

PLANNING COMMITTEE

Meeting: Tuesday, 5th October, 2021
at 2.30 pm. (Banqueting Hall)

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

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

48 Apologies for Absence

Apologies for absence had been received from Councillors Assouad, Gawne and Zaccarini.

49 Declarations of Interest

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

50 Minutes

The Minutes of the meeting held on 14th September, 2021 were taken as read and confirmed.

51 Public Participation

Luke Allsop, Property Director, Aldi Stores addressed the Committee in relation to the Planning Application for the Aldi Store, 148 Risedale Road, Barrow-in-Furness (Minute No. 58 refers).

Mr Eagleston (Objector) addressed the Committee in relation to the Planning Application for Field at Park Road, Barrow-in-Furness (Minute No. 56 refers).

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

52 Delegated Decisions

The Director of People and Place 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:-

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- 2021/0473** Outline application for the erection of an agricultural worker's dwelling with approval of access included (Appearance, Landscaping, Layout, Scale are excluded) at Maidenlands Tarn, Tarn Flatt, Marton.
- 2021/0450** Change of use from a dwelling (Use Class C3) to a children's nursery for pre-school age children (Use Class E) at Linmoor, Far Old Park, Ireleth, Askam-in-Furness.
- 2021/0536** Application for Outline Planning Permission with all matters reserved for the construction of an agricultural worker's dwelling for use by the application on an agreed site at Crossgates Farm, Broughton Road, Dalton-in-Furness.
- 2021/0552** Erection of a twin span poly tunnel to be used for sheltered storage, cultivation of plants and reduce number of deliveries to nursery at Tithe Barn Nurseries, Long Lane, Dalton-in-Furness.
- 2021/0553** Application for variation of condition no. 2 of planning permission 1995/0502 to enable the site to operate as a coffee shop (Class E) with supplementary sales of hot and cold food to take away at 141-143 Cavendish Street, Barrow-in-Furness.
- 2021/0582** Single storey side extension forming sitting room/study and utility at 24 Harrel Lane, Barrow-in-Furness.
- 2021/0589** Demolition of existing rear conservatory and construction of new single storey rear extension to form enlarged kitchen and living rooms. Construction of small single storey side extension to create utility and shower rooms, construction of single storey extension to front and side to form new snug sitting room and enlarged entrance hall. Formation of new side doorway into kitchen. Demolition of existing timber sheds and construction of new detached double garage and connection of existing house to public sewer in lieu of existing septic tank at 34 Dalton Lane, Barrow-in-Furness.
- 2021/0606** Proposed extended porch to front elevation at 124 West Shore Road, Barrow-in-Furness.
- 2021/0608** Two storey side extension on detached house with single storey rear kitchen extension at 33 Tideway Drive, Barrow-in-Furness.
- 2021/0666** Application for approval of details reserved by Condition 1 (plan detailing the location within the store given to the sale of smaller donated and second hand goods) of planning permission 2021/0383 (Variation of Condition 6 of Planning Permission 6/94/0132 to allow up to 10% of the gross internal floor area (47sqm) of Unit B to be used for the sale of comparison goods) at Former Topps Tiles, Walney Road, Barrow-in-Furness.
- 2021/0575** Single storey rear extension forming extended dining room at 28 Elkstone Avenue, Barrow-in-Furness.

- 2021/0593** Demolition of existing rear conservatory, garage raised deck and shed. Construction of new single storey rear extension with flat roof, new garden store and terraced deck. New entrance door to side elevation of main house and stepped access to rear garden at 4 Romney Avenue, Dalton-in-Furness.
- 2021/0579** Removal of existing conservatory and replace with a kitchen extension at 9 Caspian Road, Askam-in-Furness.
- 2021/0583** Single storey rear extension forming garden room and partial garage conversion at 14 Waver Court, Barrow-in-Furness.
- 2021/0599** First floor side extension forming 4th and 5th bedroom at 35 Turnstone Crescent, Askam-in-Furness.
- 2021/0651** Application for approval of details reserved by Condition No. 11 (verification report) and No. 17 (Analysis of imported soils) of planning permission 2019/0772 (Residential development) in relation in relation to plots 15-19, 41-42 and 45-52 at Solway Drive, Barrow-in-Furness.
- 2021/0580** Erection of a two storey side extension forming extended kitchen, utility, wc and store to ground floor and extended bedroom, wardrobe and ensuite to first floor at 18 Conyers Avenue, Barrow-in-Furness.

