

## **PLANNING COMMITTEE**

Meeting: Tuesday 13th December, 2022  
at 2.30 pm. (Banqueting Hall)

**PRESENT:-** Councillors C. Thomson (Vice-Chair), Assouad, D. Edwards, Hall, Husband, McEwan, McLeavy, Mooney, Nott and Tyson.

**Officers Present:-** Charles Wilton (Principal Planning Officer), Debbie Storr (Head of Legal and Governance and Monitoring Officer), Paula Westwood (Scrutiny and Democratic Services Team Leader) and Sandra Kemsley (Democratic Services Officer).

### **92 – Apologies for Absence/Attendance of Substitute Members**

Apologies for absence had been received from Councillors M. A. Thomson (Chair), H. Edwards and Gawne.

Councillor McLeavy had attended as a substitute for Councillor H. Edwards.

### **93 – Declarations of Interest**

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

The Head of Legal and Governance and Monitoring Officer reminded Members of the guidance on interests and bias-predetermination that she had circulated ahead of the meeting. She stated that it was for Members to consider what interests they may or may not have, and to be clear that there was no bias going into the decision making process.

### **94 – Minutes**

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

### **95 – Public Participation**

Dr Olabi (on behalf of the Applicant) had attended the meeting and addressed the Committee in relation to the application for Crooklands Brow, Ulverston Road, Dalton-in-Furness (Minute No. 97 refers).

Lesley Robson and Mr Taylor (Objectors) and Alexa Burns of Emery Planning (Agent) had attended the meeting and addressed the Committee in relation to the application for Land at Lichfield Close, Barrow-in-Furness (Minute No. 98 refers).

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

## Town and Country Planning Acts

### 96 – 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:-

- 2022/0524** Front and rear single story ground floor extensions forming all weather play areas at Linmoor, Ireleth Brow, Ireleth, Askam-in-Furness.
- 2022/0620** Installation of replacement (LED) floodlights at Dalton RLFC, Ulverston Road, Dalton-in-Furness.
- 2022/0668** Proposed rear detached garage consisting of 2 parking bays for domestic use only – resubmission of 2021/0931 in a revised form at 2 Sea View Villas, Ilkley Road, Barrow-in-Furness.
- 2022/0751** Application for approval of details reserved by Condition No. 3 (landscaping scheme and schedule details) of planning permission B09/2022/0084 (Change of use to Class B8 and installation of short sections of 3m high security fencing) at BAE (Former Robert McBride Ltd building), West Side Park Road, Barrow-in-Furness.
- 2022/0649** Side extension to create porch entrance and garden room with wc facility at 17 Green Lane, Dalton-in-Furness.
- 2022/0630** Single storey rear extension to an existing dwelling with internal and external alterations (to form a sun room) at 14 Hawkshead Gardens, Barrow-in-Furness.
- 2022/0667** Rear ground floor extension forming a kitchen/dining room at 13 Kempas Avenue, Barrow-in-Furness.
- 2022/0707** Approval of details reserved by Condition No. 6 (Provision of a footway along New Road) for planning permission B07/2019/0576 (Residential Development of 29 dwellings, comprising mix of 3 and 4 bedroom dwellings (Bungalow and 2 storey) with associated roadways, parking and amenity space) at Housing Development Site (south) Lots Road Askam-in-Furness.

