

PLANNING COMMITTEE

Meeting: Tuesday 13th July, 2021
at 2.30 pm. (Banqueting Hall)

PRESENT:- Councillors M. A. Thomson (Chairman), C. Thomson (Vice-Chairman), Assouad, D. Edwards, H. Edwards, Gawne, McEwan, McLeavy, Nott and Seward.

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

Observer:- Councillor Hamilton

20 – Apologies for Absence

Apologies for absence had been submitted from Councillors Burley, Hall, Husband and Mooney.

Councillors H. Edwards and McLeavy had attended as substitutes for Councillors Hall and Burley respectively.

21 – Declarations of Interest

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

Councillor McLeavy declared an interest in Planning Application Nos. 2021/0249 and 2021/0250 – New Inn, Biggar Village, Barrow-in-Furness (Minute No. 28) as the applicants were known to him.

Councillor Nott declared an interest in Planning Application No. 2021/0430 – Armadale, Ireleth Road, Askam-in-Furness (Minute No. 27) as the applicants were former family.

22 – Minutes

The Minutes of the meeting held on 15th June, 2021 were taken as read and confirmed.

23 – Public Participation

RESOLVED:- Mr & Mrs Fox (Applicants) and Ms Bellwood (Planning Consultant) addressed the Committee in relation to the Planning Application for the New Inn, Biggar Village, Barrow-in-Furness (Minute No. 28 refers. No deputations or petitions had been received in respect of the meeting.

24 – Tree Preservation Order No. 2 2021: Land East of Roose Gate, West of Rampside Road near Barrow-in-Furness

The Development Services Manager (Planning & Enforcement), reported that following representations to Members, a Tree Preservation Order (TPO) had been drafted and served under delegated powers in order to protect a wooded area from further clearance. The area of land was from Old Rampside Road, running along the rear of properties on Redshaw Avenue from the old bridge, westwards towards Salthouse Mills. Formerly a mineral railway line, this was a densely overgrown and wooded area enclosed by steep banks at its eastern end, whereas towards the Mills it was more open in nature.

The land had recently gone on sale through a local estate agent as a development opportunity.

On the weekend of 26th/27th June, local Members had been contacted by Residents who had been concerned about alleged tree clearance works that had commenced. The land had since been visited by an Officer who had observed some undergrowth removal together with damage to various trees, possibly caused by the use of a mini excavator.

The land owner had stated that the works had been aimed at undergrowth clearance, specifically Japanese knotweed, rather than seeking to remove any significant number of trees, and that they had surveyed for nesting birds and other species prior to works being carried out. They had also stated that due to its isolated nature, the area was prone to fly tipping and the unauthorised felling and removal of trees.

Following inspection an Order had been made on 28th June, 2021 and served on interested parties. The Order did not prevent the continuation of the undergrowth removal work, but required a greater level of care by the workforce to avoid any damage to the protected trees.

RESOLVED:- That the report be received.

Town and Country Planning Acts

25 – 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:-

- 2021/0353** Conversion and enlargement of garage to provide a bedroom with en-suite and conversion of shower room to form utility room at 9 Malton Crescent, Barrow-in-Furness.
- 2021/0272** Rear ground floor kitchen and lounge extension; side ground floor extension to existing store/workshop and front ground floor entrance canopy at 54 Hill Road, Barrow-in-Furness.
- 2021/0339** Application for approval of details reserved by Condition No. 7 (Landscaping and biodiversity implementation programme) and No. 19 (Materials for external envelope of dwellings) of planning permission 2019/0576) (Erection of 29 dwellings at Housing Site at corner of Lots Road and New Road, Askam-in-Furness.
- 2021/0307** Change of use of ground floor from betting office (Use Class sui generis) to hot foot take-away (Use Class sui generis) at 6 Bath Street, Barrow-in-Furness.
- 2021/0368** Application for permission in principle for erection of farm workers dwelling at Parkhouse Farm, Parkhouse Road, Barrow-in-Furness.
- 2021/0287** Sub-division of existing dwelling by conversion of ancillary granny annex into an independent holiday let including the division of garden and creation of designated parking area on land to the north of the dwelling (retrospective) at Paddock View, Woodbine Lane, Newton-in-Furness.
- 2021/0376** Application for a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) for the building to be retained as F1(f) use by an alternative user for use for multi-faith funeral services at Spring Mount Church, Spring Grove, Barrow-in-Furness.
- 2021/0349** Erection of a single storey side extension which includes a store facility and dressing area. Erection of a single storey porchway to front elevation at 3 Eccleriggs Avenue. Barrow-in-Furness.
- 2021/0362** Rear single storey extension forming sunroom, utility, W.C. and internal alterations (replacing existing conservatory) at 94 Holbeck Park Avenue, Barrow-in-Furness.
- 2021/0484** Application to determine if prior approval is required for a proposed agricultural storage building at Green Area, Dalton-in-Furness.
- 2021/0210** Demolition of existing workshop and erection of a mono pitched roofed workshop at 7 Market Street, Dalton-in-Furness.
- 2021/0360** Single storey flat roofed side extension for use as a Committee Room. Provision of a disabled ramp for access to the club house including a new viewing platform with toughened glass glazed panelling and block returning wall. Provision of a unisex disabled wc/baby changing

