

PLANNING COMMITTEE

Meeting: Tuesday, 12th April, 2022
at 2.30 pm. (Drawing Room)

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

Officers Present: Jason Hipkiss (Head of Development Management), Charles Wilton (Principal Planning Officer), Sandra Kemsley (Democratic Services Officer) and Katie Pepper (Democratic and Electoral Services Officer).

113 Apologies for Absence

Apologies for absence had been submitted from Councillors Husband and Zaccarini.

114 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.

115 Minutes

The Minutes of the meeting held on 15th March, 2022 were taken as read and confirmed.

116 Public Participation

RESOLVED:- To note that no questions, representations, deputations or petitions had been received in respect of the meeting.

117 Delegated Decisions

The Director of People and Place had submitted for information details of planning applications in this report which he had determined under delegated authority (Minute No. 107, Executive Committee, 7th February, 2018, confirmed by Council 1st March, 2018 (Minute No. 63). 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:-

2021/0975 Construction of part two storey and part first floor side extension forming kitchen to ground floor and master bedroom with inset balcony, en-suite and dresser to first floor; construction of rear single storey extension forming utility room; construction of front porch; associated internal layout alterations (Re-submission of 2021/0051) at 6A Rampside, Barrow-in-Furness.

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- 2021/0812** Two storey side extension and single storey rear extension forming additional bedroom, store, wc and extended kitchen/seating area at 6 Leighton Drive, Barrow-in-Furness.
- 2022/0018** Advertisement consent to display a 'Wardgroup' externally illuminated sign and a 'Decorating Centre and supplier logo' externally illuminated sign to rear elevation at Wards, James Freel Close, Barrow-in-Furness.
- 2022/0024** Demolition of existing out houses and erection of a rear extension forming a utility room and wc at 5 Afton Street, Barrow-in-Furness.
- 2022/0032** Single storey extension forming, craft room, garage, utility room and wc with new access from highway at 200 Abbey Road, Barrow-in-Furness.
- 2022/0039** Installation of a 8.76KW ground mounted photo voltaic system for domestic use at Tytup Farm, Tytup, Dalton-in-Furness.
- 2022/0051** Single storey rear extension forming an extended kitchen at 25 Acorn Bank, Barrow-in-Furness.
- 2022/0054** Application for approval of details reserved by Condition No. 5 (street lighting details and 9 (phasing scheme details) of planning permission 2019/0576 (Residential Development of 29 dwellings, comprising mix of 3 and 4 bedroom dwellings (Bungalow and 2 storey) and associated road ways, parking and amenity space) at Housing Development Site, Lots Road, Askam-in-Furness.
- 2021/1000** Building to contain 3 stables, feed and tack store with hard standing at Field at Cows Tarn Lane, Barrow-in-Furness.
- 2022/0028** Demolition of existing single storey rear kitchen extension. Replace with new 'wrap around' single storey extension forming a kitchen/diner/sitting room, utility and ground floor wc at 7 Baldwin Street, Barrow-in-Furness.
- 2022/0029** Change of use of holiday let C3 to residential at 118 Market Street, Barrow-in-Furness.
- 2022/0101** Erection of single storey side extension at 10 Tees Gardens, Barrow-in-Furness.
- 2022/0108** Single storey extension to rear of the property for a new kitchen diner at 68 Redshaw Avenue, Barrow-in-Furness.
- 2021/0942** Change of use from retail (Class E) to hot food takeaway (Sui Generis) and installation of extraction fan and ducting system on rear elevation and associated external alterations (part ducting to rear of 49 Crellin Street) at 47 Crellin Street, Barrow-in-Furness.
- 2021/0967** Erection of a detached single storey dwelling and associated works at Plot 1, Former St Perrans Church, North Row, Barrow-in-Furness.