- 2022/0683** Application for tree work subject to a Tree Preservation Order 1993 No.5 – to fell beech tree at 5B Church Street, Dalton-in-Furness.
- 2022/0699** Application for approval of details reserved by Condition No. 3 (external materials of construction for the cladding and roof) of planning permission 2021/0531 (Demolition of the existing outbuilding and erection of a detached home office) at 7 Bow Windows Avenue, Barrow-in-Furness.
- 2022/0701** Application for works to trees subject of Tree Preservation Order 1986 No. 2 A1 Hilltop, Devonshire Road (T1 Sycamore) to reduce by 1 metre to allow vehicles to pass without damaging it at 6 Woodland Park, Barrow-in-Furness.
- 2022/0624** Conversion of 3 storey building from two flats to 3 flats and completion of part built two storey extension with elevational changes at 89 Duke Street, Askam-in-Furness.
- 2022/0702** Double storey side extension to provide ground floor living room, utility room and wc with first floor bedroom and en-suite at 41 Newton Road, Dalton-in-Furness.
- 2022/0735** Demolish existing rear single storey pitched roof kitchen extension and construct new rear single storey pitched roof kitchen and utility room extension at 37 Chapel Street, Dalton-in-Furness.
- 2022/0687** Application for prior notification of agricultural development for an agricultural building for agricultural equipment on Field rear of Woodhill Crescent, Barrow-in-Furness.
- 2022/0688** Application for approval of details reserved by Condition No. 3 (Field Investigation) No. 4 (Remediation Scheme), No. 5 (Verification Report) and No. 7 (Soil Sample Testing) of planning permission 2021/0967 (Erection of a detached single storey dwelling and associated works) at Plot 1 Former St Perrans Church, North Row, Barrow-in-Furness.
- 2022/0466** Application for a Certificate of Lawfulness for an Existing Use or Development (CLEUD) – Use of agricultural land as land within the residential garden of a single dwellinghouse namely Oak Lea Cottage being a use incidental to a Class C3 dwellinghouse use at Oak Lea Cottage, Oak Lea Road, Barrow-in-Furness.
- 2022/0671** Demolish existing rear conservatory, new wrap round rear/side extension for use as a kitchen/diner/utility room and bedroom/en-suite. New front pitched roof porch at 50 Parklands Drive, Askam-in-Furness.
- 2022/0727** Application for a non-material amendment following grant of planning permission B18/2018/0612 (Erection of an extension to the northern

elevation of the premises to provide new workshop & performance space in place of the existing walled courtyard, extending the existing staircase out of the building envelope, installing a lift and creating a new external doorway to the south elevation and associated hard and soft landscaping works (re-submission of 2018/0318) to allow access ramp to comply with Building Regulations and to accommodate site levels at Piel View, Abbey Road, Barrow-in-Furness.

- 2022/0673** Removal of existing conservatory and detached garage. Construction of side extension to comprise of study, bathroom, storage area, kitchen and utility room and extension of driveway to create parking for two vehicles at 16 Hawthorn Drive, Barrow-in-Furness.
- 2022/0678** Extension of raised off road parking area to front of property at 20 Sandalwood Close, Barrow-in-Furness.
- 2022/0680** Application for works to trees T1 - Ash tree - Fell - due to Ash die back and T2 - Cherry - Pollard - to form new crown (tree is very one sided) subject of Tree Preservation Order 1997 No. 2 at 9 High Bank, Dalton-in-Furness.
- 2022/0689** External alterations including updated fascia and wall cladding, replacement windows and doors, creation of additional door opening, replacement of cargo access doors with reduced sized windows and vertical slatted composite panels at 70 Abbey Road, Barrow-in-Furness.
- 2022/0672** Change of use from coffee shop (use class E(b) to hot food takeaway (sui generis) and installation of extraction equipment to rear elevation, conversion of 2 No. 1 bedroom first floor flats to 1 No. 2 bedroom first floor flat for use a manager's flat, erection of single storey rear extension to provide enlarged ground floor store and installation of first floor rear window (resubmission of B20/2021/0798 in a revised form) at 141-143 Cavendish Street, Barrow-in-Furness.
- 2022/0692** Change of use from former photography studio (Use Class Sui Generis) to a 6 bedroom house of multiple occupation (HMO use Class C4) including extension to rear forming extended kitchen and dining area and alterations to the front elevation including new windows and doors and removal of shop front at 175 Rawlinson Street, Barrow-in-Furness.
- 2022/0693** Change of use from former taxi office (Use Class Sui Generis) to a 6 bedroom house of multiple occupation (HMO use Class C4) including extension to rear forming extended kitchen and dining area to ground floor and extended bedroom and en-suite to first floor and alterations to the front elevation including new windows and doors and removal of shop front at 177 Rawlinson Street, Barrow-in-Furness.

