

PLANNING COMMITTEE

Meeting: Tuesday, 17th January, 2023
at 2.30 pm. (Drawing Room)

Present: Councillors Assouad, D. Edwards, H. Edwards, Hall, Mooney, Seward and Tyson.

Officers Present: Jason Hipkiss (Head of Development Management), Debbie Storr (Head of Legal and Governance and Monitoring Officer), Paula Westwood (Scrutiny and Democratic Services Team Leader) and Sandra Kemsley (Democratic Services Officer).

100 Apologies for Absence/Attendance of Substitute Members

Apologies for absence had been received from Councillors M. A. Thomson (Chair), C. Thomson (Vice-Chair), Gawne, Husband, McEwan and Nott.

Councillor Seward had attended as a substitute for Councillor McEwan.

101 Appointment of Chair for this Meeting Only

In the absence of the Chair and Vice Chair, the Scrutiny and Democratic Services Team Leader invited nominations for a Chair for this meeting only.

It was moved by Councillor Seward and seconded by Councillor Tyson and there being no further nominations a vote was taken and it was,

RESOLVED:- To appoint Councillor Assouad as Chair for this meeting only.

102 Declarations of Interest

There were no declarations of interest.

103 Minutes

The Minutes of the meeting held on 13th December, 2022 were taken as read and confirmed.

104 Public Participation

Matthew Sheppard (Planning Consultant) had attended the meeting and addressed the Committee in relation to the application for 52 Paradise Street, Barrow-in-Furness.

Miss Christie Fraser (Agent) had attended the meeting and addressed the Committee in relation to the application for Unit A (Top Ten Bingo), Hollywood Park, Hindpool Road, Barrow-in-Furness.

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

105 Delegated Decisions

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

- 2022/0801** Application for approval of details reserved by Condition No.22 (brickwork to external elevations) of planning permission 2021/0771 (Hybrid Planning Applications for mixed use development comprising builders 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 in full; 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), Barrow-in-Furness.
- 2022/0306** Application for approval of details reserved by Condition No. 6 (partial details for Construction Environmental Management Plan), No. 8 (partial details for Construction Management Plan), No. 9 (partial details for Construction Traffic Management Plan), No. 10 (partial details for hard and soft landscape works and boundary treatment) and No. 11 (partial details for Construction for noise and vibration management) of planning permission 2021/0854 (Full application for remediation of brownfield land for future re-development, demolition of existing structure, mitigation of flood risk and implementation of ecological monitoring, mitigation and enhancement (application includes Environmental Statement) at Marina Village, Salthouse Road, Barrow-in-Furness.
- 2022/0728** Single storey side and rear extension forming kitchen, garden room, garden store, utility and additional bedroom at West View, Alexander Place, Askam-in-Furness.
- 2022/0752** Application for approval of details reserved by Condition No. 14 (surface water sustainable drainage details) of planning permission 2021/0771 (Hybrid Planning Applications for mixed use development comprising builders 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 in full; and residential development of up to 48 dwellings including landscaping, open space,

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drainage (including SUDS) and associated works in outline with all matters reserved) on Land South of County Coachbuilders, Park Road (adjoining Middlefield), Barrow-in-Furness.