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- 2021/1004** Proposed extension forming a tack room to existing barn type stable unit. Proposed wc and siting of waste water treatment plant on land at Park Road, Barrow-in-Furness.
- 2022/0096** Erection of front porch and side store extension at 2 Pear Tree Bank, Barrow-in-Furness.
- 2022/0098** Two storey side extension forming utility, shower room, store, additional bedroom and extended bathroom and rear single storey extension forming extended kitchen and dining area at 43 Strathnaver Avenue, Barrow-in-Furness.
- 2022/0073** Erection of first floor pitched roof extension over existing garage to provide en-suite bathroom to bedroom 3 and 12 Almond Walk, Barrow-in-Furness.
- 2022/0074** Erection of first floor pitched roof extension over existing garage to provide additional bedroom and provision of front porch at 10 Almond Walk, Barrow-in-Furness.
- 2022/0121** Conversion of an existing rear glass conservatory into a block built flat grp roofed kitchen-diner with terrace at ground floor at 12 Conyers Avenue, Barrow-in-Furness.
- 2022/0001** Two storey side extension forming ground floor utility room, wc and sung and first floor extended bedroom and additional bedroom; alteration of access to create off-road parking spaces and 99 Balmoral Drive, Barrow-in-Furness.
- 2022/0005** Erection of a building providing stables and tractor/machinery storage at Honeypot Stables, Park Road, Barrow-in-Furness.
- 2022/0063** Change of use of former martial arts gymnasium (Class E(d) to 6 no. self-contained studio apartments and 1 no. 1 bed house (Class C3) including associated external alterations (resubmission of 2021/0612 in a revised form) at 2-6 Derry Street, Barrow-in-Furness.
- 2022/0100** Rear extension for open plan living at 52 Beach Crescent, Barrow-in-Furness.
- 2021/0732** Listed Building Consent to install external power supply cable to elevations as part of the under grounding of supply currently provided overhead via timber poles at Moss side Farm House, Moss Side Farm, Page Bank Lane, Barrow-in-Furness.
- 2022/0111** Permission in principle to erect a single dwelling on land adjacent to 18 High Duddon Close, Ireleth, Askam-in-Furness.
- 2022/0004** Two storey side extension and single storey rear extension forming extended kitchen and dining room, addition of ground floor utility room, wc and store and first floor bedroom and walk-in wardrobe and en-suite shower room at 34 Hill Road, Barrow-in-Furness.

- 2022/0011** Demolition of existing extension. Construction of single storey side extension forming family room and utility room and internal alterations to existing ground floor layout at 1 Court 6 Market Street, Dalton-in-Furness.
- 2022/0045** Proposed rear single storey pitched roof extension and associated internal layout alterations to create open-plan living/kitchen/diner. Provision of 1.8m high vertically boarded fence to site boundaries at 1 Friars Terrace, Barrow-in-Furness.
- 2022/0068** Proposed flat roofed rear dormer in association with loft conversion to form additional bedroom and erection of ground floor single storey rear extension forming a bathroom at 45 Walney Road, Barrow-in-Furness.
- 2022/0159** Application for approval of details reserved by Condition No. 5 (details of replacement planting) planning permission 2021/0943 (Application for works to trees subject of Tree Preservation Order 1977 No. 3 – T014, T015, T016 (Sycamores), T018 (Ash) – to crown raise to 5 metres by removing the lower crown branches and to fell tree T017 (Sycamore) as numbered on plan) at The Crofters, Holbeck Park Avenue, Barrow-in-Furness.

The following application was a split decision:-

- 2022/0035** Advertisement consent to display 1 non illuminated fascia sign to front elevation and 3 non illuminated fascia signs to rear elevation at 50 Abbey Road, Barrow-in-Furness.

Prior Approval was not required for the following application:-

- 2022/0095** Application to determine if prior approval is required for the proposed: Change of use of part of Agricultural Building to use for the operation of a milk delivery business being a flexible use within Storage or Distribution (Use Class B8) at Woodbine Farm, Woodbine Lane, Newton-in-Furness.

The following application had been refused:-

- 2022/0025** Two storey side extension forming two additional bedrooms (1 en-suite) to first floor and playroom and extended garage to ground floor at 17 Rusland 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 Head of Development Management reported on the following planning application:-

118 Land South of County Coachbuilders, Park Road, Barrow-in-Furness

From Venture Business Space Limited in respect of a Hybrid Planning Application for mixed use development comprising: (i) Builder's merchant (Sui Generis) including trade counter, outside storage and display area, with landscaping, open space, access, car parking, drainage including Sustainable Urban Drainage Systems (SUDS) and associated works; and residential development of up to 48 dwellings including landscaping, open space, drainage (including SUDS) and associated works in outline with all matters reserved on Land south of County Coachbuilders, Park Road (adjoining Middlefield and Bank Lane), Barrow-in-Furness as shown on planning application number 2021/0771.

Representations received and the results of consultation were reported.

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

The Principal Planning Officer had suggested an additional condition regarding the position and limiting the height of the external storage (Condition No. 26 refers).

