

# **WESTMORLAND AND FURNESS COUNCIL BARROW IN FURNESS LOCAL AREA PLANNING COMMITTEE**

Minutes of a Meeting of the **Barrow in Furness Local Area Planning Committee** held on Tuesday, 9 April 2024 at 10.00 am in the Drawing Room, Barrow Town Hall

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## **PRESENT:**

Cllr T Assouad  
Cllr T Callister  
Cllr F Cassidy  
Cllr D Edwards  
Cllr A Husband (Chair)  
Cllr B McEwan (Vice-Chair)  
Cllr R Worthington

## **Officers in attendance:**

Andrew Willison-Holt (Principal Planning Officer and Sandra Kemsley (Democratic Services Officer)

## **Also Present:**

Ian Blinkho (Locum Solicitor)

## **PART I ITEMS CONSIDERED IN THE PRESENCE OF THE PUBLIC AND PRESS**

### **87. APOLOGIES FOR ABSENCE**

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

### **88. MEMBERSHIP**

Councillor Callister had attended as a substitute for Councillor Murphy and Councillor Worthington had attended as a substitute for Councillor Hall.

### **89. DECLARATIONS OF INTEREST/DISPENSATIONS**

Councillor Callister declared an interest in planning application number 2023/0684 - Land opposite Greenhills Pond, Greystone Lane, Dalton-in-Furness as he is a Dalton South Ward Councillor.

Councillor McEwan also declared an interest in planning application number 2023/0684 - Land opposite Greenhills Pond, Greystone Lane, Dalton-in-Furness as he and the applicant are Directors of Zest Cumbria CIC.

**90. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED:- That the press and public not be excluded during consideration of the items on the agenda.

**91. MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 12th March, 2024 were agreed as a correct record.

**92. PUBLIC PARTICIPATION**

No representations had been received.

**93. PLANNING APPLICATION NO. B28/2023/0684 - LAND OPPOSITE GREENHILLS POND, GREYSTONE LANE, DALTON-IN-FURNESS**

From Mr Tim Jones, Harry Barker Properties Ltd in respect of an application to modify a planning obligation made under S106 of the Town and Country Planning Act 1990 by the removal of the requirement to provide the four affordable units (planning application 2019/0737) on Land opposite Greenhills Pond, Greystone Lane, Dalton-in-Furness and to replace it with an obligation to pay a financial contribution of £63,000 towards off-site affordable housing, as shown on planning application number 2023/0684.

The Chairman introduced the item, and there followed a presentation by the Principal Planning Officer that summarised the agenda report followed by Members' debate during which the Council's solicitor re-iterated and explained further the legal context.

A Member stated that the developer was obligated by the S106 agreement to construct the 4 affordable units; that the affordable units were still required and the developer should be made to fulfil the obligation as there was a shortage of affordable homes. He voiced his concern that removing them would set a precedent that could result in similar applications. He also felt that the contribution of £63,000 was too low.

It was moved by Councillor Callister to require the developer to fulfil the agreement to build the affordable homes.

It was moved by Councillor McEwan to refuse the application as there must be a provision of affordable homes.

It was further moved by Councillor Cassidy to defer the application to allow more information to be brought back to the Committee regarding schemes where there were affordable homes.

Councillors expressed the view that deferring the application for more information would result in the Committee being in the same position.

After further debate and advice from Officers, it was moved by Councillor Callister and seconded by Councillor McEwan that the request to vary the Section 106 obligation be refused because the Section 106 agreement was a material consideration and given due weight when the planning permission was granted for the development, and it continues to serve the same planning purpose today in that it would provide much-needed affordable dwellings. The four affordable housing dwellings should be provided on the site as part of the development in accordance with the Section 106 obligation. Upon being put to the vote it was,

RESOLVED:- That the request to vary the section 106 obligation be refused because the section 106 agreement was a material consideration and given due weight when the planning permission was granted for the development, and it continues to serve the same planning purpose today in that it would provide much-needed affordable dwellings. The four affordable housing dwellings should be provided on the site as part of the development in accordance with the section 106 obligation.

#### **94. URGENT ITEMS**

There were no urgent items for consideration on this occasion.

The meeting ended at 10.34 am.