

## **PLANNING COMMITTEE**

Meeting: Tuesday 14th December, 2021  
at 2.30 pm. (Banqueting Hall)

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

Officers Present:- Jason Hipkiss (Development Services Officer - Planning), Maureen Smith (Principal Planning Officer), Sandra Kemsley (Democratic Services Officer) and Katie Pepper (Democratic and Electoral Services Officer).

### **75 – Apologies for Absence**

An apology for absence had been received from Councillor Mooney.

### **76 – Declarations of Interest**

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

### **77 – Minutes**

The Minutes of the meeting held on 16th November, 2021 were taken as read and confirmed.

### **78 – Public Participation**

RESOLVED:-

Harry Tonge (Agent) addressed the Committee in relation to the Planning Application for Land at London Road, Lindal-in-Furness (Minute No. 82 refers).

Ian Whalley, Lakeland Architectural (Agent) addressed the Committee in relation to the Planning Application for 20 Sanderling Lane, Dalton-in-Furness (Minute No. 83 refers).

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

### **79 – Updating of Local Validation Criteria**

The Development Services Manager (Planning and Enforcement) reported that under current legislation, the Planning Authority was required to monitor and update its validation criteria at least every two years. He requested that the Committee endorsed the validation criteria to form part of the consultation exercise.

It had been noted that in 2008 Government had introduced a requirement for Planning Authorities to adopt validation documents in order to streamline the planning application process. The validation documents informed applicants of the nature and level of supporting information needed when submitting an application.

The objective had been to introduce greater clarity and certainty for applicants, as well as some improvement in the quality and consistency of the information available to Planning Authorities.

The introduction of validation criteria had been part of Government's increasing emphasis on the speed of determination and delivery of projects. In practise that had helped Authorities to quickly triage poor quality submissions that lacked suitable information and supporting documentation, by avoiding registering them until suitably complete.

Paragraph 44 of the updated NPPF states that Planning Authorities should publish a local list of their contemporary validation criteria for the registration of planning applications. This was in addition to the national requirements. These documents can be found on the Council's website and via the Planning Hub. Guidance also states that the Authority should regularly review its validation criteria; at least every two years. This was to take account of changes to national guidance and legislation, as well as local changes such as the adoption of a new Development Plan.

The Development Services Manager (Planning and Enforcement) advised that the subject criteria would form the template for the validation checklists, covering a variety of subjects, such as listed buildings, advertisements and works to trees. The instructions had been improved and there had been revisions as to the nature, format and type of supporting information that may be required when applying. There was several documents within the list, each related to a specific type of application. Some were by necessity quite detailed, such as the criteria for listed building and heritage assets, whilst others were broader in scope, such as the one for full applications. The success of the scheme would be dependent upon the continued pragmatism and professional judgement of Officers.

It had been noted that the draft lists would be uploaded to the Council's website during the week commencing 13th December 2021, as part of a public and statutory undertaker consultation exercise. To allow for the Christmas break, the final documents would be uploaded in January 2022. In order to minimise delays, the Development Services Manager (Planning and Enforcement) had recommended that any changes be delegated to the Planning Manager.

RESOLVED:- (i) To endorse the validation criteria to form part of the consultation exercise; and

(ii) To agree to delegate powers to the Planning Manager to make any changes from the consultation exercise for their adoption and publication in January 2022.

## **80 – Update on Enforcement Action – Various Sites, Barrow-in-Furness**

The Development Services Manager (Planning and Enforcement) had submitted a report updating Member on recent enforcement action within the Borough as follows:-

### Rock Lea, Abbey Road, Barrow in Furness

Consent had been granted via 2016/0789 in October 2017 for 10 houses on the site of Rock Lea, a former Cumbria County Council Care Home. The houses had been larger units aimed at the “Executive sector” and as such required off street parking suitable for the size of dwellings in accordance with the County design guide as required by Policy I6.

