

PLANNING COMMITTEE

Meeting: Tuesday 15th February, 2022
at 2.30 pm. (Banqueting Hall)

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

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

98 – Apologies for Absence/Attendance of Substitute Members

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

Councillor Burns attended as a substitute for Councillor Mooney for this meeting only.

99 – Declarations of Interest

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

Councillor M. A. Thomson declared a registrable interest in Planning Application 2021/0854 – Marina Village as she was a Member of the Brilliant Barrow Board. She left the meeting during consideration of the item.

100 – Minutes

The Minutes of the meeting held on 18th January, 2022 were taken as read and confirmed.

101 – Public Participation

RESOLVED:-

Mr Frith (Applicant) and Ms Frith-Williams (Applicant's Daughter) had attended the meeting and addressed the Committee in relation to the Planning Application for Land adjacent to 43 Newton Cross Road, Newton-in-Furness (Minute No. 103 refers).

Mr David Haughian (Applicant) had attended the meeting and addressed the Committee in relation to the Planning Application for Marina Village, Salthouse Road, Barrow-in-Furness (Minute No. 105 refers).

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

Town and Country Planning Acts

102 – Delegated Decisions

The Development Services Manager (Planning) had submitted for information details of planning applications in this report which he had determined under delegated authority (Minute No. 107, Executive Committee, 7th February, 2018, confirmed by Council 1st March, 2018 (Minute No. 63). 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:-

- 2021/0846** Demolition of stable block and the change of use of the cleared site to land for the siting of two caravans/chalets for holiday use at 1 Park Knott Smallholding, Dalton Road, Askam-in-Furness.
- 2021/0941** Application for approval of Reserved Matters for access, appearance, landscaping layout and scale following the grant of Outline Planning Permission 2021/0536 with all matters reserved for the construction of an agricultural workers dwelling for use by the applicant on an agreed site at Crossgates Farm, Broughton Road, Dalton-in-Furness.
- 2021/0931** Proposed rear detached garage consisting of 3 parking bays for domestic use only at 2 Sea View Villas, Ilkley Road, Barrow-in-Furness.
- 2021/0557** Proposed sheep/lambing shed at Paddock View, Woodbine Lane, Newton-in-Furness.
- 2021/0905** Construction of new two storey front/side extension single storey rear extension and second floor rear dormer extension/loft conversion creating open-plan living/kitchen/diner with separate utility, shower room and store to ground floor; reconfigured bedrooms and bathroom to first floor; master bedroom with dresser and en-suite to second floor at 19 Strathaird Avenue, Barrow-in-Furness.
- 2021/0899** Application for works to trees – subject of Tree Preservation Order 1998 No. 4 – Holme Oak - to reduce limbs to 1 metre above previous pollard points where the main stem splits into a multi stemmed tree at 3 Monks Croft Avenue, Barrow-in-Furness.
- 2021/0951** Demolish existing conservatory and reduce length of existing store to create a wrap-around extension to the rear and side elevation of bungalow. Extension provides new front-facing entrance, bathroom

extension, family room/kitchen extension with doors to rear elevation onto raised decking at finished floor level at 6 Elterwater Crescent, Barrow-in-Furness.

- 2021/0956** Replacement of existing ground floor front elevation external doors and windows at 2-4 Station Road, Dalton-in-Furness.
- 2021/0979** Listed Building Consent to replace 3 windows at the rear of the property from soft wood and in a state of disrepair to be replaced with hard wood Accoya and will mirror the current design at 2 Market Street, Dalton-in-Furness.
- 2021/0982** Application for approval of details reserved by Condition No. 3 (Intrusive Mineral Mining Risk Assessment) of planning permission 2021/0686 (Demolition of existing house and construction of a replacement dwelling with associated works) at Barrow House Farm House, Barrow House Farm, Woodbine Lane, Newton-in-Furness.
- 2021/0988** Application for works to trees subject of Tree Preservation Order 1998 No. 4 – T1 Oak - to reduce the tree by 1.5 metres from all branches at 4 Monks Croft Avenue, Barrow-in-Furness.
- 2021/0945** Construction of single storey flat-roofed garden room extension to rear. Demolition of existing store and construction of detached single garage to rear of property at 1 Croft Park Grove, Barrow-in-Furness.
- 2021/0994** Application for a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) for the conversion of existing outbuildings into a dwelling in accordance with planning permission reference 2005/0851 and dated 13/08/2008 at 5A Church Street, Dalton-in-Furness.