- 2022/0690** Re-roofing to rear extension and alteration of existing shopfront to include replacement timber pilasters, plinths, corbels and fascia, provision of recessed entrance and associated external alterations at 74 Duke Street, Barrow-in-Furness.
- 2022/0753** Application for planning permission for change of roof covering materials from slate and fibreglass to zinc sheet at St Marys Church Hall, Church Street, Dalton-in-Furness.
- 2022/0758** Application for works to trees subject of Tree Preservation Order 2008 No. 7 comprising: T1 Poplar – reduce lateral branches by up to 3.5 metres and removal one lower limb all on the east side of tree's canopy. Branch diameter not to exceed 75mm at pruning point at 5 Manor Park, Barrow-in-Furness.
- 2022/0769** Single Storey pitched roof side extension for use as a store at 1 Hill Road, Barrow-in-Furness.
- 2022/0711** Erection of 1 no. coffee drive thru unit (Class E (A) Use) and associated works at Asda Stores Ltd, Walney Road, Barrow-in-Furness.
- 2022/0734** Demolition of existing rear extension; construction of new single storey side/rear pitched roof extension and associated internal alterations; construction of new pitched roof front and rear first floor dormers in lieu of existing flat roof dormers at 23 Bowfell Crescent, Barrow-in-Furness.
- 2022/0813** Application for works to trees subject of Tree Preservation Order 2013 No. 1: T1 Yew – Prune to crown raise to a height of 5m above the highway. Laterally prune back to alleviate any obstruction to the highway boundary. This will also include pruning Ash branches above the Yew to 5m. T2 Sycamore adjacent to Low Bridge sign – Crown raise to 5m. T3 Beech between the stone arch and the dwelling – Crown raise to 5m. G4 Cherry Laurel on the first bend approaching Abbey Road – Coppice to 200mm to achieve the required vertical and lateral clearance to the highway. G5 2 x Portuguese Laurel (marked) – Fell to achieve the required clearance. Also remove the adjacent marked Ash due to its poor condition and potential for structural failure. T6 2 x Beech 20m from arch at Abbey Road junction – Crown raise to 5m at Abbey House Hotel, Abbey Road, Barrow-in-Furness.
- 2022/0814** New garden decking and retaining walls (retrospective) at 55 Mulberry Way, Barrow-in-Furness.
- 2022/0816** Application for tree works subject to a Tree Preservation Order (TPO) 2005 No.1 – T1 Brown Cow Willow – Crown reduction, reducing the height and spread of the trees by up to 3 metres to under the BT lines and away from the utilities structure at Brown Cow Car Park, Goose Green, Dalton-in-Furness.

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- 2022/0784** Application for Certificate of Lawfulness for an Existing Use or Development (CLEUD) use as a single dwelling house (C3) at 97 Market Street, Dalton-in-Furness.
- 2022/0741** Proposed single storey side extension to form ground floor living space and wetroom at 7 Willow Road, Barrow-in-Furness.
- 2022/0800** Application for works to trees subject of Tree Preservation Order 1984 No. T1 Lime, crown reduction – reducing the height and spread of the tree by up to 2 metres, T2 Beech – crown reduction – reducing the height and spread of the tree by up to 2 metres, crown lift over footpath by 3m and highway by 5.2m, T3 Field Maple – fell to ground level and remove all arisings due to large cavity at 2.5m, T4 Field Maple – fell to ground level and remove all arisings due to cavity's opposite each other at 4m and leaning over structures, T5 Field Maple – crown reduction – reducing the height and spread of the tree by up to 2 metres, remove dead/dying branches, T5a Beech – crown reduction – reducing the height and spread of the tree by up to 2 metres to maintain clearance from property and balance of the tree and T6 Beech – crown reduction – reducing the height and spread of the tree by up to 2 metres to maintain clearance from property and balance of the tree at The Court, Lynter Court, Barrow-in-Furness.
- 2022/0802** Erection of two, three bedroomed detached bungalows in place of the approved two detached houses at Plots 15 and 16 Lots Road, Askam-in-Furness.
- 2022/0604** Application for approval of partial details reserved by Condition No. 5 (details of remediation strategy for Phase 1 only), No. 13 (invasive species management) of planning permission 2021/0854 (Full application for remediation of brownfield land for future re-development, demolition of existing structures, mitigation of flood risk and implementation of ecological monitoring, mitigation and enhancement (application includes Environmental Statement) at Marina Village, Salthouse Road, Barrow-in-Furness.
- 2022/0736** Proposed front single storey extension to create porch; proposed rear single storey extension and associated internal layout alterations to create open-plan living/kitchen/diner at 32 Abbey Heights, Ireleth, Askam-in-Furness.
- 2022/0747** Proposed single storey side extension to for ground floor living/bed space and wet room at 1 Orsova Gardens, Barrow-in-Furness.
- 2022/0775** Listed Building Consent for provision of a louvred grille to be located on a side return to part of the rear (Collingwood Street) elevation at The Nan Tait Centre, Barrow-in-Furness.
- 2022/0790** Converting an existing workshop and storage space into a showroom including internal alterations, erection of a valeting building to the rear, installation of a glazed curtain wall system on the main elevation facing Phoenix Road, re-cladding the western and partially the northern elevation and forming a new pedestrian and vehicular access,

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installation of a charging point for electric vehicles, resurfacing a section of the area adjacent to the north-west of the building to form a new pedestrian zone providing access to the existing and the new entrance of the building at Guy Perry, Phoenix Road, Barrow-in-Furness.