Plot 1 had a row of three spaces set lengthways along the rear garden boundary. These had been omitted from the built scheme by the developer (Mullberry Homes) and the garden had been extended instead. There appeared to be no feasible options to provide appropriately sited parking on the plot, without infringing on neighbouring amenities and general highway safety.

The Developer had been approached in June this year and had been given the option to resolve the situation either by implementing the approached consent or providing a viable alternative through a fresh application. Neither had transpired, although a recent attempt had been made to submit a revised application, but that could not be validated.

The house was currently being used as a showhouse for the development. Members had been requested to note that, should the house be sold, then the onus for compliance would fall to the new purchaser if the matter was not picked up during the conveyancing. On the basis that the as built scheme had been considered unacceptable, an Enforcement Notice had been served on 30th November following agreement by the Planning Panel.

### Land to the south of Leece Lane, Barrow-in-Furness

In late summer, several complaints had been received in relation to works taking place on land to the south of Leece Lane, Barrow-in-Furness. The works related to two areas of land to the south of Leece Lane.

The first field, to the west located between Nos. 7 and 12 Stonedyke was an allocated housing site in the recently adopted Local Plan, reference REC05, although no planning consent had been sought or granted.

The second field, immediately to the east of the first was designated as “green wedge” in the recently adopted Local Plan.

Officers had carried out site inspections and liaised with other agencies including the Environment Agency, Natural England and the Forestry Commission. The work, which had been undertaken using heavy machinery, had included building and engineering operations namely soil excavation, mounding, regrading of the land and in-filling of voids, deposition of hardcore, creation of a hard surfaced driveway and vehicular access, and associated ground clearance. Furthermore, the removal of established hedgerows, trees and mature greenery to facilitate the engineering works had completely transformed the character of the area.

Officers had been of the view that the scale of the works amounted to “development”, as defined in section 55 of the Town and Country Planning Act 1990.

In this case Officers had sought legal advice and were of the view that a breach of planning control had taken place and that it was expedient that the activity be stopped immediately. It had been determined that the most appropriate course of action initially was the serving of a Planning Contravention Notice (PCN) and Temporary Stop Notice (TSN) as first steps and this had been agreed with Planning Panel. A Panel report had been issued on 21.10.21 outlining the background to this case.

The reason for issuing the Temporary Stop Notice was that the Council required unlawful development occurring on the land to cease immediately and to prevent any further damage from that already sustained to the land allocated as Green Wedge in the Council's most recent Local Plan. A temporary stop notice expires 28 days after the display of the notice on site (or any shorter period specified). At the end of the 28 days there was the risk of the activity resuming if an enforcement notice was not issued and a stop notice served.

The legislation states that it would not be possible to issue a further temporary stop notice unless the local Planning Authority had first taken some other enforcement action against the breach of planning control.

There had been evidence to suggest that works continued one day after the serving of the notice, although no further work had been known to have taken place since. Officers had been investigating the breach of the TSN and had also taken legal advice in relation to the failure of the Developer to respond to the Planning Contravention Notice.

Once the Stop Notice expired, Officers considered that it was expedient to issue an Enforcement Notice, having regard to the provisions of the development plan and to other material planning considerations.

It had been noted that the Enforcement Notice required the parties on whom the Notice had been served to:-

- (i) Cease carrying out the unauthorised engineering operations and works as specified above;
- (ii) Cease carrying out works of site clearance and ground and site preparation;
- (iii) Remove the vehicular access to both fields;
- (iv) Remove all hardcore from Field 2 (the “Green Wedge”);
- (v) Re-seed the land in question (for clarity this refers to both fields) using an agricultural grass seed and re-instate the land to its previous greenfield condition. This should be carried out and completed within the next planting season; and
- (vi) Re-instate the hedgerows along the entire length of the roadside frontages of both fields, other than a gap for a small field gate to a given specification, including species, height and plant numbers. This should be carried out and completed within the next planting season.

This Notice would take effect on 22nd December, 2021 unless an appeal was made against it beforehand.