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

RESOLVED:- It was unanimously agreed that:

- (A) On completion of a 106 obligation to secure the matters as stated below*, then
- (B) That full planning permission be granted for development comprising builder's merchant (Sui Generis) including trade counter, outside storage and display area, with landscaping, open space, access, car parking, drainage including Sustainable Urban Drainage Systems (SUDS) and associated works 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 and Compulsory Purchase Act 2004.

2. Conditions 2 to 26 relate to the full part of this permission shown as Part A on the submitted Framework Plan (ref. 8663s-PA04E) as described under (i) above. Conditions 27 to 51 relate to the outline part of this permission, shown as Part B on the submitted Framework Plan (ref. 8663s-PA04E) and described under (ii) above.

Reason

For the avoidance of doubt and to define the permission hereby granted.

3. The development shall be carried out in accordance with the application dated 09/03/2022 (application form/description amended on this date) and the following approved plans except where otherwise stipulated by

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conditions attached to this planning permission and subject to the external racking plan being subordinate to the other listed layout plans:

8663s-PA04E Framework Plan
8663s-PA02F Illustrative Site Masterplan
8663s-PA12 Biodiversity Framework Plan
253 PA 01E Landscape 9-3-22-Model
Dr0401-Drainage Levels and Exceedance Strategy-P01
8663s-PA11A Fencing and street Furniture
8663s-PA10A External racking layout
8663s-PA09 Proposed site sections
8663s-PA08 Existing site sections
8663s-PA07 proposed roof plan
8663s-PA06A Proposed elevations
8663s-PA05A Proposed Ground floor plans
8663s-PA03F Proposed site layout
8663s-PA01A site location
8663s- PA13 Trade counter area plan
LP210335 dated 8/09/2021 Lighting design
LP210335 dated 21/03/2022 Lighting Design with regard Ecological Assessment

Reason

To ensure that the development is carried out as approved. The external racking plan is based on a superseded format.

4. The premises shall not be open for business and no machinery shall be operated nor any process carried out, no loading or unloading take place and no delivery vehicles be allowed to enter or leave the application site except between 06:00 and 19:00 hours Monday to Friday, 06:00 and 16:00 hours on Saturdays, and 9:00 and 16:00 hours on Sundays and Bank Holidays.

Reason

To protect the residential amenity of neighbouring properties

5. The development hereby approved shall be used only as a builder's merchant and within which the trade counter area / small product store / display area for kitchens and bathrooms shall be limited to the area coloured yellow in drawing 8663s-PA13.

Reason

The site is located away from the town centre where a retail use would be contrary to the National Planning Policy Framework and Local Plan policy R4 Car parking provision would need to be re assessed for a different use category

6. The works associated with providing access to the Builders Merchant, shall be constructed in accordance with the approved drawings before the development comes into use. The gradient of the site access road shall not be steeper than 1 in 25 for the initial 10m from the Park Road nearside road channel line, and thereafter no steeper than 1 in 12. The

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carriageway, footways, footpaths, cycleways etc associated with providing access to the Builders Merchant shall be designed, constructed and drained in accordance with the approved drawings before the development comes into use. Details of longitudinal/cross sections shall be submitted to the Local Planning Authority for approval before work commences on site and no work shall be commenced until a full specification has been approved. Any works so approved shall be constructed before the development comes into use.

Reason

To ensure a minimum standard of construction in the interests of highway safety. To support Local Transport Plan Policies: LD5, LD7, LD8

7. The approved use shall not commence until the vehicle parking, cycle stands and the 2x EV charging points have been provided in accordance with drawing ref 8663s-PA03F 'Proposed site layout plan. The approved facilities shall be retained for the lifetime of the development hereby approved.

Reason

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

8. A footpath/cycleway link from Middlefield shall be provided prior to the beneficial use of the builders' merchants hereby approved and which shall link continuously and conveniently to the nearest existing cycleway and footway on Park Road. The layout shall provide for safe and convenient access by cycle and also be designed to link into the future residential site, all in accordance with further details which must have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure a suitable standard of crossing for pedestrian safety.

9. The development shall not commence until visibility splays providing clear visibility of 120 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 (as amended) or any Order revoking and re-enacting that Order with or without amendments, 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 grown 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.

10. Access gates, if provided, shall be hung to open inwards only away from the highway.

Reason

In the interests of highway safety.

