in accordance with the approved proposals.

Reason

To ensure that bio-diversity net gain is achieved on the site and that any existing features of biodiversity interest are retained and that opportunities to incorporate biodiversity in and around the development are encouraged.

14. 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 Land Contamination Risk Management (LCRM)).

Reason

In the interests of environmental protection.

15. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use. This surfacing shall extend for a distance of at least 5.0 metres inside the site, as measured from the carriageway edge of the adjacent highway.

Reason

In the interests of highway safety.

Before Occupation

16. Prior to the first occupation of the dwellings hereby approved details of a 1.8m high acoustic fence to be installed along the western boundary of the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. The fence shall be installed prior to first occupation and shall thereafter be retained or replaced by a similar fence of the same acoustic performance, for the lifetime of the development.

Reason

In order to safeguard future residents from noise and disturbance from the railway line to the west of the site.

17. Should the future reserved matters application be based on a private road arrangement, then no building shall be occupied until details of arrangements for the future management and maintenance of the proposed carriageways, footways, footpaths and landscaped areas not put forward for adoption within

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the site have been submitted to and approved in writing by the Local Planning Authority. Following occupation of the first dwelling on the site, the streets shall be maintained in accordance with the approved management and maintenance details.

Reason

To ensure that all private streets and landscaped areas are appropriately managed and maintained to ensure the safety of all users.

18. An Electric Vehicle Charging Point for each dwelling shall be installed prior to the first occupation of each dwelling and shall be retained and managed for operational use thereafter for the lifetime of the development.

Reason

To promote sustainable travel, aid in the reduction of air pollution levels and help mitigate climate change.

19. No dwelling shall be occupied until the dwelling has been provided the vehicular parking spaces, access and turning facility as required by the latest Cumbria Highways Design Guide. The parking spaces, access thereto and the turning facility 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 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.

20. The approved contamination 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

In the interests of environmental protection.

Operational Conditions

21. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following beneficial occupation of any part of the development, or in accordance with the phasing of the scheme as agreed in writing with the Planning Authority. Any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced by the landowner in the next planting season with others of a similar size and species, unless the Planning Authority gives prior written consent to any variation.

Reason

In the interests of the visual amenities of the area.

22. No works shall be undertaken within 10m of the Network Rail boundary, until the developer has provided the Planning Authority with written details and agreement by, or on behalf of, Network Rail, of a Risk Assessment and Method Statement (RAMS).

Reason

So as to not influence the stability of the railway cutting or affect the safety, operation or integrity of the existing operational railway.

23. No infiltration systems shall be constructed within 20m of Network Rail Property.

Reason

So as to not influence the stability of the railway cutting or affect the safety, operation or integrity of the existing operational railway.

24. 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 Land Contamination Risk Management (LCRM)), 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

In the interests of environmental protection.

25. 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

In the interests of environmental protection.

26. 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

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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

In the interests of environmental protection.

27. 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

In the interests of environmental protection

28. Any highway fence/wall boundary shall be reduced to a height not exceeding 1.05m above the carriageway level of the adjacent highway in accordance with details submitted to the Local Planning Authority and which have subsequently been approved before development commences and shall not be raised to a height exceeding 1.05m thereafter.

Reason

In the interests of highway safety.

74 39 Crellin Street, Barrow-in-Furness

From Mr C. Alexandrou in respect of the change of use from a retail shop (Use Class E(a)) to a hot food takeaway (Sui Generis) at 39 Crellin Street, Barrow-in-Furness as shown on planning application number 2021/0709.

Representations received and the results of consultations were reported.

Mr McVeigh (Objector) attended the meeting and addressed the Committee.

It was moved by Councillor M.A. Thomson and seconded by Councillor McEwan that consideration of this matter be deferred until the Highway Authority had been consulted on the application.

RESOLVED:- It was unanimously agreed that consideration of the application be deferred until the Highway Authority had been consulted on the application.

The meeting closed at 2.50 pm.