Councillor Zaccarini expressed his thanks to Officers for their prompt action.

#### Ruskinville, Abbey Road, Dalton in Furness

Committee resolved to refuse an application for retrospective planning permission for the erection of a garage and the creation of a new vehicular access onto Abbey Road. At the same time authorisation had been given for the service of an enforcement notice (14th September, 2021 – Minute No. 47 refers). The notice had been served on 13th October, 2021 and which specified a compliance period of six months. PINs had however notified the Council of an appeal being lodged. As a result, the requirements of the notice had been suspended until the appeal had been determined.

#### Premises known as The Cry and Kavannas, Cornwallis Street, Barrow in Furness.

These properties had been in a deteriorating condition for some time and Officers had sought to engage with the owners to secure repairs, with some limited improvements to the ground floor. The properties fall within the Heritage Action Zone which gives some additional scope for negotiating improvements.

In recent weeks the owners had failed to carry out the required works through negotiation and a Section 215 warning letter had now been issued, as a precursor to a Section 215 Notice if no progress was made.

RESOLVED:- To note the updates on enforcement action.

### **Town and Country Planning Acts**

#### **81 – Delegated Decisions**

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

**2019/0737** Application for approval of Reserved Matters following the grant of Outline Planning Permission 2018/0070 with all matters reserved for

the erection of up to 36 dwellings on Land opposite Greenhills Pond, Greystone Lane, Dalton-in-Furness.

- 2021/0748** Double storey side extension (extending 1.25 metres in front of the existing (house) with a front canopy roof extending across the remainder of existing house. Extension to provide ground floor living area and store with first floor bedroom and en-suite at 39 Newton Road, Dalton-in-Furness.
- 2021/0759** Single storey rear extension forming extending kitchen/dining room and internal alterations at 163 Ainslie Street, Barrow-in-Furness.
- 2021/0822** Proposed single storey side/rear extension and associated internal layout alterations creating open-plan living/kitchen/diner with separate utility and wc; reduction in length of existing garage to accommodate extension at 72 Ocean Road, Barrow-in-Furness.
- 2021/0699** Advertisement consent to display:
- 1 x new shaped internally illuminated flexface sign;
  - 2 x existing internally illuminated flexface signs refurbished;
  - 4 x replacement non illuminated poster holders;
  - 1 x deliveries panel;
  - 2 x painted parking bays;
  - 2 x post signs;
  - 2 replacement totem panels
- at Pets At Home, Corner House Park, Hindpool Road, Barrow-in-Furness.
- 2021/0702** Application for approval of details reserved by Condition No. 4 (Construction Method Statement) of planning permission 2020/0692 (Erection of a front porch, rear extension, new windows in the front and side elevations, detached garden room to create a gym and home studio and raised terrace) at 55 Mulberry Way, Barrow-in-Furness.
- 2021/0705** Two storey side extension, front porch with covered walkway, car port to side and covered seating area to rear, forming one additional bedroom and extended kitchen at 14 Infield Gardens, Barrow-in-Furness.
- 2021/0718** Erection of a single and two storey extension to rear of property, including demolition of existing outbuildings and erection of a detached garden store (amended description) at Wynholme, Saves Lane, Ireleth, Askam-in-Furness.
- 2021/0750** Erection of replacement farm livestock building at Barrow House Farm House, Barrow House Farm, Woodbine Lane, Newton-in-Furness.