11. The internal 'manual operation security gates' must remain open during the hours of trading to provide access to the additional parking places to prevent overflow parking on the highway.

Reason

In the interests of highway safety.

12. The approved use shall not commence until a right turn lane and pedestrian refuge has been provided within the carriageway of the A590 as indicated on 'Illustrative site master plan ref 86663s/PA0 2F' Proposed site layout and in accordance with further details which must have first been submitted to and approved in writing with the Local Planning Authority.

Reason

In the interests of public safety

13. Development shall not commence until a Construction Traffic Management and Construction Surface Water Management Plan has been submitted to and approved in writing by the local planning authority. This shall include details of:
 - 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)
 - Details of measures to avoid surface water running off the construction site onto the highway

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.

14. Prior to the commencement of any development, a surface water sustainable drainage scheme, based on sustainable drainage principles and the hierarchy of drainage options in the National Planning Practice Guidance and Local Plan policy C3a with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards including details of water quality controls. The drainage scheme shall be completed in accordance with the approved details prior to the beneficial use of the development hereby approved and the approved drainage scheme shall thereafter be retained at all times

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

15. The development hereby approved shall not be brought into use until details of a management and maintenance plan for the sustainable drainage system required by condition no 14 which shall cover the lifetime of the development, has been submitted to and approved in writing by the Local Planning Authority. The sustainable drainage system shall thereafter be managed and maintained at all times in accordance with the approved details.

Reason

To ensure that adequate and appropriate funding, responsibility and maintenance mechanisms are in place for the lifetime of the development, in order to ensure the appropriate drainage of the site and to reduce the risk of flooding, and to accord with Local Plan policy C3a.

16. Prior to the commencement of development a Construction Management Method Statement shall have been submitted to and approved in writing with the planning authority. The method statement shall cover all phases of the development and take account of all contractors or sub-contractors and will be expected to include:

Details of phasing of the construction work including a programme of work for the demolition and construction phase;

-Procedures to monitor and mitigate noise and vibration from the construction and demolition 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;

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- 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

To protect the residential amenities of the area from noise, dust etc.

17. No development shall be commenced until a scheme for the protection of trees and hedges located along the site's southern boundary has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall also provide for no excavation, site works, trenches or channels to be cut or laid or soil waste or other materials deposited so as to cause damage or injury to the root structure of the retained trees or hedges. The approved scheme of protection measures shall be implemented in its entirety before any works are carried out, including any site clearance work, and thereafter retained during building operations until the completion of the development or in accordance with a scheme to be agreed in writing.

Reason

To protect an important landscape feature and a feature of biodiversity interest

18. The approved details of landscaping as shown on Landscape Proposals Plan ref 253 PA 01E shall have been implemented in accordance with a detailed phasing plan/timescale 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 green infra structure and proposed landscaping is delivered having regard to the visual amenities of the area which includes the strategic route into Barrow

19. Prior to the beneficial use of the development a detailed scheme to deliver a net gain in Biodiversity including a timescale for implementation shall have been submitted to and approved in writing with the planning authority. The scheme shall be based on the submitted 'Biodiversity

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Framework Plan' ref 8663s/PA12 and include, bat, bird boxes, the management of the hedgerow to southern boundary and sections of the proposed temporary ponds. The scheme shall include measures for the future management of the biodiversity features. The scheme shall be implemented in full in accordance with the approved timescale and managed thereafter in accordance with the approved details.

Reason

To ensure that the stated green infra structure and biodiversity enhancements are achieved to accord with the Council's Bio Diversity Supplementary Planning Document.

20. External lighting shall be switched on only during the operating hours defined by condition 4 above.

Reason

To control light pollution, to give effect to the recommendations of the Preliminary Ecological Appraisal [World Ecology Ltd August 2021], and to accord with Local Plan policies DS2 and DS5.

21. Site strip prior to development shall be undertaken under archaeological supervision and any sub surface remains shall be recorded in accordance with a scheme of archaeological works to be submitted to and approved in writing with the Local Planning Authority.

Reason

To give effect to the Archaeological Desk Based Assessment [Oxford Archaeology August 2021].

22. Prior to the commencement of any above ground building works details of the proposed brickwork to external elevations shall have been submitted to and approved in writing by the 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.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order revoking and re-enacting that Order with or without modification) no fences or walls shall be erected, included any replacement fencing of a different design or appearance, within the application site other than those hereby approved under references 'Fencing and Street Furniture ref 8663s/PA11A' in the location shown on the 'Proposed Site Layout ref 8663s/PA03F.