- 2022/0756** Single storey rear extension to form garden room with hot tub facility and entrance porch to front of property at 2 Hornbeam Crescent, Barrow-in-Furness.
- 2022/0757** Construction of single storey side fully glazed extension with associated alterations to create open plan living/kitchen/diner and construction of rear utility room at 29 Croslands Park, Barrow-in-Furness.
- 2022/0717** Application to determine if prior approval is required for a proposed alteration of a building for agricultural by erecting a roof over the existing silage pit at Church Farm, Church Hill, Lindal-in-Furness.
- 2022/0731** Single storey detached building to form an art studio – Retrospective at Green View, The Green, Lindal-in-Furness.
- 2022/0779** Removal of existing conservatory and construction of a rear ground floor extended kitchen at 2 Mallard Drive, Barrow-in-Furness.
- 2022/0804** Single storey ground floor rear extension with apex roof forming kitchen and dining area to replace existing conservatory at 4 Strathaird Avenue, Barrow-in-Furness.
- 2022/0792** Application to crown reduce height and spread of Oak by up to 2m for upper crown and by up to 3m for lower crown 3m, Oak subject of Tree Preservation Order 1972 No. 3 and 1984 No. 1 at 38 Infield Gardens, Barrow-in-Furness.
- 2022/0795** First floor side extension, loft conversion including rear dormer and gable lift providing one additional bedroom with ensuite to loft level and extended bedroom to first floor at 8 Weymouth Street, Barrow-in-Furness.

The following applications had communications sent:-

- 2022/0798** Five day notice – felling of two Ash Trees due to Ash dieback and replacement with Mountain Ash Trees at Pine View, Pit Lane, Lindal-in-Furness.

The following applications had been refused:-

- 2022/0763** Erection for approved house type but constructed with eaves 1m taller at 8 Rock Lea Close, Barrow-in-Furness.

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

Town and Country Planning Acts

The Head of Development Management reported on the following planning applications:-

106 Unit A (Top Ten Bingo) Hollywood Park, Hindpool Road, Barrow-in-Furness

From New River Retail (Portfolio No. 8) Ltd in respect of the change of use from sui generis 'bingo hall' to Class E(a) retail, together with shopfront and rear door alterations, minor external alterations, a fenced compound to the rear, and the construction of an internal mezzanine for storage, offices and staff facilities at Unit A (Top Ten Bingo) Hollywood Park, Hindpool Road, Barrow-in-Furness as shown on plan number 2022/0805.

The results of consultations were reported.

Extra Information had been circulated prior to the meeting confirming that outstanding issues had been resolved.

Miss Christie Fraser (Agent) had attended the meeting and addressed the Committee.

It was moved by Councillor Hall 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 & Compulsory Purchase Act 2004.

Compliance with Approved Plans

2. The development shall be carried out and completed in all respects in accordance with the application dated as valid on 10.11.2022 and the hereby approved documents defined by this permission as listed below, except where varied by conditions attached to this consent:

Application form dated 9.11.22

Proposed ground floor plan Ref 11389 A PL 01 B

Proposed elevations plan Ref 11389 A PL E 01 C (amended plan received on 13.1.23)

Proposed facade refresh works Ref 11389 A PL E02 A

Proposed mezzanine plan Ref 11389 A PL 02 B

Location plan Ref 11389 01 A

Energy Statement Ref 11389.05.01 Oct 2022

Planning and retail statement 9including sequential test(by Q and A Planning Ltd, dated November 2022

Reason

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

During Building Works

3. The works of facade improvement shown on the elevational drawings in the approved plans schedule in Condition 2 above (Plans Ref 11389 A PL E 01 C and E02 A) shall be carried out and completed in accordance with the approved plans within 12 months of the commencement of use of the development hereby approved.

Reason

In the interests of ensuring the works are completed in a timely manner in the interests of the visual amenity of the area and to comply with the aims of Policy DS7 (Development on Strategic Routes).

Operational Conditions

4. The retail use hereby permitted shall operate for the benefit of Smyths Toys and no other retailer and the premises shall be used for the sale of toys, children's sports goods and equipment, wheeled goods and associated equipment, play equipment, baby equipment and associated accessories, electronic games and equipment and other products associated with toys and children's entertainment and for no other purpose.

Reason

In order to safeguard the vitality and viability of the town centre and because the proposal, including the sequential test submitted with the application, has been assessed on the basis of the specific commercial requirements of the proposed operator.