- 2021/0832** Notice of Intention to carry out works to trees within Conservation Area – remove trunk growth on maple (1) at Michaelson Road, Barrow-in-Furness.
- 2021/0833** Notice of intention to carry out works within the Conservation Area to remove trunk growth to alder (1) at Sidney Street, Barrow-in-Furness.
- 2021/0834** Notice of intention to carry out works within the Conservation Area:  
Alder (1) – remove trunk growth and tree guard and grid;  
Alder (2) – remove tree guard and grid;  
Alder (3) – remove tree guard and grid;  
Alder (4) – remove tree guard and grid;  
Alder (6) – remove tree guard and grid;  
Alder (7) – remove tree guard and grid
- 2021/0842** Erection of a single storey rear extension including internal alterations forming open plan living/dining/kitchen area at 81 Hawcoat Lane, Barrow-in-Furness.
- 2021/0844** Proposed detached garage to rear garden at 30 Dane Avenue, Barrow-in-Furness.
- 2021/0860** Proposed loft conversion forming 2 no. additional first floor bedrooms and en-suite bathroom, construction of new pitched roof dormer to east elevation, construction of new porch, provision of new pitched roof to garage in lieu of existing flat roof and construction of new single storey extension forming additional ground floor bedroom at West Garth, Newton Cross Road, Newton-in-Furness.
- 2021/0863** Demolition of existing pitched roof rear outhouse and rebuilding in conjunction with adjoining flat roofed kitchen extension at 1 Dalton Lane, Barrow-in-Furness.
- 2021/0783** Advertisement Consent to display 4 no. internally illuminated fascia signs at Currys, Unit E Hollywood Park, Hindpool Road, Barrow-in-Furness.
- 2021/0794** Rear single storey flat roof kitchen extension (retrospective) at 70 Yarlside Road, Barrow-in-Furness.
- 2021/0824** Notice of intention to carry out works to trees within Conservation Area – crown reduce from street light to provide 1.5 metre clearance – whitebeam (1) adjacent to St Marys Church, Duke Street, Barrow-in-Furness.
- 2021/0742** Change of use of first floor from use as part of a former fitness studio at 147 Market Street to residential accommodation as part of the use of 147 Market Street as a single dwelling house (Use Class C3) at 149 Market Street, Dalton-in-Furness.

- 2021/0756** Removal of a ventilation louvre on the ground floor south elevation. The opening will be bricked up and two new openings created. A hardwood frame will be installed to each opening and two aluminium cowls will be fixed to the hardwood frames at BT Telephone Exchange, Church Lane, Barrow-in-Furness.
- 2021/0826** Notice of intention to carry out works to trees within Conservation Area – Maple (1) – crown reduce from adjacent property to provide 2 metre clearance at side adjacent to The Nan Tait Centre, Bath Street, Barrow-in-Furness.
- 2021/0827** Notice of intention to carry out works to trees within Conservation Area – remove epicormic growth to Alder (1) at Clifford Street, Barrow-in-Furness.
- 2021/0828** Notice of intention to carry out works to trees within Conservation Area – Willow (2) – remove dead branch from crown at Island Road, Barrow-in-Furness.
- 2021/0829** Notice of intention to carry out works to tree within Conservation Area:  
Alder (3) – remove dead branch from crown;  
Alder (4) – remove tree guard  
at Keith Street, Barrow-in-Furness.
- 2021/0765** Advertisement Consent for the installation of one set of individual halo illuminated letters fitted vertically on the south west gable elevation facing beer garden at Furness Railway, 76-80 Abbey Road, Barrow-in-Furness.
- 2021/0787** Single storey rear, 2 storey side, porch and dormer roof extension at Corandirk, Saves Lane, Ireleth, Askam-in-Furness.
- 2021/0234** Installation of a 2400mm high security fence with vehicular gates to rear and side of Moorhead Cottages (amended description and amended plans received) at Moorhead Cottages, Rampside Road, Barrow-in-Furness.

The following application was a split decision:-

- 2021/0825** Notice of intention to (works to trees within Conservation Area):  
Ash (1) – remove metal tree guard;  
Ash (2) – remove metal tree guard;  
Ash (3) – remove metal tree guard;  
Ash (4) – remove metal tree guard;  
Ash (5) – remove tree and metal tree guard  
at St. Vincent Street, Barrow-in-Furness.



**2021/0735** Single storey rear extension forming extended dining and living room at 3 Kimberley Court, Bank Lane, Barrow-in-Furness.