Reason

To protect the contribution of the proposed landscaping to Park Road boundary, to avoid the approved fencing being replaced by in

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appropriate fencing, to protect the general amenities of the area, to accord with Local Plan policies DS2, DS5 and DS7.

24. Prior to the beneficial use of the development hereby approved the close boarded fence must have been installed as per the 'Fencing and Street Furniture ref 8663s/PA11A' in the location shown on the 'Proposed Site Layout ref 8663s/PA03F' and which shall be permanently retained for the lifetime of the development hereby approved.

Reason

To give effect to the recommendations of the Noise: The Environmental Noise Assessment Report Ref No. 9990, dated 5th August 2021.

25. The site area to be stripped shall be limited to the part of the application site subject of the full planning permission.

Reason

To prevent the area subject of the outline permission being stripped prior to the grant of full planning permission.

26. External storage shall only occur in the positions shown or exceed the height limits stated as per drawing ref 8663s-PA10A External racking layout.

Reason

To control the location and heights of stored materials having regard to the prominent location relative to the A590 and the need to protect the amenities of future occupants of the development granted outline planning permission; and

- (C) Barrow-in-Furness Borough Council hereby give notice in pursuance of the provisions of the above-mentioned regulations that outline planning permission has been granted for the carrying out of the development referred to under (ii) above and subject to the following conditions:-

27. No development shall take place until full details of the access, appearance, landscaping, layout and scale of the development (referred to herein as Reserved Matters) 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.

28. Application for 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

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- b) The 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.

29. The Reserved Matters of access, appearance, landscaping, layout and scale for this outline element of the approved development shall generally accord with the parameters as shown within the Development Framework Plan (Ref: 8663s-PA04E).

Reason

For the avoidance of doubt and to ensure the development is carried out as approved.

Highway conditions

30. No dwellings or buildings or structures shall be commenced until the access roads, as approved, are defined by kerbs and sub base construction.

Reason

To ensure that the access roads are defined and laid out at an early stage and to prevent mud and dust from contaminating the highway.

31. The development shall not commence until visibility splays providing clear visibility of 60 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.

32. 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 footways, 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 8 below, including any scheme of phasing.

Reason

To ensure a suitable level of access provision to the development and to accord with saved policy E2 of the Local Plan Review 1996 to 2006.

33. The carriageway, footways and footpaths shall be designed, constructed, drained and lit to an adoptable standard and in this respect further details, including a full specification, setting out plan, lighting details, longitudinal and cross sections, and details of phasing shall have been submitted to and approved in writing by the Planning Authority prior to the laying out of the approved estate roads. The development shall then proceed in accordance with the approved details.

Reason

To secure the requirements of the County Council as Highway Authority, and to provide a safe environment for pedestrians and other users and to ensure an adequate standard of highway construction, and to accord with saved policy E2 of the Local Plan Review 1996 to 2006.

34. Footways shall be provided that link continuously and conveniently to the nearest existing footway. Pedestrian links within and to and from the site shall be provided that is convenient to use and which shall include a pedestrian link through to Bank Lane, and connecting the development to the footway network in Middlefield.

Reason

To deliver an adequate standard of pedestrian access having regards to promoting sustainable transport modes and public safety. |To accord with Local Plan policies DS2, DS5 and H7.

35. The site layout shall include two vehicular accesses from Middlefield to provide a loop road layout which also delivers an alternative vehicular access point. No vehicular access shall be taken from Bank Lane.

Reason

To achieve a layout which accords with the Cumbria Development Design Guide, to accord with Local Plan policy DS5 and H7, in the interests of public safety.

36. Prior to the occupation of the 20th dwelling a programme for the completion of the estate roads including footways and the works referred to in conditions 34 and 35 above where shown shall have been submitted to and approved in writing by the Planning Authority and the estate roads shall then be completed in accordance with the approved programme and the details approved under condition 8 above. If the estate road is not adopted 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. The streets shall thereafter be maintained in accordance with the approved management and maintenance details.

Reason

To ensure that a suitable standard of provision for pedestrians and vehicles is delivered and to accord with saved policy E2 of the Local Plan Review 1996 to 2006.

37. Development shall not commence until a Construction Traffic Management and Construction Surface Water Management Plan has been submitted to and approved in writing by the local planning authority. This shall include details of:
- 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)
 - Details of measures to avoid surface water running off the construction site onto the highway

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.