Prior Approval was not required for the following application:-

- 2021/0989** Application to determine if prior approval is required for the proposed. Erection of concrete panel and tin covered agricultural building for the storage of machinery and equipment, feed and bedding ancillary to the existing agricultural enterprise at the farm at Maidenlands, Tarn Flatt, Marton.

The following applications had been refused:-

- 2021/0740** Application for works to trees subject of Tree Preservation Order 1998 No. 4 – Turkey Oak, to reduce crown by 20% removing crossing rubbing branches, thinning the tree a further 20% to achieve a lighter canopy at old reduction points reducing window throw and letting more light into the three gardens; also removing minor growth by 8 metres, extending close to adjacent house at 4 Monks Croft Avenue, Barrow-in-Furness.

2021/0973 Application for a non-material amendment following grant of planning permission 2018/0087 (Application for a minor-material amendment following grant of planning permission 2016/0789 – Erection of 10 dwellings and associated site works) Substitution of house type on Plot 4 from 'NEW' to a 'M3'; Substitution of house type on Plot 5 from 'HAR' to an 'EAT', Substitution of house type on Plot 8 from 'EE3S' to 'M3@; and Substitution of house type on Plot 10 from 'OU' to an 'EAT') to allow the road surface to be changed from an access road to shared surface at Rock Lea Close, Barrow-in-Furness.

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

Town and Country Planning Acts

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

103 – Land adjacent to 43 Newton Cross Road, Newton-in-Furness

From Mr D. Frith in respect of the formation of a manège for non-commercial use only on land adjacent to 43 Newton Cross Road, Newton-in-Furness as shown on planning application number 2021/0717.

Representations received and the results of consultation were reported.

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

Mr Frith (Applicant) and Ms Frith-Williams (Applicant's Daughter) had attended the meeting and addressed the Committee.

It was moved by Councillor McEwan and seconded by Councillor Husband that an additional condition be added regarding a scheme for the removal of non-native hedges and trees (Condition 5); and

RESOLVED:- It was unanimously 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 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Approved Plans

2. The development permitted shall be carried out in all respects in accordance with the application dated 24/08/2021 and the hereby approved documents defined by this permission as listed below, except where varied by conditions attached to this consent:

H0253-01-A4-PL-01B
H0253-01-A4-PL-02A
H0253-01-A1-PL03
H0253-01-A1-PL-04A
H0253-01-A1-PL-05
H0253-01-LS-(Landscaping Specification)
Preliminary Ecological Appraisal 6373v2

Reason

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

3. 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.

Reason

To minimise light pollution and in order to protect the residential amenities of the area.

Linked to Beneficial Use

4. All planting, seeding or turfing comprised in the approved details of landscaping including any additional planting pursuant to Condition 5 below, shall be carried out in the first planting and seeding seasons following beneficial use 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.

5. A scheme for the removal of non-native hedges and trees shall have been submitted to and approved in writing by the Planning Authority prior to the beneficial use of any part of the development and which shall include a programme for their removal and details of replacement planting. Non-native hedgerows and trees shall be removed in accordance with the approved scheme and programme with all subsequent planting being of native species.

Reason

In the interests of the visual amenities of the area and to accord with Local Plan Policy DS6.

Operational Conditions

6. The manège shall not be used for any purpose other than the exercising of horses owned by the applicant, or future owners of the site, and shall at no time be used for any commercial purposes.

Reason

To enable the Local Planning Authority to exercise proper control over development in the interests of the residential amenities of the area.

7. The manège hereby permitted shall not be provided with a tannoy/loudspeaker system at any time unless express planning permission is granted by the Local Planning Authority.

Reason

To protect the character and appearance of the open countryside and the amenities of nearby residential properties.

8. Any fences or jump equipment used within the facility must be stored within the designated storage area at all times unless being actively used, as indicated on the approved plan ref: H0253-01-A1-PL-04 rev A.

Reason

To protect the character and appearance of the open countryside location.

8. The screening hedgerow to be planted as specified in the approved landscaping details shall be retained in perpetuity/for the life time of the facility.

Reason

To protect the surrounding landscape character from perceived intrusive development.

104 – Lots Road, Askam-in-Furness

From Moorsolve Pensions Scheme in respect of the erection of 23 no. residential dwellings and creation of an access onto Lots Road, Askam-in-Furness as shown on planning application number 2021/0532.