The following applications had been refused:-

**2020/0774** Listed Building Consent for demolition of existing single storey side extension and replace with two storey side extension for use as: Ground floor kitchen and dining room, first floor bedroom and shower room at Mill Brow Lodge, Abbey Road, Dalton-in-Furness.

**2020/0775** Demolition of existing single storey side extension and replace with two storey side extension for use as: Ground floor kitchen and dining room, first floor bedroom and shower room at Mill Brow Lodge, Abbey Road, Dalton-in-Furness.

**2021/0612** Change of use of former martial arts gymnasium (Class E(d)) to 1 house and 6 no. self contained studio apartments (Class C3) including associated external alterations at 2-6 Derry Street, Barrow-in-Furness.

**2021/0766** Listed Building Consent to re-roof with 'Redland' plain grey roof tile at 2-3 Church Street, Dalton-in-Furness.

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

### **Town and Country Planning Acts**

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

#### **82 – Land at London Road, Lindal-in-Furness**

From Chandlers Country Homes Ltd in respect of an application for approval of details reserved by Condition No. 5 (Archaeological Evaluation), No. 6 (Drainage Details), No. 9 (Foul and Surface Drainage Scheme), No. 10 (Feasibility Assessment Surface Water Drainage), No. 11 (Highways), No. 14 (Landscaping Strategy) and No. 20 (Roof Materials) for planning permission 2018/0375 (Outline application for the erection of 35 dwellings and associated car parking, landscaping and highways infrastructure) on land at London Road, Lindal-in-Furness as shown on planning application number 2020/0251.

Representations received and the results of consultations were reported.

Harry Tonge (Agent) attended the meeting and addressed the Committee).

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

**RESOLVED:-** That the submitted information is approved in relation to the application for approval of details reserved by Condition No. 5 (Archaeological

Evaluation), No. 6 (Drainage Details), No. 9 (Foul and Surface Drainage Scheme), No. 10 (Feasibility Strategy) and No. 20 (Roof Materials) which comprise of:-

Condition No. 5 – Archaeological Evaluation

Archaeological Evaluation ref. G1437

Condition No. 6 – Drainage Strategy

K36417-01-Drainage Strategy Rev B 22/10/2020

K36417/A1/108A - External Works Layout Plan 1 of 3

K36417/A1/109A - External Works Layout Plan 2 of 3

K36417/A1/110A - External Works Layout Plan 3 of 3

Condition No. 9 – Foul and Surface Drainage Scheme

K36417-01-Drainage Strategy Rev B 22/10/2020

K36417/A1/108A - External Works Layout Plan 1 of 3

K36417/A1/109A - External Works Layout Plan 2 of 3

K36417/A1/110A - External Works Layout Plan 3 of 3

Condition No. 10 – Feasibility Strategy

K36417-01-Drainage Strategy Rev B 22/10/2020

K36417/A1/108A - External Works Layout Plan 1 of 3

K36417/A1/109A - External Works Layout Plan 2 of 3

K36417/A1/110A - External Works Layout Plan 3 of 3

Condition No. 11 - Highways

K36417-01-Drainage Strategy Rev B 22/10/2020

K36417/A1/108A - External Works Layout Plan 1 of 3

K36417/A1/109A - External Works Layout Plan 2 of 3

K36417/A1/110A - External Works Layout Plan 3 of 3

Proposed S38 Street Lighting Design - AP0524-751

Service Trench Sections - K35417/A1/116

Operation and Maintenance Plan for SUDs - K36417.0M/001

Outdoor Lighting Report

K36417-106B - LONGITUDINAL SECTIONS\_SHEET 1 – Amended 15/03/2021

K36417-107B - LONGITUDINAL SECTIONS\_SHEET 2 - Amended 15/02/2021

K36417-103C - HIGHWAYS LAYOUT PLAN-A1L 1 OF 3 - Amended 15/03/201

K36417-104C - HIGHWAYS LAYOUT PLAN-A1L 2 OF 3 - Amended 13/05/2021

K36417-105C - HIGHWAYS LAYOUT PLAN-A1L 3 OF 3 - Amended 13/05/2021

### Condition No. 14 – Landscaping Strategy

Soft Landscaping - planting proposals – Yew Tree, Version 3, 09/10/2020  
Biodiversity Net Gain Assessment ref JN00461/LE01