The following application had been refused:-

- 2021/0547** Application for works to trees subject of Tree Preservation Order 2009 No. 5 to trim back the branches and raise the canopy over the road and footpath, and carry out a 20% reduction in the crown to balance the tree and reduce sail area at Becks House, Station Road, 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:-

53 Unit 12 and Unit 14 Forge Close, Barrow-in-Furness

From Mr J. Walker, Transformation Unit in respect of the amalgamation of Units 12 and 14 and change of use from general industry (Class B2) to 24 hour gym and performance centre (Class E(d)) at Unit 12 and Unit 14 Forge Close, Barrow-in-Furness as shown on planning application number 2021/0581.

The results of consultations were reported.

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

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

1. The development must be begun not later than 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 shall be carried out in all respects in accordance with the application dated 19/7/2021 and the hereby approved documents defined by this permission as listed below, except where varied by conditions attached to this consent:

Application form dated 6.7.21
Sequential Assessment 21217 dated 7.7.21
Design and Access Statement 21217 dated 6.7.21
Transport Form dated 14.7.21
Proportionate Statement 21217 REV. A
21217-PL-001 REV.A, 02, 003 REV.A

Reason

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

Before Occupation

3. The use hereby approved shall not commence until the cycle parking facilities have been provided in accordance with the approved details in Condition 2 above. The cycle parking facilities shall thereafter be retained and be available for the lifetime of the development.

Reason

To ensure the promotion of sustainable means of transport.

Operational Conditions

4. The change of use hereby approved shall operate for Transformation Unit as a gym on the basis of the business model and sequential test submitted with this planning application.

On the cessation of the use hereby approved by Transformation Unit, or an agreed alternative gym provider on the basis of them passing a new sequential test, the unit shall revert to its former B2 use.

Reason

The premises is only considered to be acceptable for the proposed use taking into account the unique business requirements of the applicants and the package of information that they have provided to pass the sequential test. An unrestricted 'town centre use' such as those within Class E would only be appropriate in this location if adequate justification by way of a sequential test is provided. This is in line with the NPPF's 'town centre first' approach and the need to protect the viability and vitality of Barrow Town Centre. In particular, paragraph 87 of the NPPF states that: 'Main town centre uses should only be located in town centres, then edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered'.

54 Cavendish Park, Island Road, Barrow-in-Furness

From Mr R. McAlloone in respect of an application for removal or variation of a condition following grant of planning permission 2017/0530 (Application for a Minor Material Amendment following the grant of planning permission 2015/0610 (Internal re-modelling of existing changing block and a new extension to accommodate community rooms and associated external works) for variation to opening hours to allow opening of premises between 7.00am and 11.00pm at Cavendish Park, Island Road, Barrow-in-Furness as shown on planning application number 2021/0617.

The results of consultations were reported.

The Principal Planning Officer informed Members of a revised condition which had been included in Extra Information Booklet No. 3 circulated prior to the meeting, whereby the site shall only be open to the public between the hours of 7am and 11pm each day.

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

RESOLVED:- It was unanimously agreed that Planning permission be granted to vary the condition subject to the following condition:-

2. The site shall only be open to the public between the hours of 7am and 11pm each day and must not be open to the public outside of these hours.

Reason

In order to protect the residential amenities of the area.

55 1-19 Ruskin Avenue, Dalton-in-Furness

From Barrow Borough Council in respect of the erection of a canopy across front elevation of shop parade and renew tarmac pavement at 1-19 Ruskin Avenue, Dalton-in-Furness as shown planning application number 2021/0712.

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 Standard Duration Limit and the following condition:-

2. The development shall only be carried out in accordance with the application dated 19/08/2021 and the hereby approved drawing reference 589/06 (Proposed Site Plan and Elevation).