Representations received and the results of consultation were reported.

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

RESOLVED:- It was agreed that Committee resolve to support the scheme in principle and authorise the entering into of a 106 obligation but that the decision to grant planning permission be delegated to the Head of Development Management once the outstanding matters have been addressed and on completion of the 106 Obligation; the extent of the Obligation to reflect that entered into with respect to the approved development for 23 dwellings (2020/0648) adjusted to reflect the revised scheme; the key obligations being:

- A financial contribution of £16,675 towards the costs of off site infra structure improvements (extending the 30mph speed limit with associated traffic calming for Lots Road, and cycling improvements Askam to Dalton [Route no 11] The Barrow Transport Improvement Study);
- The submission of a management and implementation plan for securing the implementation and maintenance of the wildlife corridors, open space, water course and attenuation basin including boundary treatments;
- That maintenance of the wildlife corridors, open space, water course and attenuation basin will be via a management company/united utilities details to be submitted and agreed;
- The means of maintaining the highways within the estate including footways and the footpath;
- The details of funding the management company;
- Arrangements for establishing the condition of the wildlife corridors, open space, water course, and attenuation pond prior to transfer to a management company and procedure for addressing any defects;
- Agreement to maintain the wildlife corridors, open space, water course and attenuation basin in accordance with the management plan unless a variation to the management plan is agreed with the Council;
- Agreement not to wind up the management company or alter its constitution without the agreement of the Council;
- Not to sell any dwellings until a management company is in place;
- Agreement to keep the wildlife corridors, open space, water course and attenuation basin open and not built on;
- Bonding arrangements to ensure that funding is available in perpetuity if the wildlife corridors, open space, water course and pond are not being maintained in accordance with the management and implementation plan; and
- The Council's twice yearly inspection costs being paid as a commuted sum for the first 20 years for the monitoring of the management company's maintenance standards and a clause that if the management company go into administration or otherwise ceases to exist, confirmation that the title deeds to all of the wildlife corridors, open space, water course and pond are transferred at a consideration of £1 to the Council as the provider of last resort and details of the mechanism by which the transfer shall take place.

and with respect to affordable housing:

The submission of an Affordable Housing Scheme to include:

- the delivery of 3 affordable houses (affordable rent);
- the timing of the construction of the affordable units and the phasing in relation to the occupancy of the full market units;
- the arrangements for the transfer of the affordable units to a registered provider;
- arrangements to ensure the affordable units are affordable for both first and subsequent occupiers; and
- the occupancy criteria.

Agreement that any transfer of the affordable units to a registered provider shall be free from incumbrances. That this is not an additional requirement with respect to planning permission 2020/0648/units to be provided pursuant to 2020/0648 will meet the terms of the new/modified 106;

That the delegated authority granted to the Head of Development Management will be exercised having regard to imposing conditions on any Planning permission based on the following but updated as necessary:

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.

2. The development permitted shall be carried out in all respects in accordance with the application dated 29/09/2020 and the hereby approved documents defined by this permission as listed below, except where varied by condition 3 below:

Spatial Data Limited

Topo Survey

David C Smith Architects Ltd Planning Layout PL1 rev G Location plan rev A

Open spaces plan OS1 rev A House types: -

ASKAM: ADGARLEY DET 2022

ASKAM: BOWNESS/BARROW DETACHED 2022

ASKAM: DALTON DET 2022

ASKAM: CARTMEL SEMI/DET 2022

ASKAM: CARTMEL SEMI GABLE 2022

ASKAM: ASKAM DET 2022

Lots Road coloured streetscene SS1

Hough Tullett

-HT1342.DCS.101 REV A Askam-in-Furness Proposed Housing Lots Road/Duke Street

Proposed Planting Plan

-HT1342.DCS.102 Askam-in-Furness Proposed Housing Lots Road/Duke Street Proposed Planning Layout
-HT1342.DCS.101 Bio-Diversity Assessment Lots Road/Duke St
-HT1342.DCS Bird Enhancement Strategy
-HT1342.DCS.103 PO1 Askam-in-Furness Proposed Housing Lots Road/Duke Street Pond sections
-HT1342.DCS rev A May 21 Bio-Diversity enhancement strategy
Carr Faulkner Engineers
CFC 21035 PLI rev F Planning Layout
CFC 21035 022 Long section
CFC 21035 023 Typical road and surface water drainage details
Moorsolve Ltd
Construction Management Method Statement Version 1

Reason

In order to link the permission to the submitted application.