### Condition No. 20 – Roof Materials

L3368\_DESIGN AND ACCESS STATEMENT\_20.02.21

### **83 – 20 Sanderling Lane, Dalton-in-Furness**

From Mr and Mrs Harvey in respect of a loft conversion with new front and rear dormers creating additional living room, bedroom and bathroom (Retrospective) at 20 Sanderling Lane, Dalton-in-Furness as shown on planning application number 2021/0894.

Representations received and the results of consultations were reported.

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

Ian Whalley, Lakeland Architectural (Agent) attended the meeting and addressed the Committee.

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

RESOLVED:- It was agreed that planning permission be approved subject to the following conditions:-

#### ***Compliance with Approved Plans***

1. The development shall be carried out and completed in all respects in accordance with the application dated 21/10/2021 and the hereby approved documents defined by this permission as listed below, except where varied by conditions attached to this permission:

Approved Plans: Loft Conversion DRW: 1102/P/02 REV A

#### Reason

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

#### ***Pre-commencement Conditions***

2. The front and side elevations of the dormer shall be clad in a vertically hung tiles, of a colour and texture to match the existing roof covering of the property. The subsequently approved treatment shall thereafter be permanently maintained unless the Planning Authority gives prior written consent to any variation.

### Reason

In the interests of visual amenity, it is important that the dormer appears as a integral part of the roof.

### **84 – Land at Stafford Street, Askam-in-Furness**

From Mr J. Procter in respect of the erection of a detached two storey dwelling with a detached garage on land at Stafford Street, Askam-in-Furness as shown on planning application number 2021/0548.

Representations received and the results of consultation were reported.

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

RESOLVED:- It was unanimously agreed that planning permission be granted subject to the Standard Duration Limit and the following 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 90 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### ***Compliance with Approved Plans***

2. The development shall be carried out and completed in all respects in accordance with the application dated 21.06.21 and the hereby approved documents defined by this permission as listed below, except where varied by conditions attached to this consent:

Preliminary Ecological Appraisal 7th May 2021 0521/3

BEK - Phase 1 Preliminary Risk Assessment - Stafford St Askam-in-Furness - Report Ref

BEK-21875-1 May 2021

(3354) Stafford Street - Construction Management Method Statement

(3354) P101 - LOCATION PLAN

(3354) P102 - SITE SURVEY PLAN

(3354) P103 rev A - SITE LAYOUT PLAN

(3354) P104 rev A - PLANS AND ELEVATIONS

(3354) P105 rev A - DAYLIGHT ASSESSMENT

(3354) P106 rev A - BAT AND BIRD BOX LOCATIONS

Drainage Details 21327-GAD-ZZ-00-SK-C-1070 Rev P01

Drainage Layout 21327-GAD-ZZ-00-SK-C-1000 Rev P01

### Reason

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

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

### Reason

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

### ***Pre-commencement Conditions***

4. 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 an approved by the Local Planning Authority before any development begins.

### Reason

It is required (as a pre-commencement condition) to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy C4 of the Local Plan.

5. 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 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

It is required (as a pre-commencement condition) to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy C4 of the Local Plan.

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

6. 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 the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy C4 of the Local Plan.

7. No soil materials 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 in accordance with Policy C4 of the Local Plan.

### ***Before Occupation***

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

#### Reason

To ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy C4 of the Local Plan.

9. Prior the beneficial occupation of any part of the development, the 2 replacement trees, hedgerow and lawn shown on drawing ref 'P103 rev A site layout plan' must be planted and subsequently maintained in accordance with current British Standards.