- 2022/0694** Change of use from former solarium (Use Class Sui Generis) to a 6 bedroom house of multiple occupation (HMO use Class C4) including extension to rear forming extended kitchen and dining area to ground floor and extended bedroom and en-suite to first floor and alterations to the front elevation including new windows and doors and removal of shop front at 179 Rawlinson Street, Barrow-in-Furness.
- 2022/0716** Advertisement consent to display 3 no. fascia signs with individual aluminium powder coated letters fixed to an existing fascia with low level halo illumination to the front elevation at 70 Abbey Road, Barrow-in-Furness.
- 2022/0724** Removal of existing out building, and construction of a rear extended kitchen and lounge at 87 Rampside Road, Barrow-in-Furness.
- 2022/0650** Conversion of existing garage to a bedroom, utility room converted to a bathroom and erection of a block built side garage with an attached block built sun room in rear garden at Kyma Cumbria View Barrow-in-Furness.
- 2022/0639** Two storey rear extension forming extended bedroom and wardrobe to first floor and extended kitchen / dining room, utility and bathroom to ground floor, including new porch to front at 14 Stackwood Avenue, Barrow-in-Furness.

Prior Approval was not required for the following application:-

- 2022/0738** Application to determine if prior approval is required for a proposed alteration of a building for agricultural- to add roof to the midden of the farmyard at New Close Farm, Stank Lane, Stank.
- 2022/0739** Application for approval of details reserved by Condition No.6 (site access details), No. 13 (Construction traffic management & surface water management plan), No. 16 (Construction management method statement) and No. 17 (Tree & hedge protection to southern boundary details) of planning permission B07/2021/0771 (Hybrid Planning Application for mixed use development comprising full permission for builders' merchant (Sui Generis) and outline planning permission for up to 48 dwellings on Land south of County Coachbuilders, Park Road (adjoining Middlefield) Barrow-in-Furness.

The following applications had communications sent:-

- 2022/0761** Five day notice to fell Sycamore Tree subject of a Tree Preservation Order 2008 No. 1 at 17 Kestrel Drive, Dalton-in-Furness.
- 2022/0750** Notice of intention to (works to trees with Conservation Area) to reduce encroaching branches of Sycamore tree by 1-1.5 metres at 133 Duke Street (The Range) Barrow-in-Furness.

The following applications had been refused:-

**2022/0534** Application for removal of Copper Beech tree numbered T2 on plan subject of Tree Preservation Order 1994 No. 7 at 286A Abbey Road, Barrow-in-Furness.

**2022/0645** Application for a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) for a single storey extension at 38 Elterwater Crescent, Barrow-in-Furness.

The following application was a County Matter:-

**2022/9997** Notification of an EIA Scoping Opinion Request – The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 – Request for EIA Screening Opinion re: Erection of 2-3 MW Solar Array and Associated Infrastructure (County Matter) on Land at Dova Way, 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:-

#### **97 – Community Centre and Prayer Hall, Crooklands Brow, Ulverston Road, Dalton-in-Furness**

From South Lakes Islamic Centre c/o Steven Abbott Associates LLP in respect of Proposed South Lakes Islamic Centre (Community Centre and Prayer Hall) and associated works and landscaping at Crooklands Brow, Ulverston Road, Dalton-in-Furness as shown on plan number 2021/0987.

Representations received and the results of consultations were reported.

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

Dr Olabi (on behalf of the Applicant) had attended the meeting and addressed the Committee.

Extra information had been circulated prior to the meeting.

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

**RESOLVED:-** It was 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 t51 of the Planning and 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 06.12.21 and the hereby approved documents defined by this permission as listed below, except where varied by conditions attached to this consent:

A030\_P\_001 rev A

A030\_P\_002 rev B

A030\_P\_003 rev A

A030\_P\_100 rev B

A030\_P\_101 rev B

A030\_P\_102 rev B

A030\_P\_103 rev B

A030\_P\_104 rev F

A030\_P\_105 rev D

A030\_P\_106 rev C

A030\_P\_107 rev C

A030\_P\_200 rev B

A030\_P\_201 rev B

A030\_P\_400 rev A

A030\_P\_401 rev A

A030\_P\_402 rev A

A030\_P\_410 rev B

A030\_P\_411 rev B

A030\_P\_412 rev B

1034-ASRI-XX-XX-DR-L-1000 rev P7 - Landscape Plan

1034-ASRI-XX-XX-DR-L-1001 rev P4 - Levels Plan

1034-ASRI-XX-XX-DR-L-1002 rev P3 - Tree Planting Plan

1034-ASRI-XX-XX-DR-L-1003 rev P3 - Lighting Plan

1034-ASRI-XX-XX-DR-L-1100 rev P3 - Roof Garden Plan

210632 Transport Supporting Statement

21358 - Drainage Strategy Report P03

Ecological Appraisal Land at Crooklands Brow Dalton in Furness Ref:

6125 v4

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

#### Reason

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

4. Prior to the commencement of development on site, a specialist report must be produced detailing a methodology to eradicate the Japanese Knotweed present on site, as identified within the ecology report, and submitted for approval by the Planning Authority.

#### Reason

To ensure the Japanese Knotweed is eradicated from the site and prevented from spreading to neighbouring land.

5. Development shall not take place until a pedestrian footpath is provided within the grass verge to the site frontage, extending to join the existing footpath to the front of Crooklands Gardens on Ulverston Road, and a pedestrian refuge has been provided within Ulverston Road itself, both in accordance with details first submitted to and approved by the local planning authority. The development must be carried out in accordance with the approved details.

#### Reason

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



6. No development shall take place until a Preliminary Investigation (desk study, site reconnaissance and preliminary risk assessment), to investigate and assess the risk of potential contamination, is submitted to and approved in writing by the Local Planning Authority. This investigation must be undertaken by a suitably qualified contaminated land practitioner, in accordance with established procedures (BS10175 (2011+A2:2017) Code of Practice for the Investigation of Potentially Contaminated Sites and Model Procedures for the Management of Land Contamination (CLR11)).

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems. It is required pre-commencement to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Plan Policy C4 of the Barrow Borough Local Plan 2016-2031.

7. If the Preliminary Investigation identifies potential unacceptable risks, a Field Investigation and Risk Assessment, conducted in accordance with established procedures (BS10175 (2011+A2:2017) Code of Practice for the Investigation of Potentially Contaminated Sites and Model Procedures for the Management of Land Contamination (CLR11)), shall be undertaken to determine the presence and degree of contamination and must be undertaken by a suitably qualified contaminated land practitioner. The results of the Field Investigation and Risk Assessment shall be submitted to and approved by the Local Planning Authority before any development begins.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems. It is required pre-commencement to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Plan Policy C4 of the Barrow Borough Local Plan 2016-2031.

8. Where contamination is found which poses unacceptable risks, no development shall take place until a detailed Remediation Scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remedial options and proposal of the preferred option(s), all works to be undertaken, proposed remediation objectives, remediation criteria and a verification plan. The scheme must ensure that the site will not qualify as

contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems. It is required pre-commencement to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Plan Policy C4 of the Barrow Borough Local Plan 2016-2031.

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

Reason

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

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

Reason

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

### ***During Building Works***

11. No exterior elevation construction works of the building hereby approved shall take place until samples of the materials to be used in the construction of the external surfaces 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.

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

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with Local Plan Policy C4 of the Barrow Borough Local Plan 2016-2031.

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

#### Reason

To ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to

controlled waters, property and ecological systems in accordance with Local Plan Policy C4 of the Barrow Borough Local Plan 2016-2031.

14. The development shall be carried out in strict accordance with the ecological report (ref: 6125 v4) submitted with the application, including the implementation and management of the details of habitat protection, which precludes clearance works during active nesting season (March-September).

Reason

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

15. All planting, seeding or turfing comprised in the approved details of landscaping (drawing ref: 1034-ASRI-XX-XX-DR-L-1000 rev P7, 1034-ASRI-XX-XX-DR-L-1002 rev P3, 1034-ASRI-XX-XX-DR-L-1100 rev P3) shall be carried out in the first planting and seeding seasons following beneficial occupation of any part of the development, or in accordance with the phasing of the scheme as agreed in writing with the Planning Authority. Any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced by the landowner in the next planting season with others of a similar size and species, unless the Planning Authority gives prior written consent to any variation.

Reason

In the interests of the visual amenities of the area.

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

Reason

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

17. The approved Remediation Scheme shall be implemented and a Verification Report submitted to and approved in writing by the Local Planning Authority, prior to occupation of the development.

### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with Local Plan Policy C4 of the Barrow Borough Local Plan 2016-2031.

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

### Reason

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

19. The Japanese knotweed must be eradicated from site in accordance with the approved methodology, with a verification report produced and submitted to the local Planning Authority to verify the removal prior to the beneficial use of the building.

### Reason

To ensure the Japanese Knotweed is eradicated from the site and prevented from spreading to neighbouring land.

20. Prior to the beneficial use of the site, a 1.8m high steel fence must be erected in the position indicated on drawing ref: 1034-ASRI-XX-XX-DR-L-1000 P7 in accordance with details first submitted to and approved in writing by the Local Planning Authority, and thereafter be permanently retained.

### Reason

In order to provide adequate protection to the railway embankment from vehicles using the car park adjacent to Network Rail land.

### ***Operational Conditions***

21. No access gates shall be provided at the site entrances/access points except in strict accordance with details which must first be submitted to and approved by the Planning Authority.

### Reason

In the interests of highway safety and to minimise potential hazards.

22. Notwithstanding indicative drawing 1034-ASRI-XX-XX-DR-L-1003 rev P3 – Lighting Plan, no floodlighting or other form of external lighting shall be installed unless it is in accordance with details that have previously been submitted to and approved in writing by the Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any such lighting shall at all times be directed and shielded so as to minimise light spillage outside of the application site, and shall not thereafter be altered, other than for routine maintenance which does not change its details, without the prior consent in writing of the Planning Authority.

Reason

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

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

Reason

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

**98 – Land at Lichfield Close, Barrow-in-Furness**

From Mullberry Homes Ltd in respect of the rection of 30 dwellings and associated site works on Land at Lichfield Close, Barrow-in-Furness as shown on plan number 2021/0363.

Representations received and the results of consultations were reported.

Lesley Robson and Mr Taylor (Objectors) and Alexa Burns of Emery Planning (Agent) had attended the meeting and addressed the Committee.

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

RESOLVED:- It was agreed that subject to:

- (A) The applicant entering into a Section 106 obligation to secure:

- i) Financial contributions comprising:

Ainslie Street cycle route - £10,800 [CCC]  
Upgrade to the off-site footpath - £15,000[CCC]  
GP Services -£12,173 [NHS]

Contribution to offsite Leap/equipped play facility [figure to be agreed with Head of Development Management] [Barrow Council]  
Contribution to offset biodiversity net loss [figure to be agreed with Head of Development Management] [CWT]; and

- ii) The delivery of a minimum of 3 affordable dwellings as per NPPF definition then;
- (B) That Planning Permission be granted subject to the Standard Duration Limit and the following conditions, but with any amendments of the wording arising from the S106 negotiations, being delegated to the Head of Development Management:-

- 2. The development hereby permitted shall be carried out in all respects in accordance with the application dated 15th June, 2021 as amended by the hereby approved plans and documents defined by this permission as listed below: (List of approved drawings and documents to be agreed with the Head of Development Management).

Reason

In order to link the permission to the submitted application.

- 3. Notwithstanding the information referred to under condition no 2 above regarding finished floor levels no development shall commence until a scheme for determining the finished floor levels of all the dwellings hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved details.

Reason

The indicated FFL appear high compared to existing ground levels and further consideration is required to avoid potential harm to the amenities of local residents and to ensure the development respects its surroundings. To accord with Local Plan policies DS2, DS5 and H7.

- 4. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
  - (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
  - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations). In the event of surface water

- discharging to the public surface water sewer, the rate of discharge shall be restricted to 5 l/s;
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
  - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
  - (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage.

The drainage scheme submitted shall also be in accordance with the principles set out in the Flood Risk Assessment & Drainage Statement dated 03/05/2022 proposing surface water discharging to existing surface water drainage.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

#### Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

5. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
  - a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
  - b. 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 plan.

#### 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.

6. No development shall take place until a Construction Environmental Management Plan (CEMP), for construction of the proposed



development, is submitted to and approved by the Local Planning Authority. The statement shall outline the potential impacts from all construction activities on both groundwater, public water supply and surface water and identify mitigation measures to protect and prevent pollution of these waters. The development shall be undertaken in accordance with the approved CEMP.