Drainage Conditions

38. Prior to the commencement of any development, a surface water sustainable drainage scheme, based on sustainable drainage principles and the hierarchy of drainage options in the National Planning Practice Guidance and Local Plan policy C3a with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards including details of water quality controls, maximum flow rates and attenuation. The drainage scheme shall be completed in accordance with the approved details prior to the beneficial use of the development hereby approved and the approved drainage scheme shall thereafter be retained at all times

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

39. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and agreed in writing with the planning authority. The sustainable drainage management and maintenance plan shall include as a minimum:

Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a management company; and

Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved drainage management and maintenance plan for the lifetime of the development.

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 and United Utilities.

40. Foul drainage shall be provided by means of a connection to either a public foul or combined sewer in accordance with details which must have been submitted to and approved in writing by the planning authority prior to the commencement of development. No dwelling shall be occupied until it has been connected to the sewer in accordance with the approved details.

Reason

To ensure that there is an acceptable means of sewage disposal.

Ground Investigation conditions

41. 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 give effect to the recommendations within the Phase II (intrusive) ground investigations report.

42. The Remediation Scheme approved pursuant to condition no 17 above shall be implemented in accordance with a scheme of phasing to be submitted to and approved in writing prior to the commencement of any

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development and a Verification Report shall then be submitted which in respect of any residential curtilage shall be issued prior to the occupation of that dwelling.

Reason

To ensure that any harm posed by contamination is mitigated.

43. If contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to the Planning Authority. Development on the part of the site affected must be halted and Field Investigations shall be carried out. Where required by the 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 measures are in place to address any unexpected contamination.

44. 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 no contamination is accidentally brought onto the site via imported material.

Landscaping/bio diversity conditions

45. 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, 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 and

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retained. 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 Chapter 9 of the Preliminary Ecological Appraisal prepared by Wold Ecology (August 2021) where relevant to this phase of development.

Reason

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

46. Prior to the commencement of development measures to provide biodiversity net gain demonstrated by a Defra based metric shall have been submitted to and approved in writing by the Planning Authority including a scheme of phasing. The development shall only proceed in accordance with the approved details including the approved phasing scheme.

Reason

To demonstrate that a net gain in bio diversity will be delivered.

47. All planting, seeding or turfing comprised in the approved matters of landscaping shall be carried out in the first planting and seeding seasons following 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, 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

In the interests of the visual amenities of the area and to accord with Local Plan policies DS2, DS5, DS6

Open space

48. The development shall be laid out to include areas of open space based upon or equal to those shown on the Framework Plan 8663s-PA04E

Reason

To ensure adequate open space is provided for both visual and functional purposes and to accord with Local Plan policies DS2, GI1 and GI4.

Construction phase conditions

49. Prior to the commencement of development a Construction Management Method Statement shall have been submitted to and approved in writing with the planning authority. The method statement shall cover all phases

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of the development and take account of all contractors or sub-contractors and will be expected to include:

Details of phasing of the construction work including a programme of work for the demolition and construction phase;

-Procedures to monitor and mitigate noise and vibration from the construction and demolition 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

To protect the residential amenities of the area from noise, dust etc.

Restrictions on permitted development

50. Notwithstanding the provisions of the Town and 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 Bank Lane.

Reason

A proliferation of individual house accesses would be detrimental to the safety of pedestrians and users of the adjacent highways, would potentially result in vehicle parking in prominent locations to the unacceptable visual detriment of the street scene contrary to Local Plan policies DS2, DS5 and H7.

51. 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 and Country Planning (General Permitted Development) (England) Order 2015(as amended) (or any

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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.

*Section 106 Obligation

Required to deliver minimum 10% affordable housing, open space maintenance, and financial contribution/dedication of footpath as a PROW as per CCC requirement : Not to permit the sale or Occupation of any more than 25 dwellings on the Site until the sum of £91,743 (+ indexation) has been paid to the local Highway Authority as a contribution towards a highway improvements scheme 'improvement of the Park Road / Bank Lane junction' and the footpath link to the south of the site linking Middlefield and Park Road as a Public Right of Way via a Creation Order or Creation Agreement'. (Wording to be based on standard wording) and; the actual wording for the s106 to be delegated to the Head of Development Management.