3. 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.

4. 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 only suitable material is imported onto site.

5. The carriageway, footways, footpaths, cycleways, etc. shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, 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 submission shall be in accordance with the standards laid down in the current Cumbria Design Guide. The development shall be carried out in accordance with the approved details.

Reason

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

6. No dwellings shall be occupied until the estate road including footways and cycleways to serve such dwellings has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.

Reason

In the interests of highway safety.

7. No more than 13 dwellings shall be erected until a programme for the completion of the estate roads, footpaths and footways referred to under conditions 6 and 9 above has been 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 6 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 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 and that measures are put in place for their retention and maintenance as public highways.

8. Prior to the commencement of development a programme for the implementation of the approved boundary treatments as shown on ' - HT1342.DCS.102 Askam-in-Furness Proposed Housing Lots Road/Duke Street Proposed Planning Layout' shall have been submitted to and approved in writing by the [Local Planning Authority. The boundary treatments shall be provided in accordance with the approved boundary plan and programme [Further information required].

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 and DS5.

9. (17) The landscaping and bio diversity enhancement scheme as detailed in:

-HT1342.DCS.101 REV A Askam-in-Furness Proposed Housing Lots Road/Duke Street Proposed Planting Plan

-HT1342.DCS.102 Askam-in-Furness Proposed Housing Lots Road/Duke Street Proposed Planning Layout

-HT1342.DCS Bird Enhancement Strategy

-HT1342.DCS.103 PO1 Askam-in-Furness Proposed Housing Lots Road/Duke Street Pond sections

Biodiversity Enhancement Strategy ref HT1342.1 rev A [May 2021] Bio diversity Assessment ref HT1342.1 rev A [May 2021]
Open spaces plan OS1 rev A

shall have been implemented in accordance with a detailed programme, the programme to have been submitted to and approved in writing with the Planning authority prior to the commencement of any development. Any trees, hedgerows 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 in the next planting season with others of a similar size and species.

Reason

To ensure that the stated bio diversity enhancements are achieved to accord with the Council's Bio Diversity Supplementary Planning Document and to ensure that the agreed landscaping is delivered having regard to the visual amenities of the area.

10. No dwelling hereby permitted shall be occupied until the vehicular access and turning requirements to serve that particular dwelling have been constructed in accordance with the details approved under condition 2 and has been brought into use. The vehicular access turning provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered.

Reason

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

11. Prior to the beneficial occupation of any dwelling a maintenance plan for the surface water drainage system shall have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall thereafter be maintained in accordance with the approved maintenance 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, to secure compliance with the consultation responses of the County Council as Lead Local Flood Authority.

12. 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.

13. 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 within Article 3 or Schedule 2, Part Class B of that Order no extension containing a first floor shall be erected to the house type c plot 9 occupying the (far north western plot which would extend closer to the side boundary of the plot (adjoining the rear boundaries of 134 to 140 Duke Street).

Reason

To ensure that any additional impact on natural lighting of the adjacent properties is considered and to comply with Local Plan Policies DS2 and H7.

14. 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 within Article 3 or Schedule 2, Part Class B of that Order no vehicular access or accesses shall be formed onto Lots Road other than sole access serving the development as approved by this planning permission.

Reason

A proliferation of individual house accesses would be detrimental to the safety of pedestrians and users of the adjacent highways, would potentially result in vehicle parking in prominent locations to the unacceptable visual detriment of the street scene and result in additional culverts contrary to Local Plan Policies C3a, DS2, DS5 and H7.

15. 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 Page 54 of 82 in Article 3 or Schedule 2, Part 1 Class E or Part 2 Class A of that Order no buildings, structures, fencing, walls or any other means of enclosure shall be erected which would encroach or obstruct into the wildlife corridor as shown on the hereby approved plan ref : A-HT1342.DCS.101 REV A Askam-in-Furness Proposed Housing Lots Road/Duke Street Proposed Planting Plan.

Reason

In order that the wildlife corridor remains as an open feature and that the net gain in bio diversity is maintained in accordance with Local Plan Policies DS2, N3 and N4 and the Council's Bio Diversity and Development SPD.