Reason

To promote sustainable development and to manage the risk of pollution as advised by United Utilities.

7. The Preliminary Investigation has identified potential unacceptable risks, a Field Investigation and Risk Assessment, conducted in accordance with established procedures (BS10175 (2011+A2:2017) Code of Practice for the Investigation of Potentially Contaminated Sites and Land Contamination Risk Management (LCRM)), shall be undertaken to determine the presence and degree of contamination and must be undertaken by a suitably qualified contaminated land practitioner. The results of the Field Investigation and Risk Assessment shall be submitted to and approved by the Local Planning Authority before any development begins.

Reason

To ensure that risks from land contamination to the future users of the land, and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Local Plan Policy C4.

8. Where contamination is found which poses unacceptable risks, no development shall take place until a detailed Remediation Scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remedial options and proposal of the preferred option(s), all works to be undertaken, proposed remediation objectives, remediation criteria and a verification plan. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use.

Reason

To ensure that risks from land contamination to the future users of the land, and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Local Plan Policy C4.

9. The approved Remediation Scheme shall be implemented, and a Verification Report submitted to and approved in writing by the Local Planning Authority, prior to occupation of the development.

Reason

To ensure that risks from land contamination to the future users of the land, and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Local Plan Policy C4.

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

Reason

To ensure that risks from land contamination to the future users of the land, and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Local Plan Policy C4.

11. 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 only suitable material is brought onto site.

12. Prior to the commencement of any development a Construction Method Statement shall be submitted to, and approved in writing by the

Planning Authority. The Statement should cover all phases of the development and take account of all contractors or subcontractors and must be submitted for approval by the Planning Authority, prior to the commencement of the development. The Statement shall 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;

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, where appropriate, 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;

Retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;

Cleaning of site entrances and the adjacent public highway;

Details of proposed wheel washing facilities;

The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;

Construction vehicle routing;

The management of junctions to and crossings of the public highway and other public rights of way/footway;

Details of any proposed temporary access points (vehicular / pedestrian);

Surface water management details during the construction phase;

Specific measures to manage and limit the impact on the school, including working hours, any special measures to accommodate pedestrians

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

### Reason

In the interests of public safety and minimising the impact upon local environmental amenities and safety of the locality.

13. Details of carriageway, footways, footpaths, cycleways, and street lighting, including longitudinal/cross sections, drainage, surfacing and construction details, shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.

### Reason

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

14. No dwelling shall be occupied until the estate road including footways and cycleways to serve that dwelling has been constructed in all respects to base course level with street lighting where shown.

### Reason

In the interests of highway safety.

15. Prior to the commencement of the 13th plot, a programme for the completion of the estate roads, footpaths and footways, including phasing of the works, shall be submitted to, and approved in writing by, the Planning Authority and which shall then be completed in accordance with the approved programme and the details approved under conditions 2 and 13 above. If the estate roads, footways or footpaths are not to be Adopted by the County Council as a public highway, then full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall, in addition to the aforementioned programme, be submitted to and approved in writing by the Planning Authority prior to the occupation of the 18th dwelling.

The streets shall thereafter be maintained in accordance with the approved management and maintenance details.

### Reason

To ensure that the roads, footpaths and footways are completed to an appropriate timescale and standard, and that suitable measures are put in place for their retention and maintenance as public highways.

16. Prior to the occupation of any dwelling details of the proposed boundary treatments shall have been submitted to and approved in

writing by the Local Planning Authority. The submitted details to include the types of walls and fences, their materials, heights and proposed positions including compliance with policy GI9. The development shall only proceed in accordance with the approved details.

Reason

To ensure that the approved boundary treatments are delivered in the interests of amenity, safety, bio diversity and to ensure good design and to accords with Local Plan policies DS2, DS5 & GI9.

17. No development shall commence until the mitigation measures to reduce the loss of biodiversity as referred to in the submitted Defra based metric and as identified in the 'Preliminary Ecological Appraisal' sections 5.3 (Enhancements) and 6.0 (Conclusions) [ref 1449.21, Ascerta May 2021] have been submitted to and approved in writing by the Local Planning Authority. This to include a program for its implementation and measures to ensure that the mitigation is maintained for the life time of the development. The mitigation shall be implemented in full accordance with the program and maintained in accordance with the agreed measures in perpetuity. No development whether permitted by the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modifications) or not, shall be carried out so as to prevent compliance with this condition.