5. No goods shall be stored or displayed for sale other than within the building as shown on the approved plans referred to in Condition 2 above.

Reason

In the interests of the appearance of the locality and in ensuring that adequate car parking is retained to serve the unit.

6. There shall be no sub-division of the unit without the prior consent of the Local Planning Authority.

Reason

To protect the vitality and viability of the town centre in accordance with Paragraph 86 of the NPPF.

7. The proposed mezzanine floor shall be retained for office/storage/staff use only and shall not be used for retailing.

Reason

To protect the vitality and viability of the town centre in accordance with Paragraph 86 of the NPPF.

107 Charnleys Home and Garden, Ulverston Road, Dalton-in-Furness

From Mr Marc Charnley, Charnleys Home and Garden Centre in respect of the Construction of two storey rear extension creating covered plant sales area in lieu of external plant sales area to ground floor with furniture and seasonal goods storage area to first floor; reduction in size of 2no existing polytunnels to accommodate extension (Amended description) at Charnleys Home and Garden, Ulverston Road, Dalton-in-Furness as shown on plan number 2022/0311.

The results of consultations were reported.

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

Compliance with Approved Plans

2. The development shall be carried out and completed in all respects in accordance with the application dated 22.08.22 and the hereby approved documents defined by this permission as listed below, except where varied by conditions attached to this consent:

1176/01, 1176/02, 1176/03, 1176/04, 1176/05, 1176/06, 1176/07, 1176/08, 1176/09

Reason

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

Pre-commencement Conditions

3. Development shall not take place until a pedestrian footpath is provided within the grass verge to the site frontage (running to the southwest of the vehicular access to the site), extending to but not interfering with the

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public right of way (ref 602020). This must be carried out in accordance with details first submitted to and approved by the local planning authority.

Reason

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

During Building Works

No conditions of this type

Before Occupation

4. No part of the extension hereby permitted shall be brought into beneficial use 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.

Reason

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

5. The bird boxes and high level planters shown on the plans hereby approved must be installed prior to the beneficial use of the extension.

Reason

In the interests of biodiversity.

Operational Conditions

6. A maximum of up to 995 square metres of GIA floorspace of the centre as a whole, as extended by this consent, may be used for the retailing of the following goods:
 - a. Furniture and soft furnishings,
 - b. Kitchen units and accessories
 - c. China, glass and cookware
 - d. Giftware and crafts
 - e. Cards and stationery

Reason

A general retail outlet in this location would not normally be permitted, as it would be potentially detrimental to the viability of established shopping centres.

7. The upper floor of the extension hereby approved must be used only for storage of goods connected to the business only with no public access or retail sales permitted from this floor.

Reason

To ensure only the use as described occurs as a general retail outlet in this location would not normally be permitted, as it would be potentially detrimental to the viability of established shopping centres and any further increase of retail space would require an associated increase in car parking space.

108 52 Paradise Street, Barrow-in-Furness

From Mr Clark and Mr Gregory in respect of the conversion of existing building (Use Class F1) to 14 Bedroom house in multiple occupation (Use Class Sui Generis). Works include conversion of existing floors, loft conversion, creation of roof terrace with balustrade and 1.8m wall, construction of dormer, hip to gable extension and new roof lights and new front entrance at 52 Paradise Street, Barrow-in-Furness as show on plan number 2022/0709.

Consideration of this application had been deferred at the last meeting, since the Committee had been minded to refuse the application on the grounds that approval of the proposal would be contrary to Local Plan Policy H26 in that it would lead to an over concentration of similar uses with resultant adverse impact on the residential character, amenity and parking in the local area. The report provided further assessment on this.

Representations received and the results of consultations were reported.

The Development Services Manager responded to a member query if there were to be an appeal process.

Concerns had also been raised over the number of HMOs within the locality which had not been recorded as it was not a requirement for them to be licensed under a certain occupancy.

A site visit had been undertaken prior to the meeting.

Matthew Sheppard (Planning Consultant) had attended the meeting and addressed the Committee.

It was moved by Councillor Hall and seconded by Councillor Tyson that planning permission be refused.

RESOLVED:- That planning permission be refused as it was believed that granting the application would have a detrimental effect on the area. It was considered that the proposal would be contrary to Local Plan Policy H26 in that it would lead to an overconcentration of similar uses with resultant adverse impact on the residential character, amenity and parking in the local area.

The meeting closed at 3.03 pm.