16. 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 Page 54 of 82 in Article 3 or Schedule 2, Part 2 Class E or Part 2 Class A of that Order no fencing, walls or other means of enclosure or alteration of an approved means of enclosure shall be erected or carried out on land adjacent to Lots Road as defined as being located between the respective house and Lots Road other than in accordance with the approved boundary treatments as shown on 'A-HT1342.DCS.102 Askam-in-Furness Proposed Housing Lots Road/Duke Street Proposed Planning Layout'.

Reason

To ensure that the high standard of design is not eroded and to accord with Local Plan policies DS2 and DS5.

17. 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 Page 54 of 82 in Article 3 or Schedule 2, Part 1 Class E or Part 2 Class A of that Order none of the roads, footways, parking areas or drives shall be changed to an alternative construction but shall be permanently retained as permeable construction as per the details approved under condition no. 2 above 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.

18. Prior to the commencement of any building works above DPC, samples of the external materials to be used in the construction of the external envelopes of the dwellings hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved details.

Reason

To ensure that the materials are sensitive to the location as required by Local Plan Policy DS5.

(Councillor C. Thomson in the Chair for the following item)

105 – Marina Village, Salthouse Road, Barrow-in-Furness

From Mr D. Haughian c/o Barrow Borough Council in respect of the full application for remediation of brownfield land for future re-development, demolition of existing structures, mitigation of flood risk and implementation of ecological monitoring, mitigation and enhancement (application includes Environmental Statement) at Marina Village, Salthouse Road, Barrow-in-Furness as shown on planning application number 2021/0854.

The results of consultations were reported.

Mr David Haughian (Applicant) had attended the meeting and addressed the Committee.

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

RESOLVED:- It was unanimously agreed that planning permission be granted subject to no material objections being received within the unexpired period which would warrant re-consideration of the application and that the Head of Development Management be given delegated authority to agree the exact wording of the conditions, the topics of which are set out below:

1. Standard duration limit
2. Development to proceed in accordance with approved plans/documents
3. Development to proceed in accordance with ES, including mitigation measures and post construction monitoring
4. Details of remediation strategy to be agreed
5. CEMP to be approved prior to development commencing
6. Details of hoardings to be approved
7. Landscape mitigation, maintenance, and monitoring measures

8. Ground Water risk assessment
9. Construction Management Plan
10. Construction Traffic Management Plan
11. Boundary treatment details as part of hard and soft landscaping scheme to ensure retention of wall
12. Construction sw management plan (LLFA and Network Rail)
13. Remediation strategy re contamination (EA)
14. Contamination (EA)
15. Implement of flood risk mitigation measures (EA)
16. Archaeological watching brief (Historic Env Officer CCC)
17. Verification report re 3m hoarding (noise) (Nat Eng)
18. Retention of fence
19. Noise and vibration level monitoring closest to ecological receptors (Nat Eng)
20. On-going invasive species management
21. UXO risk mitigation
22. Construction phase landscape and mitigation measures, repair methodologies, railing design and detailing and landscaping details,
23. Tree works in accordance with AIA
24. Noise and Vibration Management Plan
25. Annual monitoring and long-term management to ensure the long-term viability of the creation of refugia/hibernacula, butterfly scrapes, including off site
26. SWMP-site waste management plan, asbestos etc.
27. Verification report-Monitoring of success of remediation scheme
28. Long term management plan for site and habitats
29. Earthworks slope, reptile bund details
30. Reptile mitigation strategy and long term management plan
31. Post remediation reptile monitoring
32. Reptile fencing
33. Para 5.4 re storing seeds for future use
34. Bat boxes, wildlife tower. Mitigation table in report

106 – Combe House, Central Drive, Barrow-in-Furness

From Mullberry Homes Ltd in respect of the demolition of existing care home and erection of 20 dwellings of detached (7 units), semi detached (4 units) and terraced (9 units) at Combe House, Central Drive, Barrow-in-Furness as shown on planning application number 2021/0630.

Representations received and the results of consultations were reported.

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

RESOLVED:- It was unanimously agreed that planning permission be refused for the following reasons:-

1. The development does not deliver the high quality required by the Local Plan and by contemporary national guidance, including the NPPF, and fails to demonstrate a clear process that analyses and responds to the characteristics of the site and its context. It does not exhibit design quality rather it appears tightly packed, with

inadequate and cramped parking arrangements and would present a hard edge to the adjacent open space. The application does not demonstrate a clear process that analyses and responds to the characteristics of the site and its context. Approval of the proposal would conflict with Local Plan policies DS2, DS5, HC5 and H7.