### Reason

To ensure a biodiversity net gain results and in the interests of the visual and ecological amenities of the area.

10. 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 year from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replace 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

To ensure a biodiversity net gain results and in the interests of the visual and ecological amenities of the area.

11. 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***

12. The garage and access thereto must be reserved for the parking of private motor vehicles and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 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.

13. The garage must be used for purposes incidental to the enjoyment of the dwelling and no trade or business must be carried out in, or from the premises without the prior written express consent of the Planning Authority.

### Reason

In order to protect the residential amenities of the area.

14. The fences erected/to be erected in the rear garden shall be in accordance with the details on drawing ref P103 rev A allowing for through migration for wildlife, with such access provision thereafter permanently retained.

### Reason

In the interests of wildlife migration.

## **85 – 141-143 Cavendish Street, Barrow-in-Furness**

From Mrs F. Wang in respect of the 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 as a Manager's flat, erection of single storey rear extension to provide enlarged ground floor store and installation of first floor rear window at 141-143 Cavendish Street, Barrow-in-Furness as shown on planning application number 2021/0798.

Representations received and the results of consultations were reported.

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

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

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

### Reason

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

## ***Compliance with Approved Plans***

2. The development hereby permitted shall be carried out in all respects in accordance with the application dated 1.10.21 and the hereby approved documents defined by this permission as listed below, except where varied by conditions attached to this consent:

MEJ/2021/648/002, 004 (issue 2), 005 (issue 2), 006, 007 NTS, 008 NTS  
Extraction Equipment Requirements and Maintenance Schedule - 141-143  
Cavendish Street Barrow: Issue 1 - 23.9.21



### Reason

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

### ***Before Occupation***

3. Prior to the beneficial use of any part of the development, the ceiling/floor between the ground and first floor flat, side walls at both ground and first floor level between the site and 139 Cavendish Street and 145 - 147 Cavendish Street must be acoustically insulated and thereafter permanently retained as detailed on plans MEJ/2021/648/004 (issue 2), 005 (issue 2), 007 NTS, 008 NTS.

### Reason

In order to protect the residential amenities of the first floor flat and adjacent properties.

### ***Operational Conditions***

4. All future emissions vented to the 'external environment' from cooking processes must be extracted through a properly designed and constructed exhaust ventilation system, adequately filtered and discharged vertically at sufficient height, at least 1 metre above eaves level, or incorporating adequate odour mitigation measures in the ventilation extract design to prevent cooking odours being observed at any neighbouring properties. Any exhaust gas flow must not be restricted by any plate etc. at the outlet which might affect dispersion. Any proposed system must be adequately maintained as such in perpetuity.

### Reason

In order to protect the residential amenities of the area.

5. Noise from the development must not exceed Noise Rating Curve NR 30 in daytime hours (0700 - 2300) and NR 25 in night time hours (2300 - 0700) in any noise sensitive property.

### Reason

In order to protect the residential amenities of the area.

6. The use hereby permitted shall not operate between the hours of 2300 and 0700 the following day.

### Reason

In order to protect the residential amenities of the locality of the site.

7. The refuse bins for the use hereby approved shall be stored within the rear of the premises as shown on plan MEJ/2021/648/004 (issue 2).

Reason

In order to protect the residential amenities of the area.

8. The occupation of the first floor flat hereby approved shall be limited to a person solely or mainly employed or last employed in the business occupying the ground floor of the property, or a widow or widower of such a person, or any resident dependants.

Reason

To ensure that the development hereby approved is restricted in occupancy to the operators of the ground floor use due to the potential for noise and disturbance and impact on their amenity and due to the position of the flue to the rear of the property.

**86 – Low Peasholmes Farm, Peasholmes Lane, Barrow-in-Furness**

From Mr M. Rawlinson in respect of the demolition of redundant stone barn and replacement with portal framed agricultural storage building at Low Peasholmes Farm, Peasholmes Lane, Barrow-in-Furness as shown on planning application number 2021/0570.