facilities for spectators in lieu of existing Committee Room at Holker Old Boys Club, Rakesmoor Lane, Barrow-in-Furness.

- 2021/0364** Creation of front first floor pitched roof extension over existing garage to create enlarged bedroom and 12 Aspen Drive, Barrow-in-Furness.
- 2021/0449** Application for approval of details reserved by Condition No. 7 (screen walls and fences) of planning permission 2019/0888 (Erection of a detached dwelling, Land to the rear of 32A Sandy Lane, Askam-in-Furness).
- 2021/0391** Kitchen extension to create a kitchen diner area at 123 Hawcoat Lane, Barrow-in-Furness.
- 2021/0261** Single storey garage (retrospective) at 165 Chapel Street, Dalton-in-Furness.
- 2021/0381** Removal of front dormer, enlargement of rear dormer and internal alterations at 18 Sandy Lane, Askam-in-Furness.
- 2021/0460** Application for a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) for a single storey rear extension forming garden room at 2 Avocet Crescent, Askam-in-Furness.
- 2021/0259** Five day notice to fell 1 Ash Tree with Advanced Ash die back at 11 Cemetery Hill, Dalton-in-Furness.
- 2021/0469** Application for approval of details reserved by Condition No. 4 (Phase 2 Site Investigation) of planning permission 2020/0275 (Demolition of existing dwelling and erection of a replacement dwelling) at Saw Mill Cottage, Pennington Lane, Lindal-in-Furness.
- 2021/0543** Five day notice to fell 1 Ash Tree with Advanced Ash die back at 6 Infield Crescent, Barrow-in-Furness.

Prior Approval was not required for the following application:-

- 2021/0461** Erection of a portal frame agricultural storage building on Land at Eure Pits, Ulverston Road, Dalton-in-Furness.

The following application was a County Council application:-

- 2021/9003** Replacement of roof covering to the Muse Building (County Matter) at Dowdales Secondary School, Nelson Street, Dalton-in-Furness.

The following applications had been refused:-

- 2021/0208** Conversion of current garage to a bedroom and addition of a new garage to side of property at 4 Valley Drive, Barrow-in-Furness.

2021/0412 Application for Outline Planning Permission with all matters reserved for the construction of a dwelling house on Land adjacent to Gillswood Bungalow, Park Road, Barrow-in-Furness.

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

Town and Country Planning Acts

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

26 – 79A Market Street, Dalton-in-Furness

From Mr I. Brocklebank in respect of the demolition of existing retail property located within a conservation area and hard standings, erection of a terrace of 4 dwellings with garages and landscaping. Change of use of the site from retail to residential at 79A Market Street, Dalton-in-Furness as shown on planning application number 2020/0803.

Representations received and the results of consultations were reported.

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

RESOLVED:- It was unanimously agreed to defer consideration of this application to allow the Committee to undertake a site visit to view the parking situation.

27 – Armadale, Ireleth Road, Ireleth, Askam-in-Furness

From Mr and Mrs Higham in respect of the construction of a detached 1.5 storey dwelling with detached garage and associated landscaping at Armadale, Ireleth road, Ireleth, Askam-in-Furness as shown on plan 2021/0430.

Representations received and the results of consultations were reported.

It was moved by Councillor McEwan and seconded by Councillor Seward and

RESOLVED:- 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 06/05/21 and the hereby approved documents defined by this permission as listed below, except where varied by conditions attached to this consent. BHA Trees Ltd Arboriculturalist's Report ref 4057 dated 26/03/20. South Lakes Ecology Bat Survey Report No. 920/5, dated 30/09/20. HM Architecture Construction Site Management Plan. Drawing ref: 5547 (PL) 01A, 5547 (PL) 02A, 5547 (PL) 03, 5547 (PL) 04C, 5547 (PL) 05, 5547 (PL) 06, 5547 (PL) 07.

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 which are shown to be retained. Measures to protect those trees shown to be retained must include all the following;
 - a) Fencing in accordance with the details shown in the Arboriculturalist Report ref 4057 dated 26/03/20 must be erected around each tree or group of trees as detailed.
 - 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.