119 Land between 14 and 16 Marsh Street, Barrow-in-Furness

From Mr Scott Wilkinson c/o S H Wilkinson Architects Ltd in respect of the erection of two storey block of 8 self-contained flats with communal areas and staffing facilities for assisted living (Use Class C2) including new access to highway off Marsh Street and Pottery Street on Land between 14 and 16 Marsh Street, Barrow-in-Furness as shown on planning application number 2022/0059.

Representations received and the results of consultations were reported.

It was moved by Councillor Tyson and seconded by Councillor Hall, and

RESOLVED:- It was unanimously agreed that, subject to no additional material conditions being received within the unexpired consultation period that would warrant re-consideration of the application, Planning Permission be granted subject to the Standard Duration Limit and 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 and Compulsory Purchase Act 2004.

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 4.2.22 and the hereby

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

Application form dated 2.2.22
Proposed visual 001 Rev p5
Proposed Visual 002 Rev P5
Proposed street view Rev P5
Proposed side elevation Rev P6
Proposed front elevation Rev P5
Proposed rear elevation Rev P5
Proposed roof plan Rev P5
Proposed ground floor plan Rev P6
Proposed first floor plan Rev P5
Proposed site plan Rev P5
Proposed courtyard elevation Rev P6
Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment Report 0122/2 6th January 2022 by South Lakes Ecology, including all recommendations contained therein.

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 above slab level until samples of the materials to be used in the construction of the external surfaces of the buildings and driveways hereby permitted have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained unless the Planning Authority gives prior written consent to any variation.

Reason

To ensure a satisfactory appearance to the development, and to minimise its impact upon the surrounding area.

4. No development shall take place above slab level until a landscape scheme for the site, showing any 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) has been 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 be implemented in accordance with the approved details in the first planting season following beneficial occupation and all planting and subsequent maintenance shall be to current British Standards.

Reason

In the interests of the visual amenities of the area.

5. No development shall take place above slab level until details of the proposed boundary treatments, including a schedule of materials and a schedule for implementation, shall be submitted to and approved in writing by, the Planning Authority. Boundaries forward of the buildings facing the highway shall be of brickwork. The subsequently approved treatment shall be completed in full prior to occupation and thereafter be permanently retained.

Reason

In the interests of the character and appearance of the area and the privacy of adjacent residents by ensuring that the site is adequately screened.

6. No development shall take place 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 vehicle 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;
- 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.

Reason

In the interests of minimising the amenity on adjacent residents during the period of construction works.

Before Occupation

7. No part of the development hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided to the Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason

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

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

Reason

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

9. The use of the development shall not commence until suitable receptacles for both unrecyclable refuse, and for recyclable materials in accordance with the Council's current recycling initiatives, have been provided to serve the development as shown on the layout plan approved under Condition 2 above and including the approved screen.

Reason

In the interests of environmental amenity by ensuring a suitable provision of refuse storage on the site.

10. The beneficial use of the development shall not commence until the access and parking requirements have been constructed in accordance with the approved plan(s), or in accordance with any scheme of phasing subject to prior written agreement with the Planning Authority. Any such access and parking provision shall be permanently retained and be capable of use when the development is initially occupied, or in accordance with the phasing of the scheme subject to prior written agreement with the Planning Authority and shall not be removed or altered without the prior written consent of the Planning Authority.

Reason

In order to provide a suitable level of parking associated with the development.

11. Prior to the beneficial occupation of the development hereby approved, the proposed biodiversity net gain enhancement measures set out in section 6.2 and Figure 4 of the Preliminary Ecological Appraisal and BNG Assessment by South Lakes Ecology (report 0122/2 dated 6th January 2022) shall be implemented in full.

Reason

In order to achieve biodiversity net gain on the site in accordance with Local Plan policy and the aims of the NPPF.

12. Prior to the beneficial occupation of the development hereby approved, a 2.4 metre x 2.4 metre pedestrian visibility sight splay as measured from the highway boundary (or footpath boundary), shall be provided on both sides of the vehicular access and shall thereafter be so retained.

There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter.

Reason

To provide adequate inter-visibility between the pedestrians and users of the access and the existing public highway for the safety and convenience of users of the highway and of the access.

Operational Conditions

13. Unless the Planning Authority gives prior written agreement that it is impractical to do so, all drainage must be on the separate system with all foul drainage connected to the foul sewers and only uncontaminated surface water connected to the surface water system.