2. The development does not incorporate green infrastructure. Approval would conflict with Local Plan policies DS2, DS5, GI1, GI2, GI3 GI4, and GI5.
3. Surface water drainage is shown to be disposed of into the public sewer. No explanation is provided why consideration has not been given to more sustainable drainage options. No information has been submitted to indicate the amount of attenuation needed/ a proposed discharge flow into the public sewer. It is assumed that attenuation is proposed to be provided below ground. No explanation has been provided re consideration of SUDs. The scheme lacks a holistic approach to the delivery of SUDs, green infrastructure and biodiversity enhancement. Approval of the proposal would be contrary to Local Plan policies C3a, DS5, and GI1.
4. The scheme does not demonstrate a net gain in biodiversity. Approval would be contrary to Local Plan policy C3a, DS2, DS5, GI1, N3 and the Council's 'Bio Diversity and Development SPD'.
5. There is no evidence to show that the proposed affordable units meet the requirements of a registered provider. It is therefore unclear whether the development will comply with Local Plan policy H14 which requires a minimum of 10% to meet the definition of affordable homes.
6. The submission includes layout plans which are not consistent with each other. Such inconsistencies cannot be addressed via a condition and therefore represent a reason for refusal as per *Choiceplace Properties Ltd v Secretary of State for Housing, Communities and Local Government and Barnet London Borough Council*: 27 April 2021 [2021] EWHC 1070 (Admin).

Schedule of Plans Referred to in this Notice

Copy of Biodiversity Metric 2.0 Calculation

Type JENNER 1 REV Q with ext-A1 Sheet

Type MR 1 REV X

204-21-1 Highway Report Final (1)

21206-GAD-ZZ-00-SK-C-1500 Rev P01 HIGHWAY SETTING OUT

21206-GAD-ZZ-00-SK-C-1420 Rev P01 RETAINING WALL DETAILS

21206-GAD-ZZ-00-SK-C-1400 Rev P01 FINISHED LEVELS

21206-GAD-ZZ-00-SK-C-1070 Rev P1 S104 SUDS DETAILS

21206-GAD-ZZ-00-SK-C-1020 Rev P01 S104 SEWER LONGSECTIONS
SHEET 1

21206-GAD-ZZ-00-SK-C-1012 Rev P01 FOWL WATER MANHOLE

SCHEDULES

21206-GAD-ZZ-00-SK-C-1011 Rev P01 SURFACE WATER MANHOLE

SCHEDULES

21206-GAD-ZZ-00-SK-C-1005 Rev P01 EXCEEDANCE ROUTE
21206-GAD-ZZ-00-SK-C-1630 Rev P01 S278 HIGHWAYS DETAILS
21206-GAD-ZZ-00-SK-C-1600 Rev P01 S278 HIGHWAY LAYOUT
21206-GAD-ZZ-00-SK-C-1550 Rev P01 HIGHWAY SURFACE FINISHES AND
KERBING LAYOUT
21206-GAD-ZZ-00-SK-C-1530 Rev P01 HIGHWAYS DETAILS
21206-GAD-ZZ-00-SK-C-1512 P01 HIGHWAY LONGSECTIONS SHEET 2
21206-GAD-ZZ-00-SK-C-1511 Rev P01 HIGHWAY LONGSECTIONS SHEET 1
Type KK3S 1 Rev AAL
Type KK2S 1 Rev AAC
21206-GAD-ZZ-00-SK-C-1000 Rev P01 S104 DRAINAGE LAYOUT
Proposed Site Layout CH/100 Rev C
Location Plan CH/100 Rev A
Landscape Plan WW-L01 21.05.21
Existing Site Layout CH/100 Rev C
204-21-1 Transport Statement Final with Appendices
AFFORDABLE HOUSING STATEMENT
P.1471.21 Ascerta Preliminary Ecological Appraisal, The Combe, Walney Island
DESIGN AND ACCESS STATEMENT
COOMBE HOUSE SURVEY 250421 1 (4)-Layout 1
Revised Application Form dated 21/07/2021

The Chair had requested the Principal Planning Officer to provide a report to the next meeting Committee outlining what possible enforcement action could be taken regarding the untidy condition of Combe House and land.

The meeting closed at 3.12 pm.