The results of consultations were reported.

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

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

***Compliance with Approved Plans***

2. The development hereby permitted shall be carried out in all respects in accordance with the application dated 2.8.21 and the hereby approved documents defined by this permission as listed below, except where varied by conditions attached to this consent:

Proposed Plan and Elevations, Location and Site Plan LPF 01 REV.H  
Statement of Environmental Gain Low Peasholme Farm  
Design and Access Peasholme Farm Barrow  
Bat Survey at Low Peasholme Farm - dated 22.7.21  
Construction Method Statement

Reason

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

### ***Before Occupation***

3. Prior to the beneficial occupation of the barn hereby approved, the stone cladding shown on drawing LPF 01 rev. H shall be built using re-claimed stone from the site laid in the same coursing.

#### Reason

In order to protect the visual amenities of the locality of the site.

4. Prior to the beneficial occupation of the development hereby approved, the area of stone wall currently forming the side gable of the existing barn shall be either retained at the same height as a continuation of the adjacent wall or re-built in the same stone and laid in the same coursing to match the existing wall as detailed on plan LPF01 rev. H

#### Reason

In order to protect the visual amenities of the area.

### **87 – 39 Crellin Street, Barrow-in-Furness**

From Mr C. Alexandrou in respect of the change of use from retail shop (use class E (a)) to a hot food takeaway (Sui Generis) at 39 Crellin Street, Barrow-in-Furness as shown on planning application number 2021/0709.

Consideration of this application had been deferred at the meeting on 16th November (Minute No. 74 refers) until the Highway Authority had been consulted on the application.

The Principal Planning Officer advised the Committee that a consultation response from Cumbria Highways had been received, full details of which had been reproduced in the deferred booklet attached to the agenda. The response raised no objection to the proposal. She further advised that since the last meeting, an update had been received from colleagues in Streetcare advising that the area behind Crellin Street and Hall Street had been monitored and there had been no further issues since early September. In addition, Public Protection colleagues had confirmed that no complaints had been received regarding premises trading outside of their approved hours on Crellin Street. The resident who had raised objection at the previous meeting had been made aware of contact information, should any future concerns arise.

Representations received and the results of consultations were reported.

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

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

### ***Compliance with Approved Plans***

2. The development hereby permitted shall be carried out in all respects in accordance with the application dated as valid on 26.8.21 and the hereby approved documents defined by this permission as listed below, except where varied by a condition attached to this consent: MEJ/2021/640/002, 003 (issue 2), 004, 005 Extraction Equipment Requirements and Maintenance Schedule - Issue 1 24.8.21 6N02250/00 Application Form dated 19.8.21

#### Reason

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

### ***Operational Conditions***

3. Noise from the development must not exceed Noise Rating Curve NR 30 in daytime hours (0700 - 2300) and NR 25 in night time hours (2300 - 0700) in any noise sensitive property.

#### Reason

In order to protect the residential amenities of the area.

4. Noise from the development, including noise from the extraction equipment required in the above condition, must not cause the existing background noise level (measured as the LA90(10 minutes) to be exceeded at any neighbouring noise sensitive locations. Any tonal noise produced by the development would result in a 5dB addition to the particular noise level (Definition in: Appendix E "Noise Procedure Specification, Publication 140", The Engineering Equipment and Materials User Association). [Note: the noise is measured 3.5m from any reflective surface, other than the ground, at a height of between 1.2 and 1.5m.]

#### Reason

In order to protect the residential amenities of the area.

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

Reason

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

6. The refuse bins for the use hereby approved shall be stored within the rear of the premises as shown on plan MEJ/2021/640/003 (ISSUE 2).

Reason

In order to protect the residential amenities of the area.

7. The use hereby permitted shall not operate between the hours of Midnight and 0600 the following day.

Reason

In order to protect the residential amenities of the area.

The meeting closed at 3.15 pm.