Reason

To ensure the development is only carried out as approved.

56 Field at Park Road, Barrow-in-Furness

From H. Southward and R. Arts Wellness at Greenacres in respect of the change of use of land to educational activities and maintaining existing use of stabling and exercise of horses on Field at Park Road, Barrow-in-Furness as shown on planning application number 2021/0565.

Representations received and the results of consultations were reported.

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

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

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

1. The development must be begun not later than 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 shall be carried out in all respects in accordance with the application dated 28/6/2021 and the hereby approved documents defined by this permission as listed below, except where varied by conditions attached to this consent:

MVC702-01 rev A

Traffic Management Plan (additional supporting information) 10/9/21

Reason

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

Operational Conditions

3. Prior to the siting within the field of any portable toilets, details of the proposed positioning and appearance including any proposed screening should be submitted to and approved in writing by the Planning Authority. The development must be carried out in accordance with those details. Should the educational part of the approved use cease to operate, the toilets should be removed from site within 56 days.

Reason

To ensure no detriment to the prevailing rural landscape character results from insensitive siting.

4. The education use of the site shall operate only between 0900 and 1500 hours, on Monday to Friday only.

Reason

To minimise the potential for noise disturbance.

5. Within 3 months of the date of approval, 1 no. bird box shall be installed on the existing stable building.

Reason

In order to increase habitat provision and provide a biodiversity net gain.

57 9 Risedale Road, Barrow-in-Furness

From C. Alexandrou, Lakeland Continental in respect of the change of use from sandwich shop/takeaway (Class E) to hot food takeaway (sui-generis) with installation of extraction flue to rear elevation at 9 Risedale Road, Barrow-in-Furness as shown on planning application number 2021/0523.

Representations received and the results of consultations were reported.

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

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

Compliance with Approved Plans

2. The development hereby permitted shall be carried out in all respects in accordance with the application dated as valid on 14/6/2021 and the hereby approved documents defined by this permission as listed below, except where varied by conditions attached to this consent:

Application form dated 21.6.21

Transport Form dated 11.6.21

Extraction Equipment and Maintenance Schedule dated 10.6.21

6N02250/00
MEJ/2021/615/004 issue 3
MEJ/2021/615/005 issue 2
MEJ/2021/615/006 issue 3
MEJ/2021/615/007 NTS

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 use of any part of the development, the ceiling/floor between the ground and first floor must be acoustically insulated and thereafter permanently retained as detailed on plan MEJ/2021/615/004 issue 3.

Reason

To protect the residential amenities of the occupiers of the first floor flat.

4. Prior to the beneficial use of any part of the development, the wall treatment panel between the site and 7 Risedale Road must be installed and thereafter permanently retained as detailed on plan MEJ/2021/615/008 NTS.

Reason

In order to protect the residential amenities to the occupiers of 7 Risedale Road.

Operational Conditions

5. Emissions from any proposed or future cooking processes must be extracted through a properly designed and constructed exhaust ventilation system, adequately filtered and discharged at sufficient height and velocity to prevent cooking odours being observed at any neighbouring properties. The exhaust gas flow must not be restricted by any plate, cowl or similar structure at the outlet which might affect dispersion. The system must thereafter be retained as approved unless the Planning Authority gives prior written approval to any variations and operated and maintained in accordance with the manufacturer's instructions.

Reason

In the interests of the amenities of the surrounding area, including occupants of neighbouring properties, by minimising the potential for the discharging of cooking odours.

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

Reason

To minimise the potential for noise pollution.

7. The use hereby permitted shall not operate between the hours of 21.00 and 07.00 the following day.

Reason

In order to protect the residential amenities of the area.

58 Aldi Store, 148 Risedale Road, Barrow-in-Furness

From Aldi Stores Ltd c/o Agent in respect of the extension to front elevation of the store; new external store entrance; extension to the warehouse area; reconfiguration of the car parking area to include new pedestrian walkways; ten additional parking spaces of which four are EV charging bays; and replacement of external plant equipment at Aldi Store, 148 Risedale Road, Barrow-in-Furness as shown on planning application number 2021/0217.

Representations received and the results of consultations were reported.