Before Occupation

4. Prior to the beneficial occupation of any part of the development, the 3 replacement trees shown on drawing ref 5547 (PL) 04 rev C must be planted and subsequently maintained in accordance with current British Standards.

Reason

In the interests of the visual and ecological amenities of the area.

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

Reason

In the interests of the visual amenities of the area.

6. No part of the development hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided to the Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and
 - iii. provide a management and maintenance plan for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason

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

7. Prior to the beneficial occupation of the dwelling hereby approved, the bird and bat boxes must be installed in accordance with the details shown on the plans hereby approved and thereafter be permanently retained.

Reason

To ensure adequate habitat provision is made for wildlife and to contribute to a biodiversity net gain.

Operational Conditions

8. The fences erected/to be erected in the rear garden shall be in accordance with the details on drawing ref 5547 (PL) 04 Rev C allowing for through migration for wildlife, with such access provision thereafter permanently retained.

Reason

In the interests of wildlife migration.

9. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modifications) no additional opening of any kind shall be made in the east facing side elevation of the permitted dwelling without the prior written consent of the Planning Authority.

Reason

In order to protect the residential amenities of neighbouring properties from overlooking or perceived overlooking.

28 – New Inn, Biggar Village, Barrow-in-Furness

From Mr and Mrs Fox in respect of the division of the New Inn by conversion of existing modern ancillary accommodation and garage into two new separate 3-bedroom dwellings including the division of garden and creation of 6 designated parking spaces to allow 2 spaces for each dwelling - three dwellings in total (Resubmission B13/2020/0346) and Listed Building Consent for the division of the New Inn by conversion of existing modern ancillary accommodation and garage into two new separate 3-bedroom dwellings including the division of garden and creation of 6 designated parking spaces to allow 2 spaces for each dwelling - three dwellings in total (Resubmission B23/2020/0345) at New Inn, Biggar Village, Barrow-in-Furness as shown on planning application numbers 2021/0249 and 2021/0250.

Consideration of this application had been deferred at the meeting on 15th June, 2021 (Minute No. 19 refers) as it had become apparent (immediately prior to the meeting) that some information including plans had been omitted from the information pack. Deferring consideration of the application had allowed Members of the Committee more time to consider the information.

Representations received and the results of consultations were reported.

Mr & Mrs Fox (Applicants) and Ms Bellwood (Planning Consultant) addressed the Committee.

It was moved by Councillor M. A Thomson and seconded by Councillor C. Thomson and

RESOLVED:- that,

a) Planning permission (2021/0249) be REFUSED for the following reasons:-

1. The proposal, by virtue of the countryside location outside of any recognised settlement or development cordon and adjacent to areas at risk of flooding, would fail to support a pattern of development which is balanced in favour of sustainability, increasing dependence upon private motor vehicles due to a the lack of alternative public transportation or safe pedestrian accessibility to the nearest settlements and services. This is considered to contrary to the aims of both the Barrow-in-Furness Local Plan 2016-2031 Policies I4, H5 & H7, and the NPPF.
2. By virtue of the non-traditional design features, increased uniformity and loss of the simple barn like character the alterations to the building are considered to be incongruous and overly dominant, resulting in less than substantial harm to the wider building and by extension, the defined character and appearance of the Conservation Area. It is considered there are no wider public benefits which would outweigh that harm, nor would the sub-division secure an optimum use of the already occupied residential building. The development therefore conflicts with policies HE1, HE4 and H7 of the Barrow-in-Furness Local Plan 2016-2031.
3. The significance of the building or Conservation Area has not been fully assessed or the impact of elements of the proposal on that significance. Approval of the proposal would be contrary to Policy HE2 of the Barrow-in-Furness Local Plan 2016- 2031; and

b) Listed Building Consent (2021/0250) be REFUSED for the following reasons:-

1. By virtue of the non-traditional design features, increased uniformity and loss of the simple barn like character the alterations to the building are considered to be incongruous and overly dominant, resulting in less than substantial harm to the setting of the wider building and by extension, the defined character and appearance of the Conservation Area. It is considered there are no wider public benefits which would outweigh that harm, nor would the sub-division secure an optimum use of the already occupied residential building. The development therefore conflicts with Policy HE1 and Policy HE3 of the Barrow-in-Furness Local Plan 2016-2031.
2. The significance of the building has not been fully assessed or the impact of elements of the proposal on that significance. No clear and convincing evidence, as required by paragraph 194 of the NPPF, has been submitted to justify the proposals in terms of public benefit or in securing an optimum viable use of the building. Approval of the proposal would be contrary to Local Plan Policy HE2.

The meeting closed at 3.14pm.