Reason

To ensure that the stated biodiversity mitigation is achieved to accord with Local Plan policies DS2, N3 and the Council's Bio-Diversity Supplementary Planning Document.

18. Prior to the beneficial occupation of any dwelling, details of the implementation/phasing of the approved landscaping scheme [ Ref WWLCB-01-Rev J, Westwood Landscapes] together with a Management Plan covering all management responsibilities and maintenance schedules for a minimum period of 5 years, must have been submitted to and approved in writing by the Planning Authority. All planting and subsequent maintenance shall be to contemporary British Standards. The approved scheme must be implemented and maintained in accordance with the agreed details.

Reason

In the interests of the visual amenities of the area and to ensure a management plan is put in place. The matter needs to be addressed pre commencement as it is likely to affect how the scheme proceeds.

19. Prior to the commencement of any development, the measures to safeguard the trees on the site as shown in the submitted 'Arborical

Impact Assessment [Ref P.1449.21, Ascerta, December 2021] must have been fully implemented and in particular as specified under section 6 'Tree Protection Measures' and Appendix 2 'Tree Constraints & Draft Protection Plan' [ ref P.1449.21.02] and

- a) the fencing shall be retained for the duration of the construction process in the approved locations
- b) no excavations, site works, trenches, channels, pipes, services, temporary buildings used in connection with the development or areas for the deposit of soil or waste or for storage of construction materials, equipment or fuel shall be sited within the root protection areas referred to above.

#### Reason

To protect trees which have been identified as making an important contribution to the public amenities of the area and which are subject of a tree preservation order. To secure the recommendations of the Arborical Impact Assessment.

20. Prior to the commencement of any development within plot 16, an Arborical Method Statement shall have been submitted to and approved in writing by the Local Planning Authority for Tree no T2 as per the recommendations of the submitted 'Arborical Impact Assessment [Ref P.1449.21, Ascerta, December 2021].

#### Reason

To secure the recommendations of the Arborical Impact Assessment. To safeguard a tree subject of a Tree Preservation Order.

21. All vehicle parking spaces including garages and the accesses thereto must be reserved for the parking of private motor vehicles and no permanent development, whether permitted by the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modifications) or not, shall be carried out on that area of land in such position as to preclude vehicular access to any part of the development hereby permitted.

#### Reason

To ensure that proper access and parking provision is made and retained for the use associated with the development hereby permitted.

22. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended)(or any Order revoking and re-enacting that Order with or without modifications) or not, including any provision in Article 3 or Schedule 2, Part 1 Class F, no drives shall be changed to an

alternative construction, but shall be permanently retained as permeable construction as per the details approved under condition no. 22 below and any enlargement of any drive or parking area shall likewise be of the same permeable construction.

Reason

The permeable construction forms an integral part of the drainage design providing attenuated flow and improvements in water quality as required by Local Plan policy C3a.

23. Details of the proposed permeable construction for drives and parking spaces shall have been submitted to and approved in writing by the Planning Authority. No drives or parking spaces shall be formed except in accordance with the approved details, unless the Planning Authority gives prior written permission for any variation.

Reason

While the submitted drainage strategy proposes permeable construction, no details have been submitted.

24. Prior to the commencement of any development above ground level the details of the materials to be used in the external elevations of the dwellings shall have been submitted to and approved in writing with the Planning Authority. The development shall then proceed in accordance with the approved details.

Reason

To ensure that the materials are sympathetic to the location and to accord with Local Plan policies DS2 and DS5.

**99 – 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.

Representations received and the results of consultations were reported.

Members had undertaken a site visit prior to the meeting.

Extra information had been circulated prior to the meeting which had included updated plans resulting in the recommendation being amended from recommending that the application be delegated to the Head of Development Management to determine, to recommending that planning permission be granted.

It was moved by Councillor McEwan and seconded by Councillor Tyson that the Committee should be minded to refuse the application as the area did not warrant another HMO, and

RESOLVED:- It was agreed that consideration of the application be deferred to the next 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 meeting closed at 3.26 pm.