Luke Allsop, Property Director of Aldi Stores attended the meeting and addressed the Committee.

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 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 4/3/2021 and the hereby approved documents defined by this permission as listed below, including any recommendations and mitigation recommended within the reports, except where varied by conditions attached to this consent:

Application form dated 24.2.21

Noise Assessment by NJD dated Feb'2021

Construction Programme

Proposed Drainage Layout Drawing Ro_50_20_11-1000 S2 PO2

Proposed Levels Plan Drawing Ro_50_20_11-2000 S2 PO2

Proposed Site Plan Drawing 5O-10-70-0003 S4 PO1

Proposed Floor Plan Drawing 50-10-70 0005 S4 PO1

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Proposed Elevations Drawing 50-10-70 0007 S4 PO1
Proposed Roof Plan Drawing 50-10-70 0009 S4 PO1
Arborical Impact Assessment Plan AIA EX1
Arborical Impact Assessment report by All About Trees Rev A issues 24.2.21
Arborical Method Statement tree protection plan AMS TPP A
Tree Protection Plan AIA TPP A
Delivery Management Plan
Drainage Strategy by 3e structural engineers Ref P18-434-3E-ZZ-XX-RP-C-9000 issue 2 dated 19.2.21
Landscaping plan Drawing N1093-ONE-ZZ-XX-DR-L-0201 Rev PO2
Bee Orchid Survey
Bee Orchid Translocation Method Statement
Bio diversity net gain statement

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 be commenced on the site which is the subject of this permission until the following measures have been met to prevent damage being caused to those trees and shrubs which are shown to be retained. Measures to protect those trees shown to be retained must include the following:
- a) Fencing in accordance with the details set out in the approved documents in Condition 2 above;
 - b) No excavations, site works, trenches, channels, pipes, services, temporary buildings used in connection with the development, areas for the deposit of soil or waste, or for storage of construction materials, equipment or fuel, shall be sited within the crown spread of any tree 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.

4. No development shall take place, including any works of demolition, 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;

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- iii. storage of plant and materials used in constructing the development and the position of any site huts, rest facilities and other structures;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities where vehicles will enter the site;
- vi. measures to control the emission of dust and dirt during construction;
- vii. a scheme for recycling/disposing of waste resulting from demolition and from construction works.

Reason

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

5. Prior to the commencement of any development on site the working area shall be defined by fencing of a type and in a position to be agreed in writing with the Planning Authority. Operations shall thereafter be limited to the agreed working area.

Reason

To provide appropriate protection to the identified flora in the interests of biodiversity.

Before Occupation

6. All planting, seeding or turfing comprised in the approved details of landscaping set out in Condition 2 above, shall be carried out in the first planting and seeding seasons following beneficial occupation of any part of the development hereby approved, 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.

7. The electric vehicle charging points shown on the approved plans in Condition 2 above shall be installed prior to the beneficial occupation of the development hereby approved and shall thereafter be retained and remain operational for the lifetime of the development.

Reason

In the interests of encouraging sustainable transport modes.

8. Prior to the beneficial occupation of the development hereby approved 3 woodstone/woodcrete bat boxes such as 2F Schwegler bat box or Vivara Pro woodstone bat box and a mix of 3 bird boxes including 1B Schwegler Nest Box and 2H Schwegler Robin Box shall be installed on the site and thereafter retained. Bat boxes should be placed at least 4m from the ground where possible, away from artificial light sources, and should be on the south

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elevations of trees where they are sheltered from strong winds and exposed to the sun for part of the day as per Bat Conservation Trust recommendations (BCT, 2021). Bird boxes should be placed on north and/ or east elevations to avoid strong sunlight and wet winds, all in accordance with the Biodiversity net gain statement received by the Local Planning Authority on 17.9.21.

Reason

In the interests of securing biodiversity net gain.

Operational Conditions

9. Noise from the plant equipment must not exceed Noise Rating Curve NR 30 in daytime hours (0700 – 2300) and HR 25 in night time hours (2300 - 0700) in any noise sensitive property.

Reason

In order to protect the amenities of nearby properties.