Reason

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

120 Former Robert McBride Ltd building, West Side Park Road, Barrow-in-Furness

From Mr S. Fountain, BAE Systems Marine Limited, c/o Savills in respect of the change of use to Class B8 and installation of short sections of 3m high security fencing at Former Robert McBride Ltd building, West Side Park Road, Barrow-in-Furness as shown on planning application number 2022/0084.

Representations received and the results of consultations were reported.

It was moved by Councillor McEwan and seconded by Councillor Hall, 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 and Compulsory Purchase Act 2004.

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

Application form dated 9.11.21

Workplace Travel Plan by Royal HaskoningDHV Ref PB1700-RHD-ZZ-XX-R-R-0002 0.1/S1

Proposed open mesh fencing detail plan MESH-POS-9565 - 3.0m HIGH DIG IN 60X60 INTERMEDIATE POST ONLY Rev A

Proposed site plan Ref 43X00-GF-DR-00-GF-DR-L-00-0102 A

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 any part of the development hereby approved, a landscape scheme for the site, showing 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) 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 be implemented in accordance with the approved details in the first planting season following the commencement of the use hereby approved, and all planting and subsequent maintenance shall be to current British Standards.

Reason

In the interests of the visual amenities of the area and to conform with Policy DS7 of the adopted Barrow Borough Local Plan in terms of development on strategic routes.

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4. Prior to the commencement of use of the development hereby approved an Energy Statement shall be submitted to and be approved in writing by the Local Planning Authority indicating how energy efficient measures can be introduced and improved on the site. The change of use shall proceed in accordance with the approved measures.

Reason

In order to comply with the requirements of the NPPF and Policy DS2 and DS5 in relation to energy efficiency.

5. Prior to the commencement of use of the development hereby approved, provision shall be made for secure indoor facilities for cyclists and walkers, including changing/showering facilities, safe storage of cycles, with power points for charging electric bikes, prior details of which shall be submitted to and approved in writing by, the Local Planning Authority. The facilities shall be laid out in accordance with the approved details, and thereafter permanently retained unless the LPA gives prior approval to any change.

Reason

In order to encourage sustainable travel in accordance with the aims of the NPPF and policies 14 and 15 of the adopted Barrow Borough Local Plan.

Operational Conditions

6. Within 12 months of the commencement of use of any part of the development hereby approved, the occupier shall submit a Sustainable Travel Plan to the Local Planning Authority for its approval. The Plan shall identify the measures to be taken to encourage the achievement of a modal shift away from the use of private motor cars by employees to sustainable transport modes, and shall include the following;
 - (i) Targets for sustainable travel arrangements, including a time-frame and details of financial commitments to achieve these targets;
 - (ii) Effective measures for the ongoing monitoring of the Plan;
 - (iii) A commitment to delivering the Plan objectives for a period of at least 5 years from the first occupation of the development;
 - (iv) Effective mechanisms to achieve the objectives of the Plan by both present and future occupiers of the development.

The site operator shall thereafter permanently implement the subsequently approved measures, and provide the Planning Authority with an annual report reviewing the effectiveness of the Sustainable Travel Plan, including any revisions to its operation.

Reason

In order to aid in the delivery of sustainable transport objectives as identified in the NPPF and Policies 14 and 15 of the adopted Barrow Borough Local Plan.

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7. Any external lighting shall at all times be directed and shielded so as to minimise light spillage outside of the application site, and shall not shine directly into the windows of adjacent neighbouring properties or farmland.

Reason

To minimise light pollution and to safeguard the amenities of the area.

8. The premises must be used and operated so as not to give rise to any increase in background(L90) noise levels at a point 2 metres from the facade of the nearest noise sensitive building beyond the applicant's boundaries.

Reason

In order to protect the residential amenity of nearby properties.

9. The access must not be used by HGVs between the hours of 10pm and 6am. the following day.

Reason

In order to protect the residential amenity of the area.

10. The premises shall only be used for the storage of items that can be transported with standard HGV vehicles and road going vehicles, without the need for road closures.

Reason

In the interests of the flow of traffic on this major route into and out of Barrow

11. Within 12 months of the commencement of use of the development hereby approved, a minimum of 2 electric vehicle charging points shall be installed on the site car park and made available for use. The EVCPs shall be retained, serviced and be available for operational use for as long as the factory remains in operational use.

Reason

In the interests of achieving sustainable travel in accordance with the NPPF and policies I4 and I5 of the adopted Barrow Borough Local Plan.

The meeting closed at 2.52 pm.