10. The premises shall be used for the sale of food with an ancillary range of non-food goods and for no other purpose (including any other purpose in Class E of the schedule to the Town and Country Planning (Use Classes) Order 1987 as amended, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order).

Reason

A general Class E use at this site would be unacceptable as it would undermine the viability and vitality of the town centre.

11. Any external lighting shall be positioned and adequately shielded so as to ensure that there is no adverse glare for local residents or users of adjacent highways.

Reason

To ensure that there is adequate control of environmental pollution.

12. All deliveries shall be carried out in accordance with the approved Delivery Management Plan set out in Condition 2 above and for the avoidance of doubt deliveries shall be limited to between the hours of 0600 and 2300.

Reason

In order to safeguard the amenities of adjacent neighbours.

13. The translocation of the Bee Orchids shall be carried out only in accordance with the Bee Orchid Translocation Method Statement and in accordance with timings specified in that report. The host area shall thereafter be retained free from development and managed in accordance with the terms of the Method Statement and landscape plan. The Local Planning Authority shall be provided with a copy of the Bee Orchid survey reports annually for a 5 year period.

Reason

In the interest of safeguarding the Bee Orchids in the interest of bio-diversity enhancement.

14. The unit shall not be sub-divided into smaller units.

Reason

In the interests of the NPPF town centre first approach and to safeguard the vitality and viability of the town centre where smaller retail units exist.

59 Ruskinville, Abbey Road, Dalton-in-Furness

From Mr J. Cooper in respect of the construction of new garage and driveway including new access onto a classified road (Abbey Road) at Ruskinville, Abbey Road, Dalton-in-Furness as shown on planning application number 2021/0371.

Consideration of this application had been deferred at the last meeting on 14th September, 2021 (Minute No. 47 refers) since the Committee had been minded to refuse planning permission due to: i) Visual Amenity - The Committee considered that the overall appearance was not in keeping with the landscape due to the scale of the development; ii) Highway Safety - The Committee considered that the additional access onto Abbey Road would be detrimental to highway safety and noted that whilst the highway Authority had not raised any concerns in that regard, that they had not been consistent in their approach as they had raised concerns regarding a proposed new access along the same stretch of road recently; and that a Tree Preservation Order be placed on the trees which were not currently protected.

Authority had been granted for a Tree Preservation Order. A copy of the new Order served on 22nd September, 2021 and the existing Order had been included in Extra Information Booklet No. 1 circulated prior to the meeting. A small number of trees located close to the house had been excluded as they may become problematic in future years.

It was moved by Councillor A. Thomson and seconded by Councillor Husband, and

RESOLVED:- (A) It was unanimously agreed that Planning permission be refused for the following reasons:-

1. The garage building due to its large scale and positioning would represent an intrusive and discordant feature in the landscape to the unacceptable detriment of the appearance and character of the area. Approval would conflict with Local Plan policy H6 which requires ancillary buildings to respect the form and character of the original building and surrounding landscape with regard to scale, design and use of materials. The adverse impacts are increased due to the long drive way and extensive parking area which have been partly formed. Approval would also run contrary to Local Plan policies DS2 and DS5.
2. The drive and parking areas extend within the root protection areas of several trees subject of Tree Preservation Orders 1993 No. 6 and 2021 No 4. The works within the root protection areas is likely to harm the health and well being of the trees and consequently harm the character and appearance of the area contrary to Local Plan policies DS2, DS5 and N4.

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3. It is a fundamental principle of the highway authority to reduce the number of unnecessary accesses onto the highway, as these are where turning movements and slow moving traffic cause the most conflict and an increased accident rate. The proposal introduces a second and unnecessary access to a small development. While satisfactory visibility can be achieved onto Abbey Road, due to the issues referred above, the access is still considered to be prejudicial to highway safety; and

(B) That the Development Services Manager (Planning and Enforcement) be authorised to take enforcement action and any legal action deemed necessary to secure the removal of the part built garage building, access and parking areas and the reinstatement of the ground to its previous condition, including the reinstatement of the boundary treatment. In addition, authorisation had been granted to serve a stop notice should works recommence.

The meeting closed at 3.12 pm.